

# fact sheet

## hate crimes

**Background:** Current federal hate crimes law (18 U.S.C. 245), passed by Congress in 1968, permits the federal prosecution of a hate crime only if the hate crime was motivated by bias based on race, color, national origin and the assailant intended to prevent the victim from exercising a “federally protected right” such as the right to vote or attend school. Because the crime has to meet both requirements, these stipulations substantially limit the likelihood of federal prosecution of hate crimes even when the crime is particularly heinous. It does not include sexual orientation, gender, gender identity or disability.

Week  
without  
Violence

*The YWCA Week Without Violence™, the third week in October, is an international initiative that was created by YWCA USA in 1995 to mobilize the women, men and children to take action against violence in our homes, schools, work places and communities.*

A hate crime is an act of violence, intolerance or bigotry, intended to hurt or intimidate someone because of her or his real or perceived race, ethnicity, national origin, gender, religion, sexual orientation, or disability.

Hate crimes don't just cause harm to the victim; they are designed to intimidate and terrorize whole communities on the basis of personal and immutable characteristics. These crimes tend to be much more violent than other crimes.

### legislation

The Local Law Enforcement Hate Crimes Prevention Act/Matthew Shepard Act would expand existing law to cover crimes committed because of a bias against a victim's actual or perceived gender, sexual orientation, gender identity or disability.

This bill also provides local police and sheriff departments with federal resources to address hate crimes.

Over 100,000 hate crimes have been reported since 1991. But experts estimate that the real number of hate crime incidents is more likely about 191,000 a year. The recent rise in the number of hate groups in the U.S. and the confluence of factors that may contribute to hate crimes—such as 9/11, anti-immigration rhetoric, the economic decline and the election of President Barack Obama—underline the importance of this legislation.

### ywca position

The YWCA supports the passage of hate crimes legislation that protects people from harassment, violence and other

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crimes on the basis of race, sex, gender, religion, ethnicity, age, disability, or sexual orientation.

## facts

Hate crimes<sup>†</sup> are carried out against individuals because of their real or perceived identity. In 2007, the most recent data available, the FBI reported 7,624 single-bias incidents, that's nearly one every hour of every day. Of these crimes, 50.8% were motivated by racial bias, 18.4% were motivated by religious intolerance, 16.6% by sexual orientation bias, 13.2% resulted from an ethnicity/national origin bias and 1% by disability bias.<sup>1</sup>

In the backdrop of anti-immigration rhetoric, the economic crisis and the election of a black president, the number of hate groups increased in 2008. Last year, 926 hate groups were documented operating in the U.S.—a more than 50% increase since 2000.<sup>2</sup>

The FBI has reported an increase in hate-motivated violence against Hispanics. Biased motivated crimes against Hispanics have risen four years in a row.<sup>3</sup>

Hate Crimes committed against lesbian, gay, bi-sexual and transgender (GLBT) people have risen for the fifth consecutive year, 26% over the past two years alone. The total number of anti-LGBT incidents reported to the National Coalition of Anti-Violence Programs increased 2% in 2008 with 2,424 incidents reported.<sup>4</sup> Furthermore, the FBI cites that lesbians and gay

men have consistently been the third most frequent target of hate crimes.<sup>5</sup>

Students are hate crime targets. Ten percent of students between the ages of 12 and 18 reported that they had been the subjects of hate related insults at school. Thirty-five percent of students have seen hate related graffiti at their school. Insults included comments about race, religion, ethnicity, disability, gender and/or sexual orientation.<sup>6</sup>

The five states with the highest numbers of reported hate crimes in 2007 were California (1,789 incidents, 19.8% of total reported incidents), New Jersey (773, 8.6%), Michigan (734, 8.2%), New York (498, 5.5%) and Massachusetts (419, 4.7%).<sup>7</sup>

Many states and cities have consistently failed to report hate crime data while deficient reporting occurs in others. Hawaii did not participate in reporting hate crimes in 2007, and has never submitted a hate crime report to the FBI. Mississippi participated, but reported no hate crimes occurred in the state in 2007. Alabama reported six hate crimes in 2007. Most participating agencies, 84.7 percent, reported that no hate crimes occurred in their jurisdictions in 2007.<sup>8</sup>

