



Center for the  
Study of Hate  
& Extremism  
CSUSB



# Report to the Nation: Anti-Asian Prejudice & Hate Crime

*New 2020-21 First Quarter Comparison Data*



## Report to the Nation: Anti-Asian Prejudice & Hate Crime Center for the Study of Hate & Extremism

### Anti-Asian Hate Crime Reported to Police in Large U.S. Cities: 2021 & 2020

*Anti-Asian Hate Crimes Increases 164% First Quarter 2021 Over Same Period 2020*

#### Anti-AAPI Hate Crime Data for Select U.S. Cities (First Quarter 2020 and 2021)

US City Population	% of Population - AAPI	Hate Crimes 2020 First Quarter	Hate Crimes 2021 First Quarter	% Change
New York, NY 8,336,817	14.5%	13	42	223%
Los Angeles, CA 3,979,537	11.6%	5	9	80%
Phoenix, AZ 1,680,988	4.2%	1	1	Unchanged
Philadelphia, PA 1,584,064	7.5%	1	0	-
San Antonio, TX 1,508,083	3%	0	5	-
San Diego, CA 1,423,852	17.2%	0	1	-
San Francisco, CA 881,549	35%	5	12	140%
Seattle, WA 753,655	17%	4	4	Unchanged
Washington, D.C. 705,749	4%	0	6	-
Boston, MA 694,295	9.7%	5	8	60%
Louisville, KY 615,924	2.7%	0	1	-
Miami, FL 478,251	1.1%	0	0	Unchanged
Tampa, FL 404,636	4.3%	1	0	-
Cleveland, OH 380,989	2.4%	1	0	-
St. Paul, MN 310,368	18.7%	0	1	-
Harris County, TX 4,779,880	6.9%	0	5	-
<b>Totals:</b>	<b>NA</b>	<b>36</b>	<b>95</b>	<b>164%</b>

Source: Curated Database by CSHE, 2021, Drawn from data by policing agencies

## Summary: Historic Anti-Asian Hate Crime Spike Continues into 2021

Anti-Asian hate crime reported to police in 16 of America's largest cities and counties, rose 164%, from 36 to 95, in the first quarter of 2021 in comparison to the first quarter of 2020, according to an analysis of official preliminary data by the Center for the Study of Hate & Extremism (CSHE) at California State University, San Bernardino.

These 2021 data from jurisdictions that accounted for over 20% of all FBI reported hate crimes in 2019, cover about 9% of the nation's population. In North America, larger cities with a higher percentage of Asian residents, hate crime units, victim outreach, and a lengthy history of data collection were those most likely show higher numerical and percentage increases.

This year's first quarter increase follows an historic surge in Anti-Asian hate crime that started last year. In 2020, Anti-Asian hate crime increased 146% across 26 of America's largest jurisdictions that comprise over 10% of the nation's population, according to a newly updated analysis of official preliminary police data by CSHE. Last year's first spike occurred in March and April amidst a rise in COVID cases, a World Health Organization pandemic declaration and an increase in political and online stigmatizing of Asians. Other times over the last decade where anti-Asian hate crime reported to the police spiked, albeit, at lower levels and of less duration was in February 2014 following a damning report on North Korea's human rights violations (32) and in July 2018 during a tariff dispute between the United States and China during the last administration.

While FBI national hate crime data for 2020 will not be available until mid-November 2021, the nation's highest reporting cities have been a reliable indicator of overall trends over the last decade. New York, Boston, and Los Angeles alone accounted for 12% of all hate crimes enumerated nationally by the FBI in 2019; and those cities combined matched national trends in nine of the last ten years. The FBI defines a hate crime for police reporting purposes as a criminal act "motivated in whole, or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender or gender identity."

## Victimization Surveys

The Bureau of Justice Statistics (BJS), which conducts victimization surveys complimentary to FBI data, found that until 2015 most hate crime victims did not report victimizations. While BJS most recent data indicates a slight majority of victims now report, it is likely that there is massive underreporting of hate crime in Asian-American communities. Research by BJS and others found communities with language and cultural barriers, attenuated relations with law enforcement, along with those who fear retaliation, have far higher levels of underreporting.

A multi-lingual online victimization portal run by the consortium STOP AAPI Hate found 3,292 criminal and non-criminal incidents last year and an additional 503 incidents in 2021. Of the 3,795 total from March of 2020 through this year, at least 21.1% constituted actual criminal offenses: Traditional assaults at 11.1 of total; spitting and coughing (also an assault) 7.2%; and vandalisms 2.8%. The STOP AAPI hate sample may have enumerated even more crimes for those "verbal harassments" in their dataset that rise to a criminal threat, referred to as "intimidation" by the FBI. If only the traditional assaults in the STOP AAPI sample alone were fully reported to American police last year, those crimes, at 365 cases would eclipse the previous record for FBI reported hate crimes set in the mid-1990s. New York City police reported a probable record in the first quarter of 2021.

## The United States & Canada

In Canada, which uses a more expansive definition of hate crime than the U.S., CSHE found anti-Asian hate crimes in four of that nation's largest cities rose even more precipitously, registering a 532% increase in 2020. The largest increase (717% from 2019 to 2020) was in Vancouver, British Columbia, the nation's third largest city. Overall hate crime totals for the multi-city Canadian sample found a 74% increase in hate crimes overall from 2019 to 2020.

The U.S. city and county data further indicated that this rise occurred amidst a more stable overall hate crime landscape for 2020. Despite increases in some other types of offenses, hate crime's statistical stability was likely influenced by a lack of interaction at frequent gathering locations, where the FBI has found most hate crimes occur, like in public transit, commercial businesses, schools, events, and houses of worship. Moreover, there was no mass casualty hate attacks last year as was the case in 2019 and prior years. In 26 major U.S. cities and counties, including the 10 largest, hate crimes overall increased by a modest 2 percent. This is the first study of police data for 2020 and 2021 across the U.S. Other charts from different datasets relating to the Asian-American community from the forthcoming final report are also presented herein.

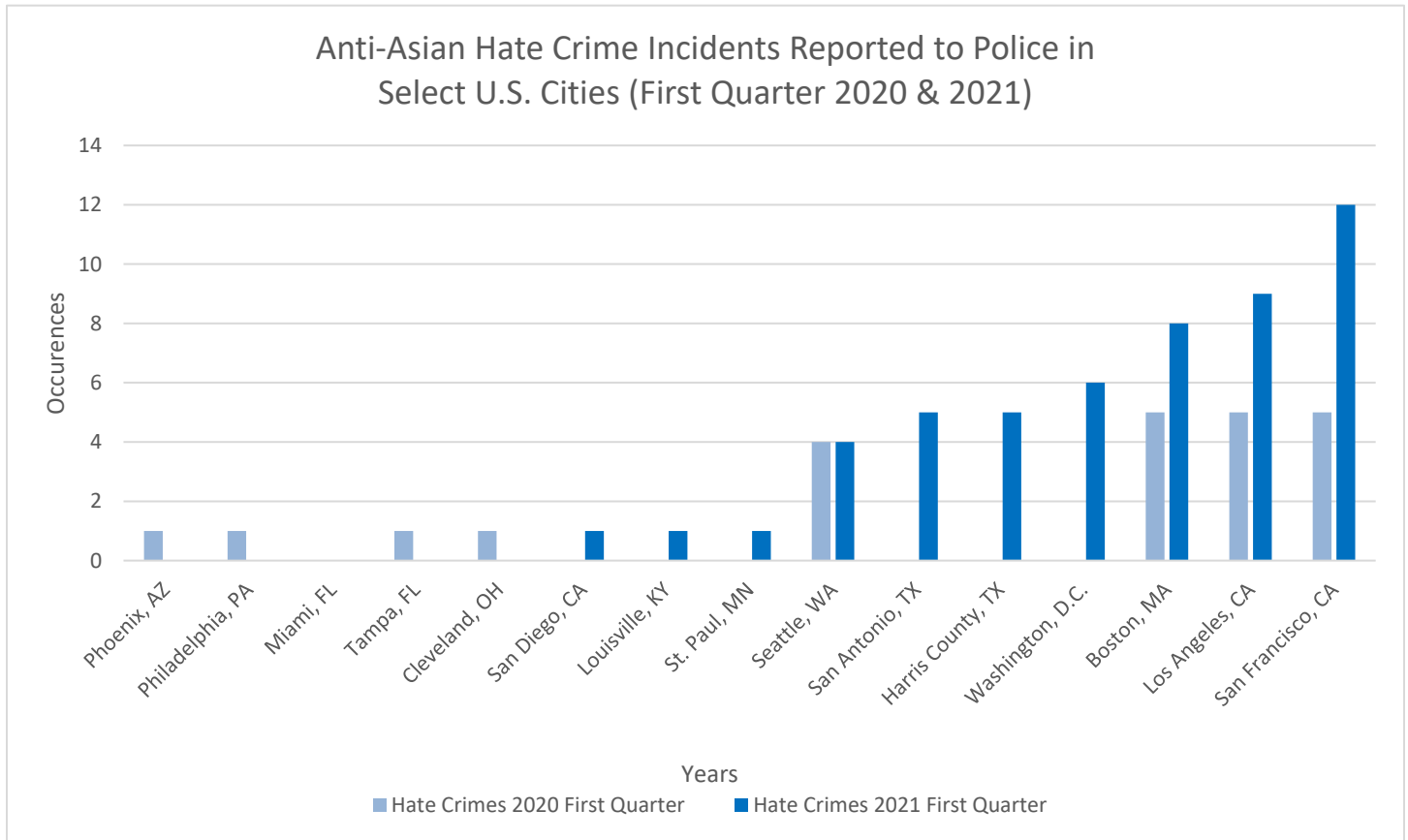
The COVID-19 Hate Crimes Act and its amendments from the Jabara-Heyer NO HATE Act, passed the U.S. Senate (94-1) on April 22, 2021. They call for the creation of a position within the Department of Justice to expedite reviews of COVID-19 hate crimes. Also, incentives from the Federal government for better collection of hate crime data by policing agencies is included in this legislation. The U.S. House of Representative is currently taking the Senate bill under consideration.

## Anti-AAPI Hate Crime Data for Select U.S. Cities/U.S. Counties and Major Cities in Canada (2020-2019)

US City Population	Total Hate Crimes 2019	Total Hate Crimes 2020	% Change for Total Hate Crimes 2019-2020	% of Population - AAPI	Change Anti-Asian Hate Crimes	2019 Anti-Asian	2020 Anti-Asian
New York City, NY 8,336,817	428	265	-38%	14.5%	833%	3	28
Los Angeles, CA 3,979,537	326	355	9%	11.6%	114%	7	15
Chicago, IL 2,693,959	100	81	-19%	6.9%	Unchanged	2	2
Houston, TX 2,316,797	25	47	88%	6.5%	-	0	3
Phoenix, AZ 1,680,988	156	204	31%	4.2%	50%	2	3
Philadelphia, PA 1,584,064	35	17	-51%	7.5%	200%	2	6
San Antonio, TX 1,508,083	9	38	322%	2.8%	Unchanged	0	0
San Diego, CA 1,423,852	30	25	-17%	17.2%	-	0	1
Dallas, TX 1,343,565	31	62	100%	3.4%	-	0	6
San Jose, CA 1,021,786	34	89	162%	38.0%	150%	4	10
Columbus, OH 902,073	93	110	18%	5.8%	Unchanged	1	1
San Francisco, CA 881,549	64	52	-19%	35.0%	50%	6	9
Seattle, WA 753,655	114	139	22%	16.9%	56%	9	14
Denver, CO 727,211	88	71	-19%	3.7%	-	0	3
Washington, DC 705,749	203	132	-35%	4%	-83%	6	1
Boston, MA 694,295	170	146	-14%	9.7%	133%	6	14
Portland, OR 653,467	35	49	40%	8.4%	-67%	3	1
Louisville, KY 617,630	9	48	433%	2.7%	Unchanged	0	0
Sacramento, CA 513,620	11	57	418%	20.1%	700%	1	8
Long Beach, CA 462,645	23	18	-22%	12.3%	Unchanged	0	0
Cleveland, OH 380,989	116*	NA	-	2.4%	200%	2	6
Saint Paul, MN 308,096	11	38	245%	19.4%	100%	1	2
Cincinnati, OH 303,954	41	45	10%	2.3%	-	0	1
Bloomington, IN 86,630	2	7	250%	10.0%	-	0	1
US County Population	Total Hate Crimes 2019	Total Hate Crimes 2020	% Change for Total Hate Crimes 2019-2020	% of Population - AAPI	Percent of Change Anti-Asian Hate Crimes	2019 Anti-Asian	2020 Anti-Asian
Harris County, TX 4,713,325	19	10	-47%	7.0%	Unchanged	0	0
Miami-Dade County, FL 2,716,940	10	5	-50%	1.5%	Unchanged	0	0
US City/County TOTALS	2067	2110	2%	N/A	146%	55	135
Canada City, Population	Total Hate Crimes 2019	Total Hate Crimes 2020	% Change for Total Hate Crimes 2019-2020	% of Asian Canadians	Percent of Change Anti-Asian Hate Crimes	2019 Anti-Asian	2020 Anti-Asian
Toronto 2,731,571	139	210	51%	32.5%	280%	5	19
Vancouver 631,486	142	280	97%	44.0%	717%	12	98
Montreal 1,704,694	3	22	633%	20.3%	167%	3	8
Ottawa 934,243	116	182	57%	21.6%	600%	2	14
Canada City TOTALS	400	694	74%	N/A	532%	22	139

Note: Asian American and Pacific Islander (AAPI) Population makes up 6.5% of the U.S. population.

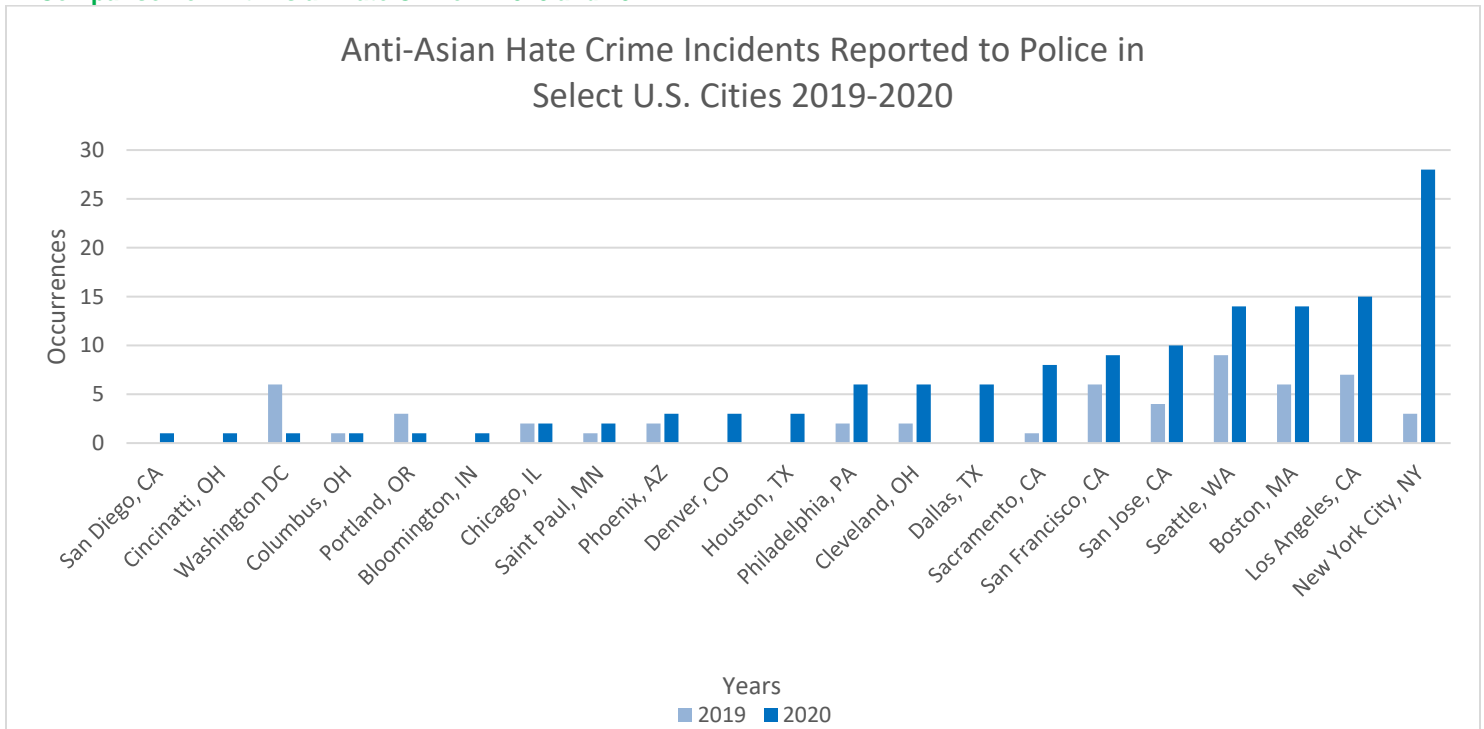
### Comparison of Anti-Asian Hate Crime in First Quarter of 2020 and 2021



Notes Concerning Data for Anti-AAPI Hate Crime Data for Select U.S. Cities/U.S. Counties and Major Cities in Canada (2020-2019) Table:

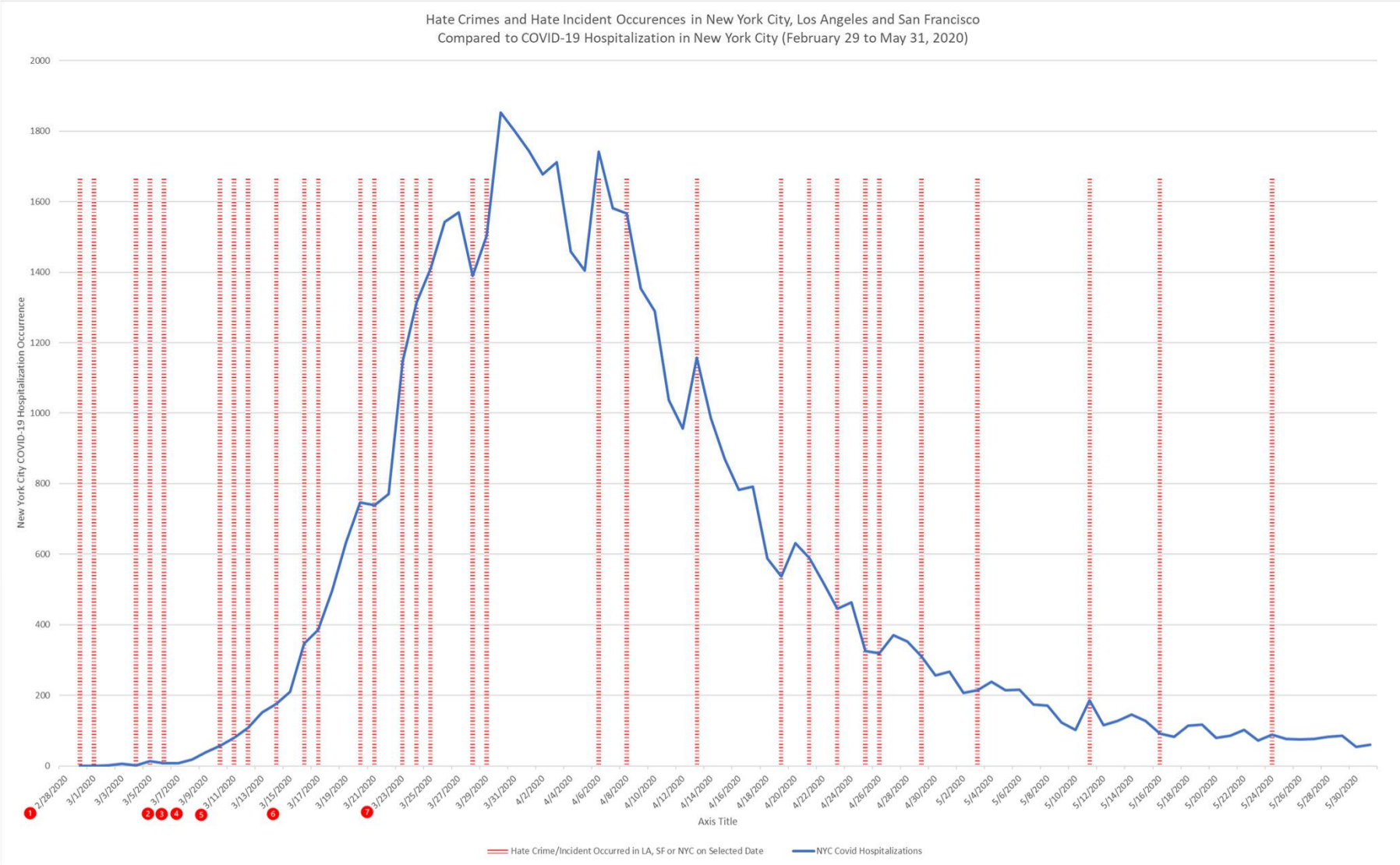
- (1) For Louisville data, the Louisville/Jefferson County Metro data was used for city population and percentage of population that is AAPI.
  - (2) All demographic data for cities in Canada has been drawn from the StatCanada database and the city designation has been used. The latest data is 2016 and a new census is occurring in 2021.
  - (3) For Toronto data, we are using Chinese, Asian, Sri Lankan and Vietnamese for Asian Canadian hate crime count in 2019.
  - (4) For all Canadian cities demographic data, we have included the following groups as the Asian Canadian category - South Asian ('East Indian,' 'Pakistani,' 'Sri Lankan', etc.), Chinese, Filipino, Southeast Asian ('Vietnamese,' 'Cambodian,' 'Laotian,' 'Thai,' etc.), Korean, and Japanese.
- Comparison of Anti-Asian Hate Crime in the First Quarter of 2020 and 2021 Source: CSHE Curated Data Set from U.S. Policing Agencies