## talking points

Current federal law is inadequate. Federal authorities do not have the jurisdiction to provide support to localities or states prosecuting hate crimes. Currently, only 26 states

include gender based crimes in their hate crimes statutes, 30 include sexual orientation-based crimes, and only 30 states include coverage for disability-based crimes. Five states have no hate crime statute: Arkansas, Georgia, Indiana, South Carolina and Wyoming.<sup>9</sup> It is essential to close this loophole to ensure that hate crimes are properly responded to with adequate technical, forensic and prosecutorial assistance.

There is widespread support for Hate Crimes legislation. Over 300 law enforcement, civil rights, civic and religious organizations, including Attorneys General for 26 states, the National Sheriffs' Association, the International Association of Chiefs of Police and the U.S. Conference of Mayors support Hate Crimes legislation.

Passage of federal hate crimes legislation would expand the current law to include gender, sexual orientation, gender identity, and disability. By including groups that have historically been affected by violence, it sends a strong and clear message that hate crimes will not be tolerated. It also removes the federally protected activity requirement.

States and local governments will continue to play the primary role in combating violent crime. An expanded federal role is necessary to ensure adequate and equal response to crimes. Hate crimes legislation would empower federal authorities to prosecute hate crimes if the states/localities are either unable or unwilling to investigate and prosecute.

## resources

Anti-Defamation League  
[http://www.adl.org/combating\\_hate/](http://www.adl.org/combating_hate/)

Southern Poverty Law Center  
<http://www.splcenter.org/>

Federal Bureau of Investigation, Uniform Crime Reports  
<http://www.fbi.gov/ucr/ucr.htm>

Human Rights Campaign  
<http://www.hrc.org/>

United States Senate  
<http://www.senate.gov/>

United States House of Representatives  
<http://www.house.gov/>

Legislative Information on the Internet  
<http://thomas.loc.gov/>

## sources

† A hate crime is an act of violence, intolerance or bigotry, intended to hurt or intimidate someone because of her or his real or perceived race, ethnicity, national origin, gender, religion, sexual orientation, or disability.

<sup>1</sup> Federal Bureau of Investigation, Uniform Crime Reporting Program: Hate Crime Statistics, 2007. Washington, D.C.: U.S. Department of Justice. <http://www.fbi.gov/ucr/hc2007/about.htm>

<sup>2</sup> Southern Poverty Law Center Active U.S. Hate Groups, 2009. Intelligence Project, 2009 Montgomery, AL: Southern Poverty Law Center. <http://www.splcenter.org/intel/map/hate.jsp>

<sup>3</sup> Federal Bureau of Investigation, Uniform Crime Reporting Program: Hate Crime Statistics, 2007. Washington, D.C.: U.S. Department of Justice.

<sup>4</sup> Skolnik, Avy, et al. Anti-Lesbian, Gay, Bisexual, and Transgender Violence in 2008. New York: National Coalition of Anti-Violence Programs. [http://www.ncavp.org/common/document\\_files/Reports/2008%20HV%20Report%20smaller%20file.pdf](http://www.ncavp.org/common/document_files/Reports/2008%20HV%20Report%20smaller%20file.pdf)

<sup>5</sup> Federal Bureau of Investigation, Uniform Crime Reporting Program: Hate Crime Statistics, 2007. Washington, D.C.: U.S. Department of Justice.

<sup>6</sup> Bureau of Justice Statistics. April 2009. Indicators of School Crime and Safety: 2008. Washington, D.C.: U.S. Department of Justice. <http://nces.ed.gov/pubs2009/2009022.pdf>

<sup>7</sup> Federal Bureau of Investigation, Uniform Crime Reporting Program: Hate Crime Statistics, 2007. Washington, D.C.: U.S. Department of Justice.

<sup>8</sup> Ibid

<sup>9</sup> [http://www.adl.org/combating\\_hate/](http://www.adl.org/combating_hate/)

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