### Comparison of Anti-Asian Hate Crime in 2019 and 2021



Source: CSHE Curated Data Set from U.S. Policing Agencies

**Anti-Asian Hate Crimes and Hate Incidents in New York City, Los Angeles, and San Francisco Compared to COVID-Hospitalization Rates in New York City (February 29 to May 31, 2020)**

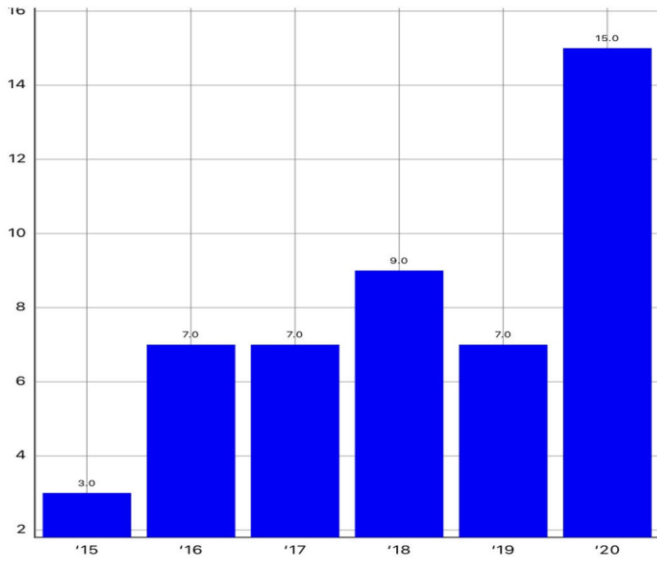


**Significant Events**

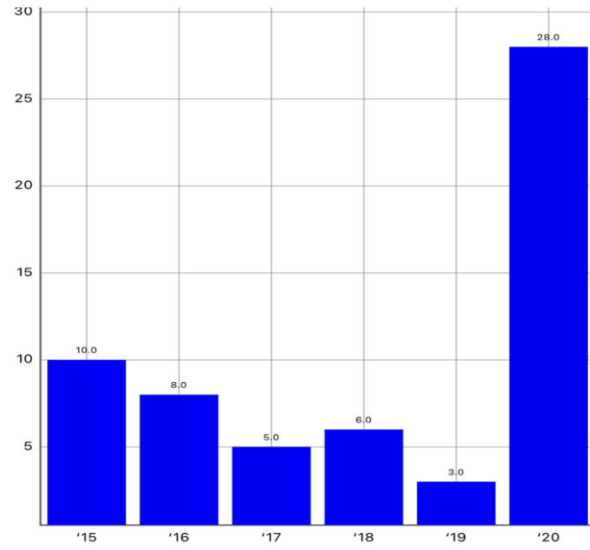
- 1 2/28/20: Sen. Tom Cotton tweets "Wu---n Virus"
- 2 3/7/20: Secretary Pompeo on Fox News Channel Says "Ch--a Virus"
- 3 3/8/20: Rep. Gosar Tweets "Wu--n Virus" & 650% rise in retweets with ethnic COVID-19
- 4 3/9/20: 800% increase in news articles with ethnic COVID-19 from day before
- 5 3/11/20: 3/11/20: WHO labels COVID-19 a "global Pandemic"/POTUS Oval Office Address
- 6 3/16/20: POTUS Trump first tweets "Ch--a Virus." Uses more than 20X through 3/30
- POTUS Trump tweets "Ch--a Virus" & repeats at tourism presser
- WH official says "K--Flu" to Asian reporter
- 7 3/23/20: POTUS Trump tweets tolerance for Asian-American & reiterates at presser DHS warns of attacks by White Supremacists against Asians and others.

## Anti-Asian Hate Crimes Reported to Police in Major U.S. Cities: 2015-2020

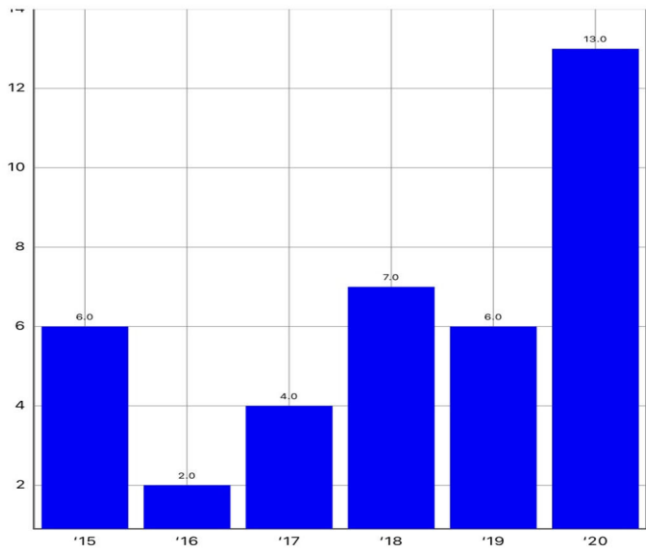
Los Angeles Anti-Asian Attacks



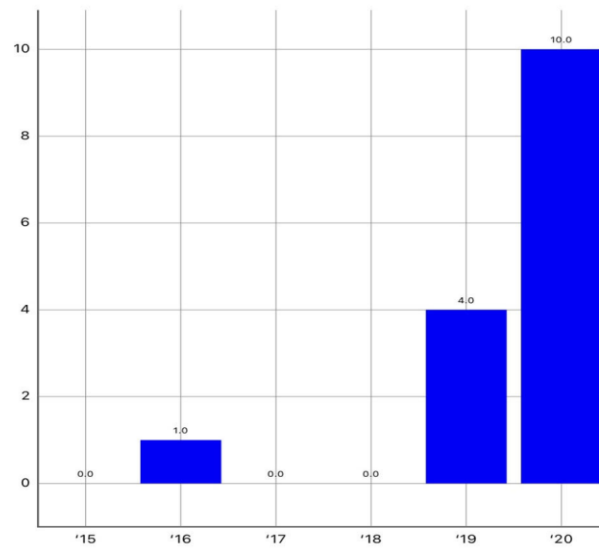
New York City Anti-Asian Attacks



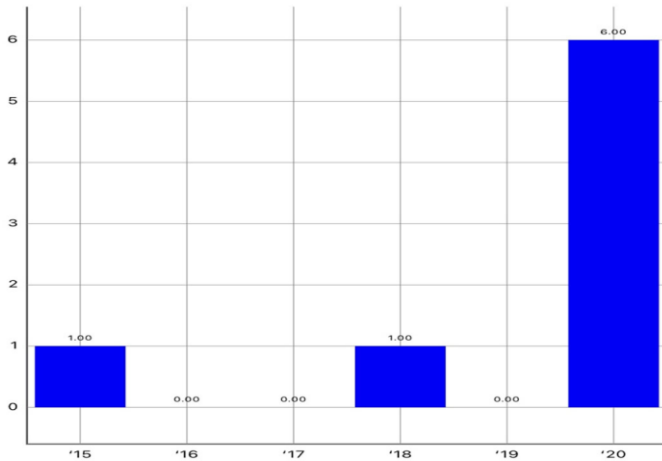
Boston Anti-Asian Attacks



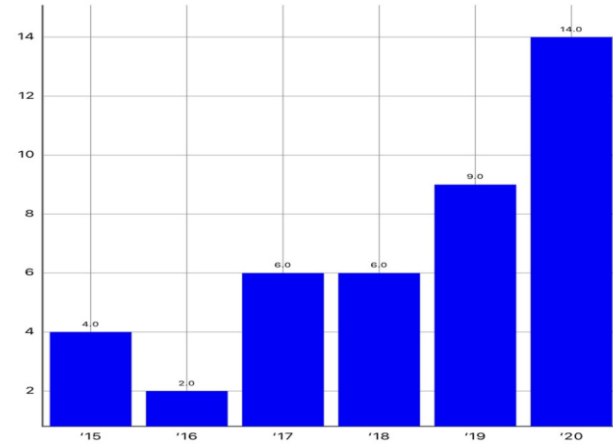
San Jose Anti-Asian Attacks



Dallas Anti-Asian Attacks



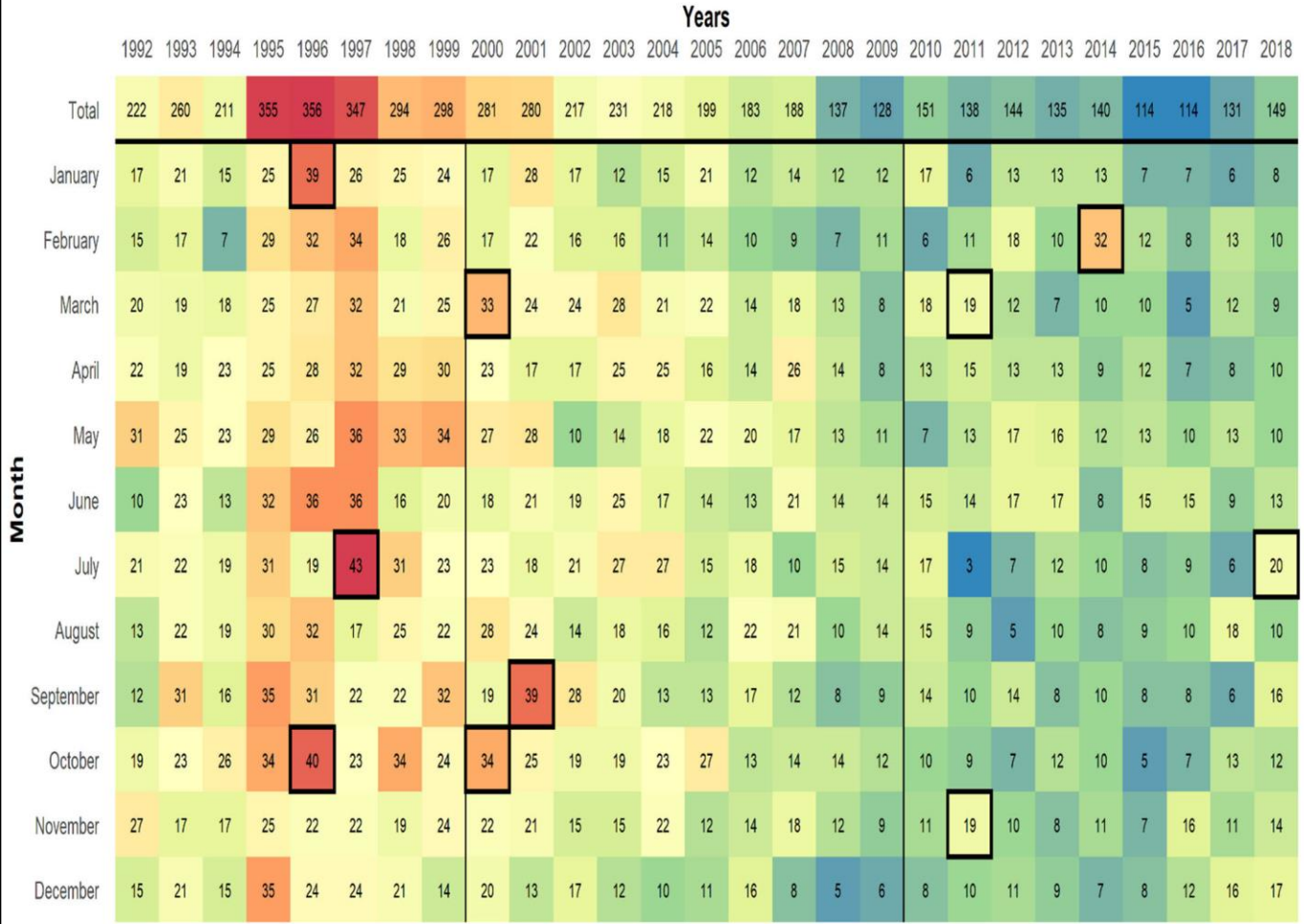
Seattle Anti-Asian Attacks



Source: CSHE Curated Data Sets from U.S. Policing Agencies: NYPD, LAPD, Seattle PD, San Jose PD, Boston PD & Dallas PD

Anti-Asian Hate Crime Heat Map (by Month and Year, 1992-2018)

### Anti-Asian Hate Crimes by Month and Year



Anti-Asian Hate Crimes

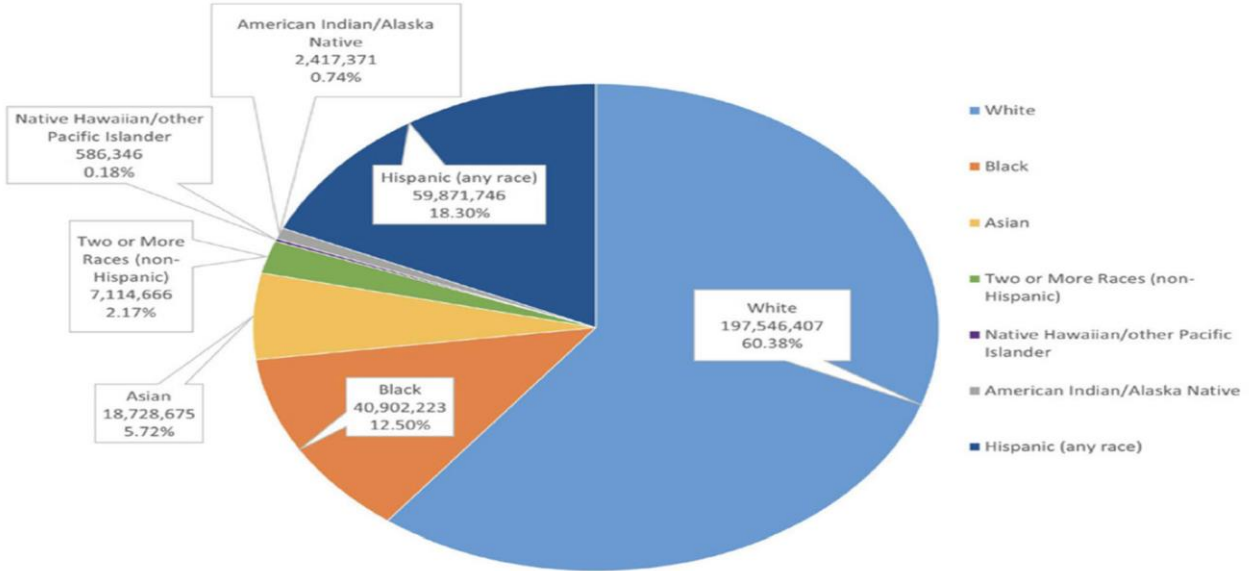


Data for the graph obtained from the FBI Uniform Crime Reports: Hate Crime in the United States, 1992 - 2018.

Boxes indicate 3 highest months of hate crimes per decade.



## U.S. Population By Race: 2018



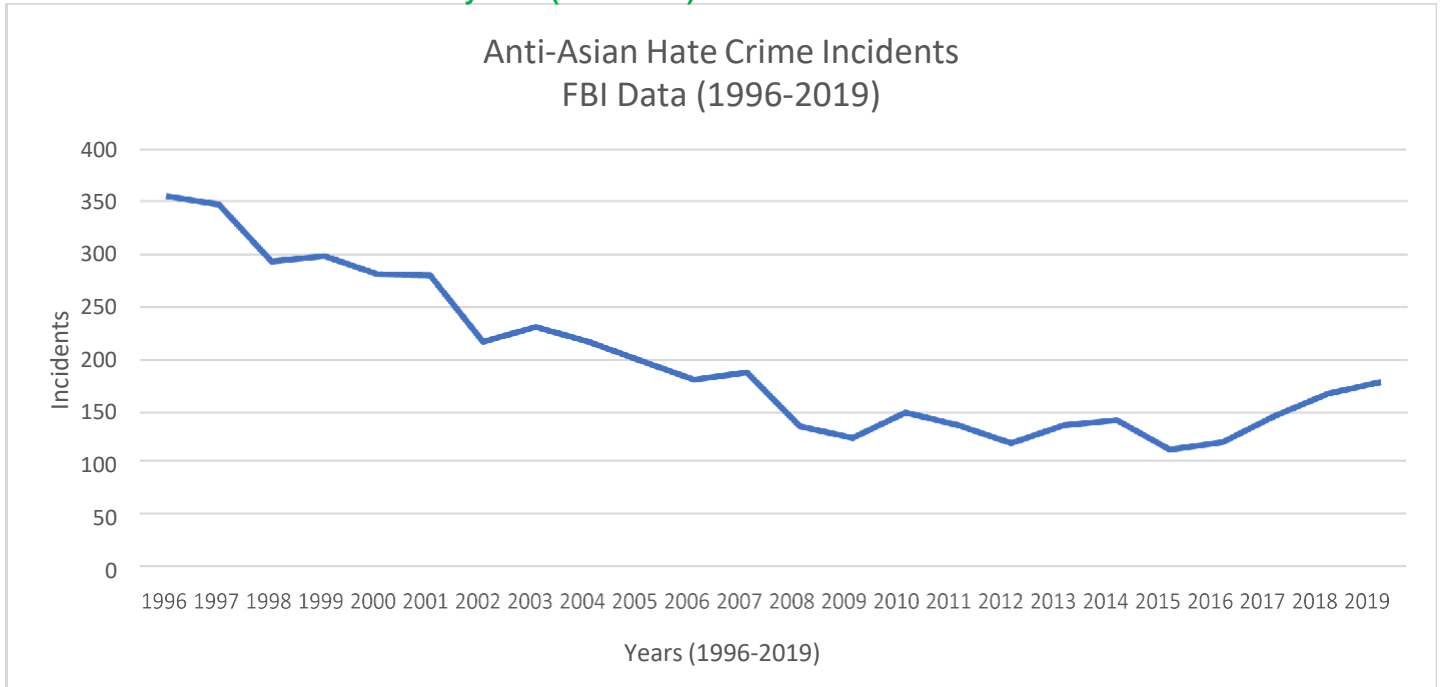
Source: US Census Bureau

## FBI Hate Crime Multi-Year Trends By Bias Motivation

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

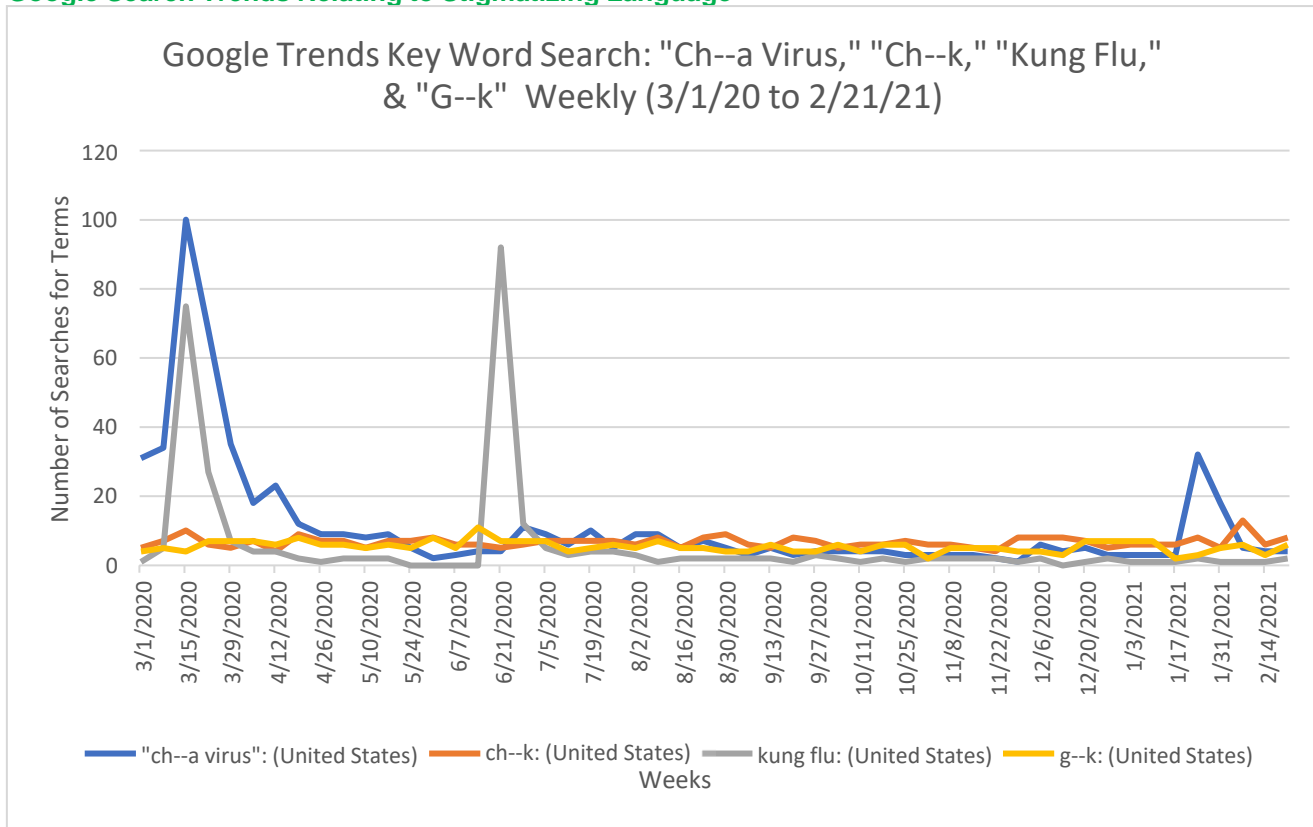
For above table Anti-Asian does NOT include Pac. Isl./Alaska Native. Source: FBI

### FBI Data on Anti-Asian Hate Crime by Year (1996-2019)



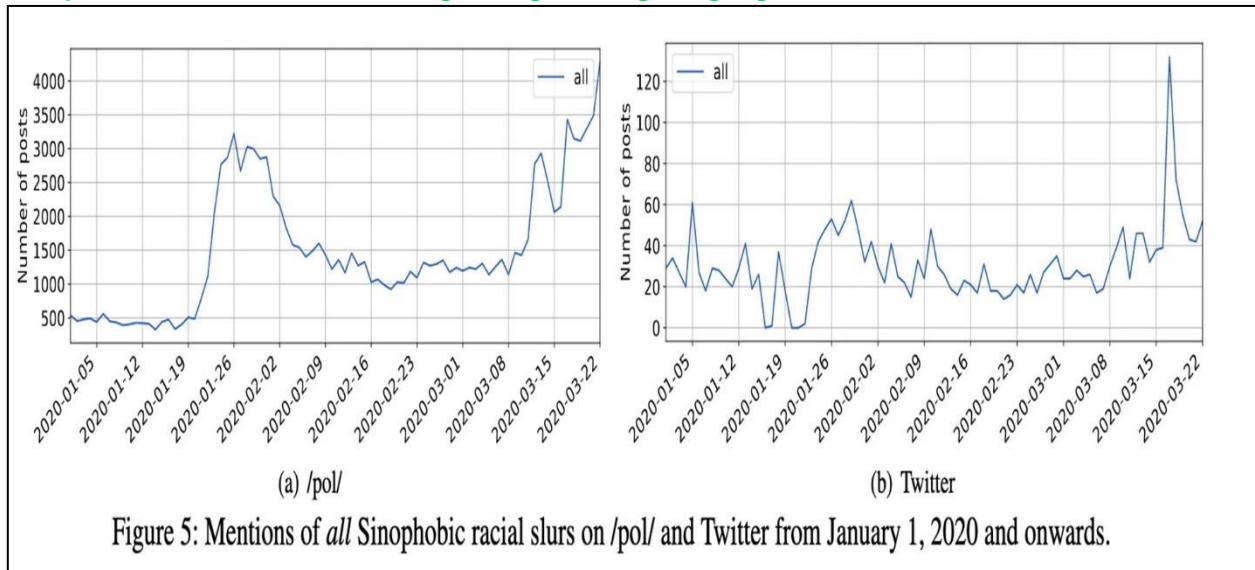
FBI Hate Crime: Multi-Year Trend by Group  
 Source: FBI/UCR [From 2013-2019 Asian & Haw./Pac. Islander-Alaska Native Combined]

### Google Search Trends Relating to Stigmatizing Language



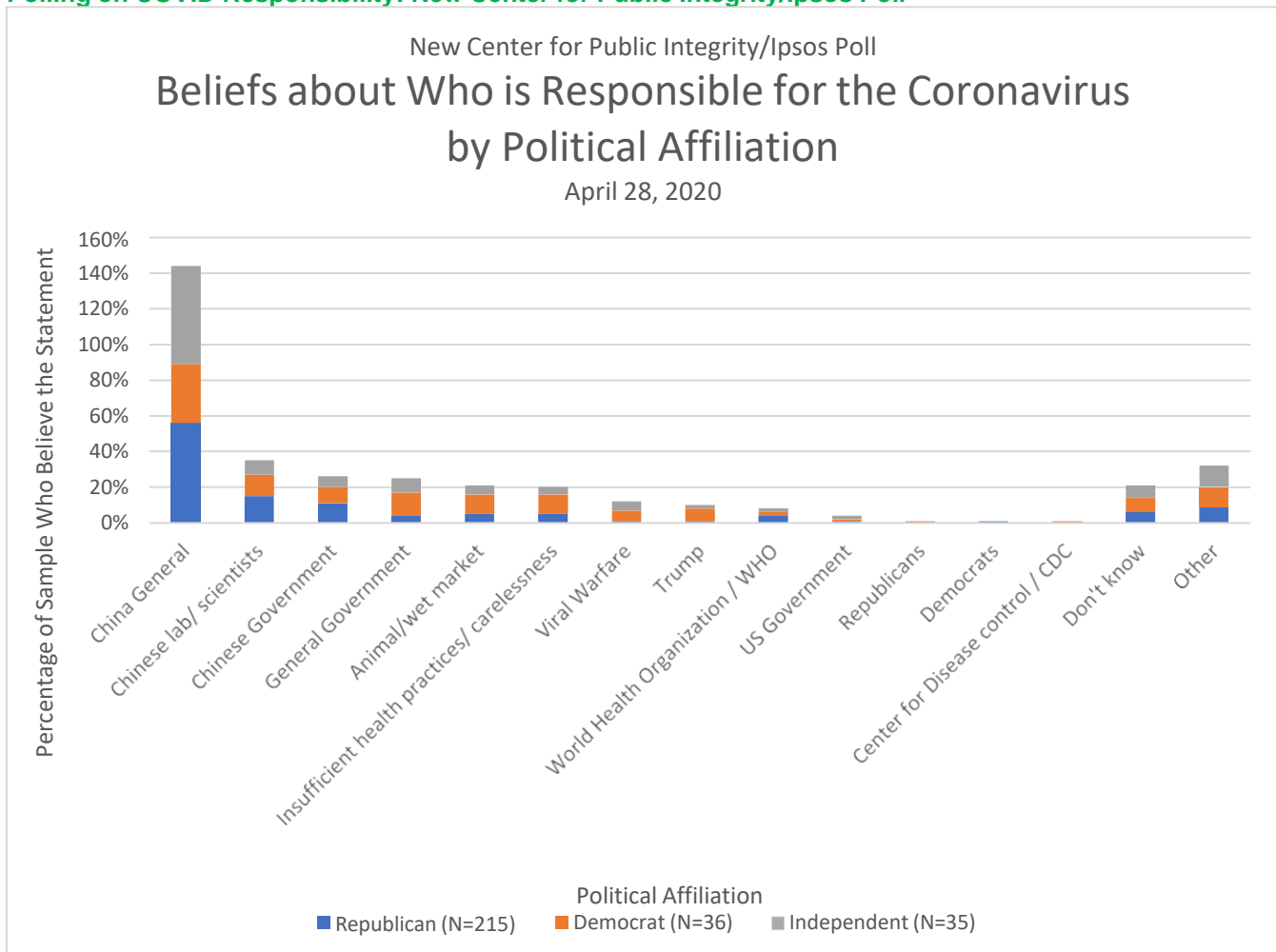
Google Keyword Search for "Ch—a Virus," "Ch—k," "King Flu," & "G—k" Weekly (March 1, 2020 to February 21, 2021)  
 Source: CSHE/Google Trends Searchable Database (2021)

## Sinophobic Twitter Trends Relating to Stigmatizing Language: CIS/Max Plank Inst.



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

## Polling on COVID Responsibility: New Center for Public Integrity/Ipsos Poll

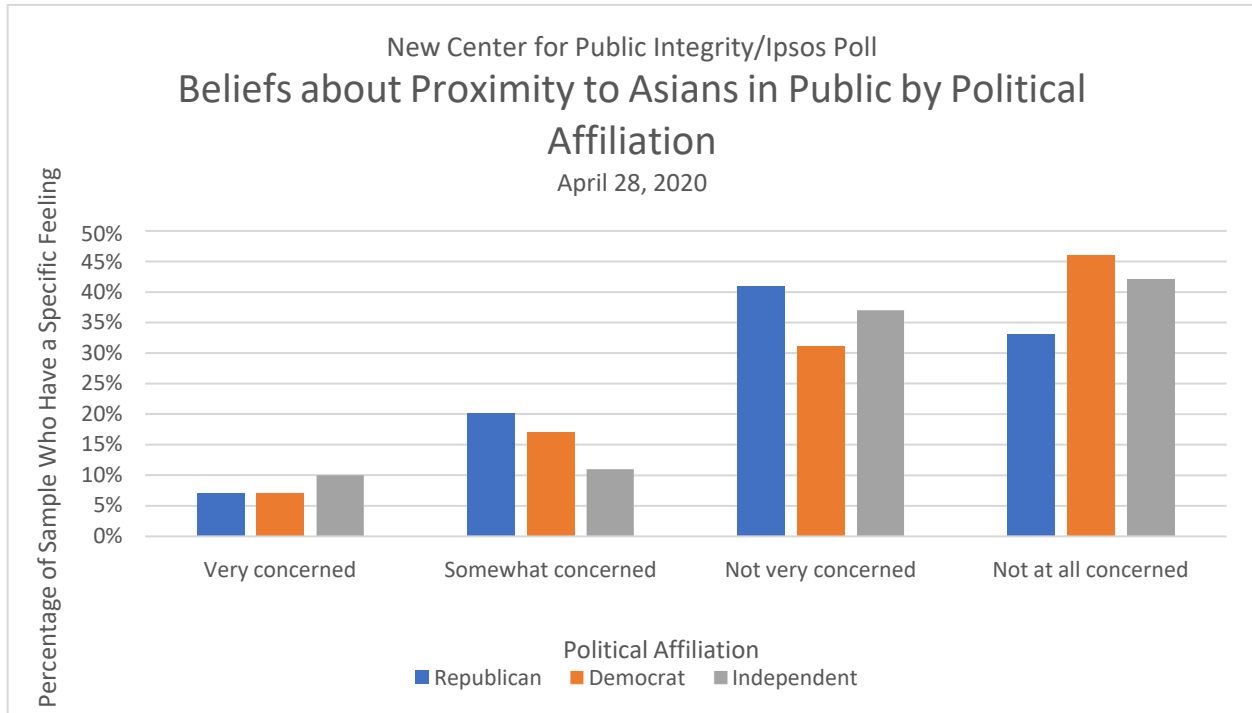


Attitudes Concerning Responsibility for COVID-19 by Political Affiliation  
Source: New Center for Public Integrity/Ipsos Poll (April 28, 2020)

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

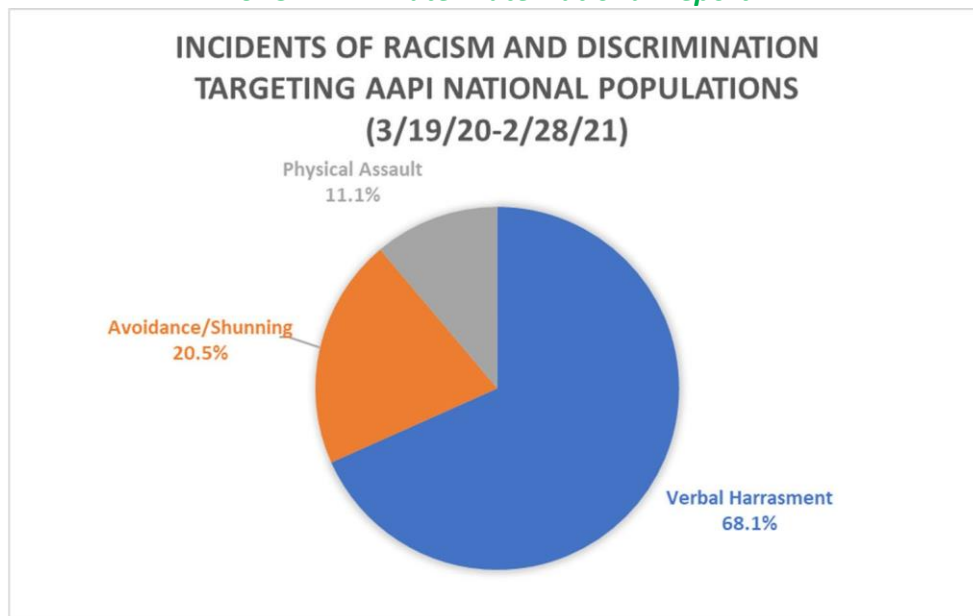
	Total	Republican	Democrat	Independent
Very concerned	7%	7%	7%	10%
Somewhat concerned	17%	20%	17%	11%
Not very concerned	35%	41%	31%	37%
Not at all concerned	41%	33%	46%	42%

Attitudes Concerning Physical Proximity to Someone of Asian Ancestry  
 Source: New Center for Public Integrity/Ipsos Poll (April 28, 2020)



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

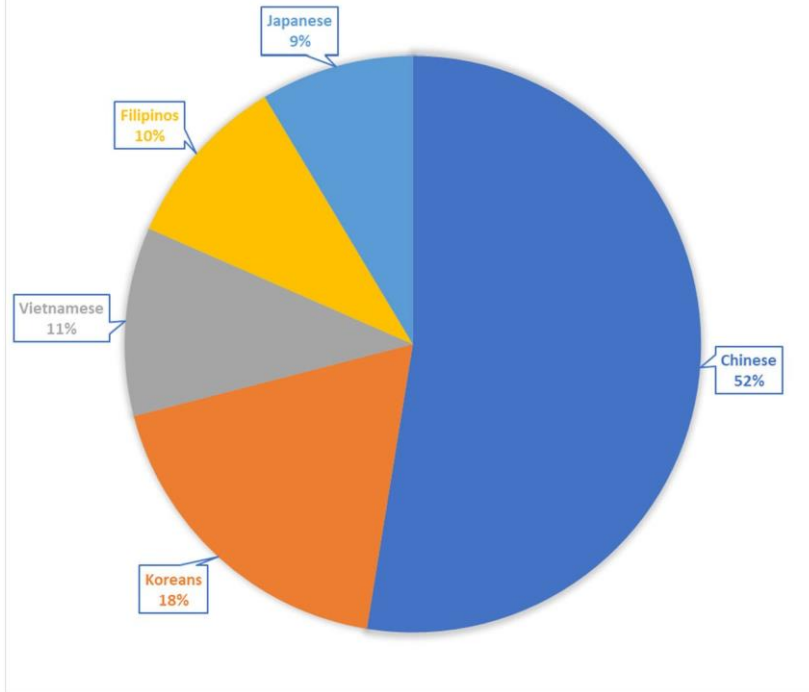
**STOP AAPI Hate: Hate National Report**



Source: Stop AAPI Hate (February 9, 2021)

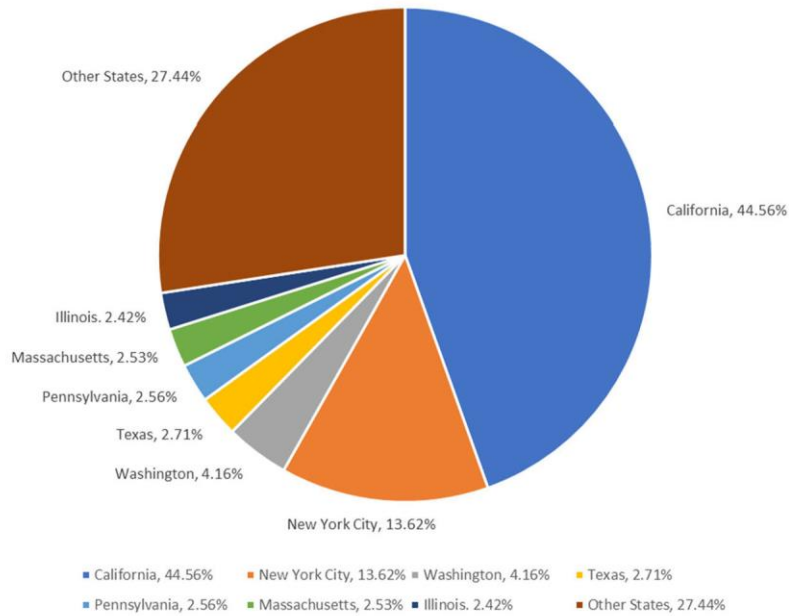
<https://stopaapihate.org/wp-content/uploads/2021/04/Stop-AAPI-Hate-National-Report-210316.pdf>

**INCIDENTS OF RACISM AND DISCRIMINATION  
TARGETING AAPI NATIONAL POPULATIONS  
TOP FIVE VICTIMS BY ETHNICITY  
MARCH 19, 2020 - FEBRUARY 28, 2021**



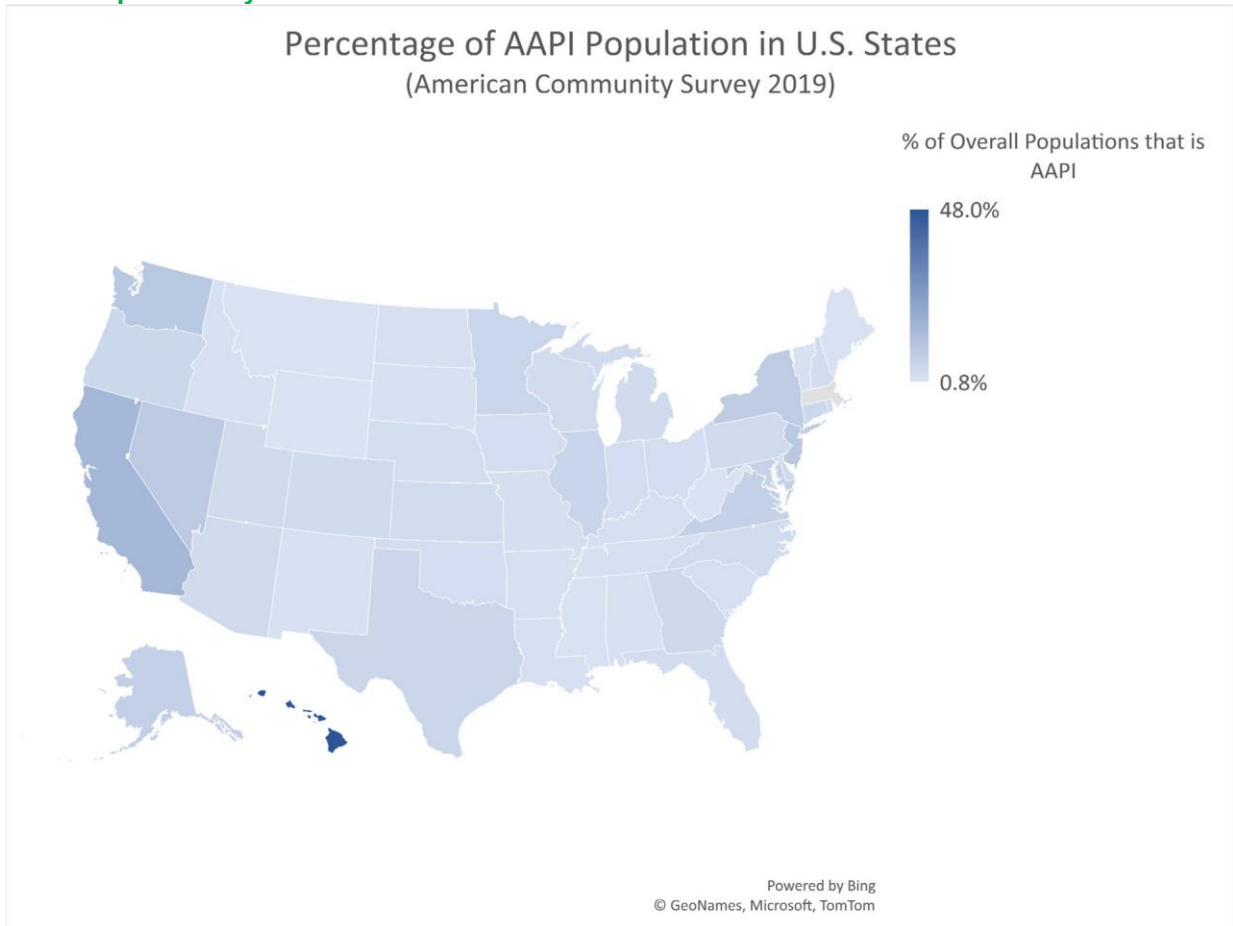
Source: Stop AAPI Hate (February 9, 2021) <https://stopaapihate.org>  
<https://stopaapihate.org/wp-content/uploads/2021/04/Stop-AAPI-Hate-National-Report-210316.pdf>

**Percent of Overall Incidents Nationally  
(3/19/20-2/28/21)**



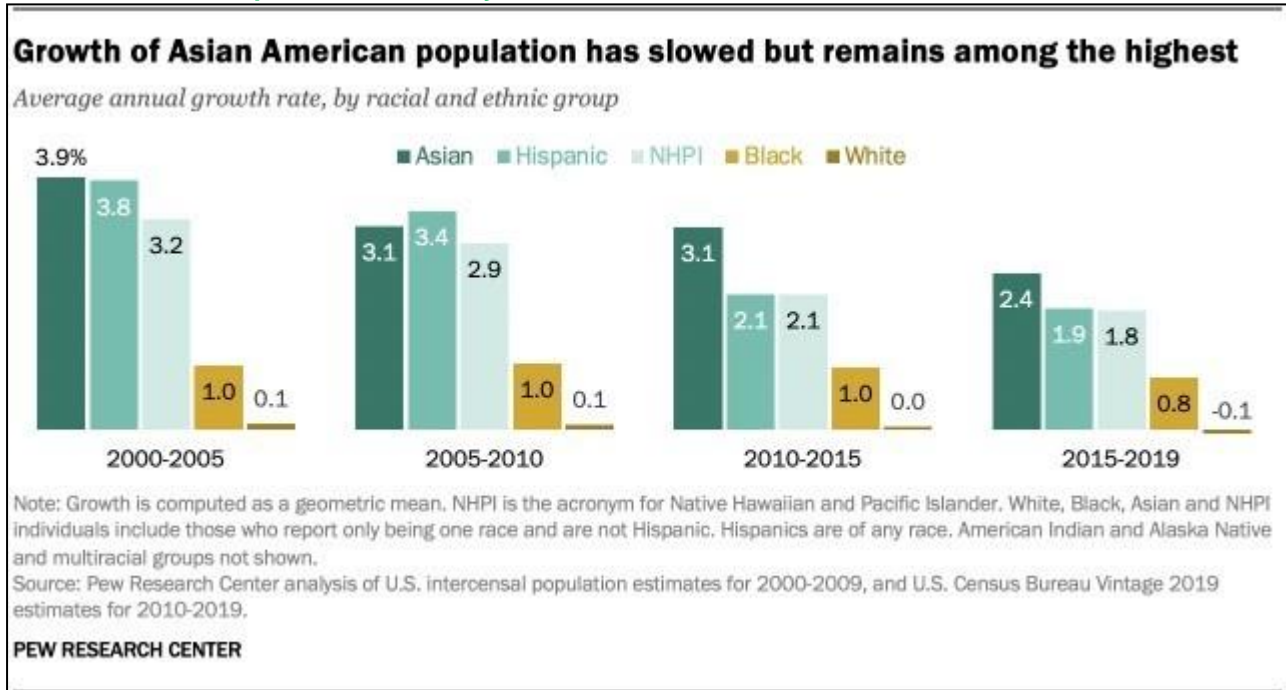
Source: Stop AAPI Hate (February 9, 2021) <https://stopaapihate.org/wp-content/uploads/2021/04/Stop-AAPI-Hate-National-Report-210316.pdf>

## Asian Population by State



Source: American Community Survey 2019

## Asian-American Population Growth By Decade: PEW/CENSUS



Source: Pew Research Center

[https://www.pewresearch.org/wp-content/uploads/2021/04/ft\\_2021.04.09\\_asianamericans\\_02.png?w=640](https://www.pewresearch.org/wp-content/uploads/2021/04/ft_2021.04.09_asianamericans_02.png?w=640)

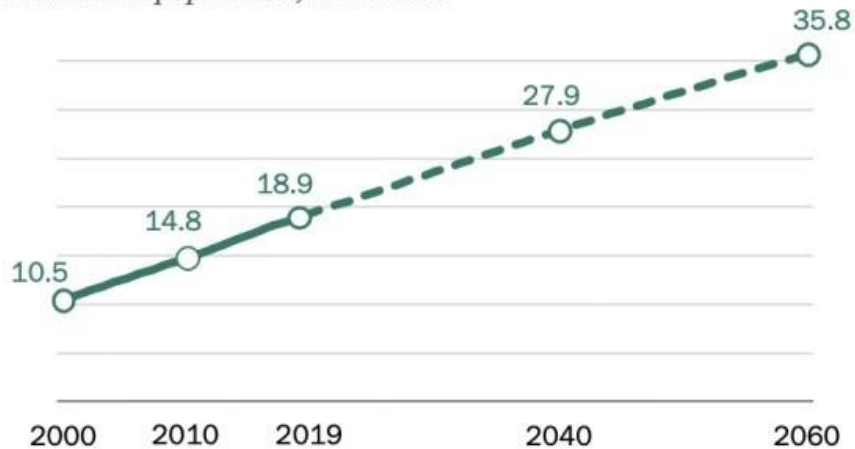
## Asian Americans were the fastest-growing racial or ethnic group in the U.S. from 2000 to 2019 ...

*U.S. population change by race and ethnicity, in thousands*

	2019	2000	Change '00-'19	% Change '00-'19
<b>Asian</b>	18,906	10,469	8,437	81%
<b>Hispanic</b>	60,572	35,662	24,910	70
<b>NHPI</b>	596	370	226	61
<b>Black</b>	41,147	34,406	6,742	20
<b>White</b>	197,310	195,702	1,608	1
<b>Total</b>	328,240	282,162	46,077	16

## ... and their population is projected to pass 35 million by 2060

*Asian American population, in millions*



Note: NHPI is the acronym for Native Hawaiian and Pacific Islander. White, Black, Asian and NHPI individuals include those who report only being one race and are not Hispanic.

Hispanics are of any race. Population figures rounded to nearest 1,000. American Indian and Alaska Native and multiracial groups not shown.

Source: Pew Research Center analysis of U.S. intercensal population estimates for 2000-2009, U.S. Census Bureau Vintage 2019 estimates for 2010-2019, and Census Bureau 2017 population projections for 2020-2060.

**PEW RESEARCH CENTER**

Source: Pew Research Center

[https://www.pewresearch.org/fact-tank/2021/04/09/asian-americans-are-the-fastest-growing-racial-or-ethnic-group-in-the-u-s/ft\\_2021-04-09\\_asianamericans\\_01/](https://www.pewresearch.org/fact-tank/2021/04/09/asian-americans-are-the-fastest-growing-racial-or-ethnic-group-in-the-u-s/ft_2021-04-09_asianamericans_01/)

### Resources for More on AAPI Prejudice:

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

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

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

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

## **SOURCES AND COLLECTION INFORMATION FOR REPORT**

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

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

### **SAN DIEGO, CALIFORNIA**

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

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

### **CINCINNATI, OHIO**

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

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

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

### **CHICAGO, ILLINOIS**

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







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

**Count by Type of Motivation**

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

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

**Count by Type of Incident**

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

**Count by Month**

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

**DENVER, COLORADO**

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

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

## **HOUSTON, TEXAS**

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

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


## **WASHINGTON, DISTRICT OF COLOMBIA**

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

[https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Hate%20Crimes%20Open%20Data\\_4.xlsx](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Hate%20Crimes%20Open%20Data_4.xlsx)

## **PHILADELPHIA, PENNSYLVANIA**

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

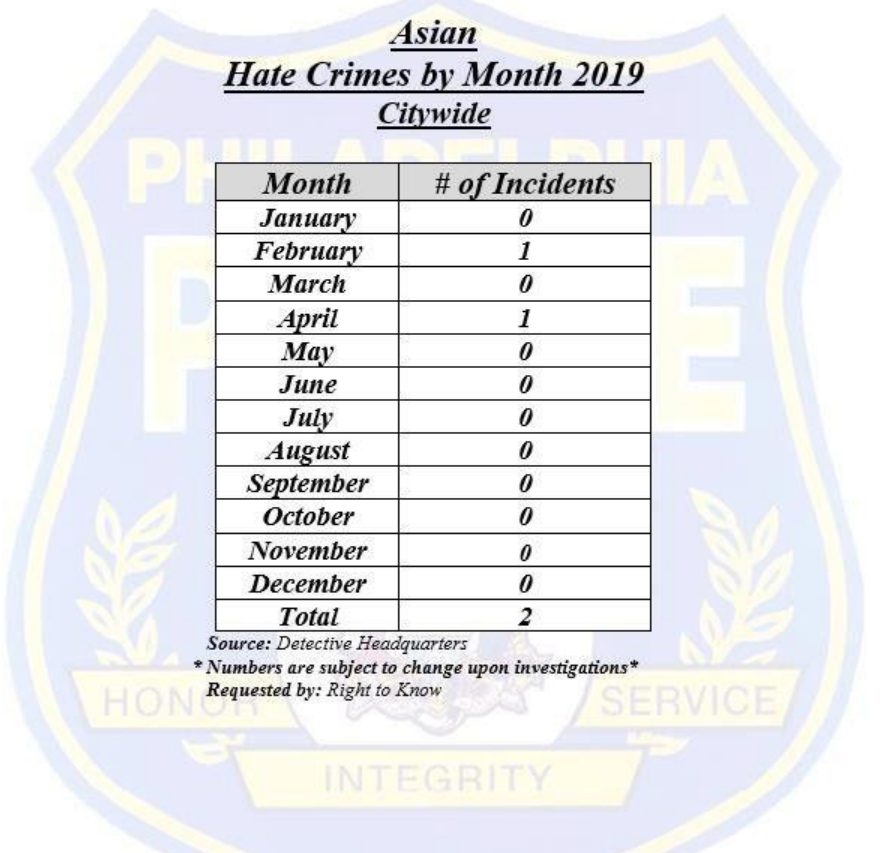


*Please find below the information requested from the Philadelphia Police Department Research and Analysis Unit*

**Asian**  
**Hate Crimes by Month 2019**  
**Citywide**

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

*Source: Detective Headquarters*  
*\*Numbers are subject to change upon investigations\**  
*Requested by: Right to Know*





# Philadelphia Police Department

HONOR • SERVICE • INTEGRITY

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

## Asian Hate Crimes by Month 2020 Citywide

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

Source: Detective Headquarters

"Numbers are subject to change upon investigations"

Request by: Right to Know

## **CLEVELAND, OHIO**

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

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

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

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

## **DALLAS, TEXAS**

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

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

## **SAN FRANCISCO, CALIFORNIA**

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

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

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

## SAN JOSE, CALIFORNIA

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

City of San Jose  
Reported Hate Crimes  
Race/Ethnicity/Ancestry Bias Motivation by Victim Race/Ethnicity/Ancestry  
2020

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

City of San Jose  
Reported Hate Crimes  
January 1, 2019 - December 31, 2019

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

## **SEATTLE, WASHINGTON**

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

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

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

## **BOSTON, MASSACHUSETTS**

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

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

The data for 2019 was collected from the following link:

[https://masscrime.chs.state.ma.us/tops/report/hate-crime\\_1/boston/2019](https://masscrime.chs.state.ma.us/tops/report/hate-crime_1/boston/2019)

## **LOS ANGELES, CALIFORNIA**

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

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

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



## NEW YORK CITY, NEW YORK

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

<https://app.powerbigov.us/view?r=eyJrIjoiYjg1NWl3YjgtYzgzOS00Nzc0LTkwMDAtNTgzM2l2M2JmYWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWUyYVZkZDdjNjA0MyJ9>

## SAN ANTONIO, TEXAS

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

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

## LONG BEACH, CALIFORNIA

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

DR No	Reported Date	Time	Location	Primary Offense	Description	Involvement	Sex	Race	Age
20000440	01/03/2020	09:55	700 Block Main Av	245(A)(1)PC	Anti-White				
20002638	02/02/2020	12:16	1700 Block LBB	423(A)PC	Anti-Islamic Muslim	Suspect	Male	Mex/Lat/Hisp	20
20018186	03/18/2020	00:42	1700 Block Linden Av	245(A)(2)PC	Anti-Black	Suspect	Male	Mex/Lat/Hisp	
20018447	04/10/2020	09:57	1100 Block Harding St	459-APC	Anti-Black	Suspect	Unknown	Unknown	
20022894	06/21/2020	18:02	100 Block Mama Dr	594(B)(1)PC	Anti-White	Suspect	Unknown	Unknown	
20030020	06/22/2020	11:52	Atlantic Av/E 3rd St	245(A)(1)PC	Anti-Female Homosexual	Witness	Male	Mex/Lat/Hisp	52
20034692	07/29/2020	14:50	Junipero Av/E 11th St	245(A)(2)PC	Anti-Hispanic	Suspect	Male	Black	25
20039398	08/16/2020	23:27	400 Block W PCH	245(A)(1)PC	Anti-Transgender	Witness	Male	Black	47
20044323	09/19/2020	23:59	MLX Av/E 7th St	245(A)(2)PC	Anti-Black				
20050735	10/21/2020	21:27	1200 Block Walnut Av	212.5(C)PC	Anti-Black	Suspect	Male	Mex/Lat/Hisp	
20051477	10/26/2020	12:24	E 1st St/Linden Av	242PC	Anti-White	Suspect	Male	Black	
20052562	11/01/2020	07:36	3900 Block Studebaker Rv	594(A)(1)PC	Anti-White				
20052576	11/01/2020	07:33	6800 Block Monaco Rd	594(A)(2)PC	Anti-White	Suspect	Unknown	Unknown	
20052584	11/01/2020	08:51	3800 Block Knoxville Av	594(A)(1)PC	Anti-White				

No 2019 data was available.

## HATE CRIME LAWS

### Current Federal Hate Crime Protections

Constitutional Protections	Relevant Text
<a href="#">U.S. Const. amend. XIII, § 1</a>	"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
<a href="#">U.S. Const. amend. XIV, § 1</a> <a href="#">U.S. Const. amend. XIV, § 5</a>	Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."  Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.
<a href="#">U.S. Const. amend. XV, § 1</a>	"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."

Federal Statutes	Description
<a href="#">18 U.S.C. § 241 – Conspiracy against rights</a>	Makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in the free enjoyment of a right or privilege secured to him or her by the Constitution or laws of the U.S.
<a href="#">18 U.S.C. § 242 – Deprivation of rights under color of law</a>	Makes it unlawful to willfully deprive any person of the rights, privileges, or immunities secured to him or her by the Constitution or laws of the U.S., or to subject a person to different punishments, pains, or penalties because of that person's alien status, color, or race.
Violent Interference with Federally Protected Rights, <a href="#">18 U.S.C. § 245 – Federally protected activities</a>	Makes it unlawful to willfully injure, intimidate, or interfere with any person participating in any one of the following six federally protected activities, on account of his or her race, color, religion, or national origin: 1) enrolling in or attending a public school, 2) participating in or enjoying a service, program, facility or activity administered by any State or local government, 3) applying for or enjoying employment, 4) serving in a State court as a juror, 5) traveling in or using a facility of interstate commerce, or 6) enjoying the goods or services of certain public places of accommodation.
Damage to Religious Property, Church Arson Prevention Act, <a href="#">18 U.S.C. § 247 – Damage to religious property; obstruction of persons in the free exercise of religious beliefs</a>	Prohibits the intentional defacement, damage, or destruction of any religious real property because of the religious nature of that property, or because of the race, color, or ethnic characteristics of any individual associated with that religious property. Also criminalizes the intentional obstruction of a person's free exercise of religious beliefs by force or threat of force.
Criminal Interference with Right to Fair Housing, <a href="#">42 U.S.C. § 3631 – Violations; penalties</a>	Makes it unlawful to use or threaten to use force to interfere with an individual's housing rights on account of his or her race, color, religion, sex, handicap, familial status, or national origin.
The Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act of 2009, <a href="#">18 U.S.C. 249 – Hate crime acts</a>	The first statute to allow federal criminal prosecution of hate crimes motivated by the victim's perceived or actual sexual orientation or gender identity. Makes it unlawful to willfully cause bodily injury to a person on account of his or her actual or perceived race, color, religion, or national origin, or attempt to do so through use of a dangerous weapon.

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

## Hate Crime Laws By State: 2020

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

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

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
New Jersey	<a href="#">N.J. Rev. Stat. § 2C:16-1</a> [declared unconstitutional by <i>State v. Pomianek</i> , 221 N.J. 66 (2015)] <a href="#">N.J. Rev. Stat. § 2C:33-9</a> <a href="#">N.J. Rev. Stat. § 2C:33-11</a> <a href="#">N.J. Rev. Stat. § 52:9DD-9</a>	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
New Mexico	<a href="#">N.M. Stat. Ann. § 31-18B-3</a> <a href="#">N.M. Stat. Ann. § 30-15-4</a> <a href="#">N.M. Stat. Ann. § 31-18B-4</a> <a href="#">N.M. Stat. Ann. § 31-18B-5</a>	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES
New York	<a href="#">N.Y. Penal Law § 485.05</a> <a href="#">N.Y. Penal Law § 485.10</a> <a href="#">N.Y. Penal Law § 240.31</a> <a href="#">N.Y. Penal Law § 240.70</a> <a href="#">N.Y. Penal Law § 240.71</a> <a href="#">N.Y. Exec. Law § 837(f)4-c</a>	YES	YES	NO	YES	YES	YES	NO	NO	NO	YES
North Carolina	<a href="#">N.C. Gen. Stat. § 14-3</a> <a href="#">N.C. Gen. Stat. § 14-12.14</a> <a href="#">N.C. Gen. Stat. § 14-401.14</a> <a href="#">N.C. Gen. Stat. § 14-49(b1)</a> <a href="#">N.C. Gen. Stat. § 14-62.2</a> <a href="#">N.C. Gen. Stat. § 14-144</a>	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
North Dakota	<a href="#">N.D. Cent. Code § 12.1-14-04</a> <a href="#">N.D. Cent. Code § 12.1-21-01</a> <a href="#">N.D. Cent. Code § 12.1-21-02</a> <a href="#">N.D. Cent. Code § 12.1-21-08</a>	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO
Ohio	<a href="#">Ohio Rev. Stat. Ann. § 2927.12</a> <a href="#">Ohio Rev. Stat. Ann. § 2927</a>	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Oklahoma	<a href="#">Oklahoma Stat. tit. 21 § 850</a> <a href="#">Oklahoma Stat. tit. 21 § 1174</a> <a href="#">Oklahoma Stat. tit. 21 § 1765</a>	YES	NO	NO	NO	NO	YES	NO	NO	NO	YES
Oregon	<a href="#">Or. Rev. Stat. § 166.155</a> <a href="#">Or. Rev. Stat. § 166.165</a> <a href="#">Or. Rev. Stat. § 166.075</a> <a href="#">Or. Rev. Stat. § 181A.225</a> <a href="#">Or. Rev. Stat. § 181A.470</a>	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Pennsylvania	<a href="#">18 Pa. Cons. Stat. § 2710</a> <a href="#">18 Pa. Cons. Stat. § 3307</a> <a href="#">18 Pa. Cons. Stat. § 5509</a> <a href="#">71 Pa. Cons. Stat. § 250(i)</a>	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Rhode Island	<a href="#">R.I. Gen. Laws § 12-19-38</a> <a href="#">R.I. Gen. Laws § 11-44-31</a> <a href="#">R.I. Gen. Laws § 42-28-46</a> <a href="#">R.I. Gen. Laws § 42-28.2-8.1</a>	YES	YES	NO	NO	YES	YES	NO	YES	NO	YES
South Carolina	<a href="#">S.C. Code Ann. § 16-5-10</a> <a href="#">S.C. Code Ann. § 16-7-120</a> <a href="#">S.C. Code Ann. § 16-11-535</a> <a href="#">S.C. Code Ann. § 16-11-110</a>	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES
South Dakota	<a href="#">S.D. Codified Laws § 22-19B-1</a> <a href="#">S.D. Codified Laws § 22-19B-2</a>	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Tennessee	<a href="#">Tenn. Code Ann. § 40-35-114(17)</a> <a href="#">Tenn. Code Ann. § 39-17-309</a> <a href="#">Tenn. Code Ann. § 39-17-311</a> <a href="#">Tenn. Code Ann. § 39-14-301</a>	YES	YES	NO	YES	YES	YES	NO	NO	NO	YES
Texas	<a href="#">Tex. Code Crim. Proc. Ann. art. 42.014</a> <a href="#">Tex. Penal Code Ann. § 12.47</a> <a href="#">Tex. Penal Code Ann. § 28.04</a> <a href="#">Tex. Penal Code Ann. § 28.08</a> <a href="#">Tex. Gov. Code Ann. § 411.046</a>	YES	YES	NO	YES	YES	YES	NO	NO	YES	NO

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

## Key Federal Hate Crime Cases

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

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

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

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

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

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

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

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

## Recent Federal Laws

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

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

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

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

## Recent Federal Proposals to Combat Hate

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

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

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

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

### UTAH

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

### NEW YORK

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

### INDIANA

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

### OREGON

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

### GEORGIA

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

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### SOUTH CAROLINA

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

### NORTH CAROLINA

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

### NEVADA

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

### MINNESOTA

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

### NORTH DAKOTA

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



## MICHIGAN

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

## CALIFORNIA

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

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

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

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

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Assistant - CSHE

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