UNDERREPORTED UNDER THREAT

HATE CRIME IN THE UNITED STATES AND THE TARGETING OF ARAB AMERICANS
1991-2016

ARAB AMERICAN INSTITUTE FOUNDATION
EXECUTIVE SUMMARY

In recent years, the United States has experienced a surge of bias-motivated violence. This nationwide escalation of hate crime has targeted various communities, including Arab Americans, and is demonstrated through official government data, media accounts, and reporting from leading civil rights and advocacy organizations.

Since the late 1960s and early 1970s, Arab Americans have suffered increased discrimination, exclusion, harassment, intimidation, and hate crimes in the wake of developments in the Middle East or incidents of mass violence. This so-called “backlash” effect was most intense following the tragic terrorist attacks on 9/11, when communities perceived to be Arab or Muslim, including Sikh Americans, experienced a wave of targeted violence.

In the 1980s, a nationwide increase of hate crime pressured Congress to pass laws requiring the Department of Justice to collect data on bias-motivated violence. Proponents of the legislation argued data collection would promote better understanding of threats facing particular communities, including Arab Americans. In 1993, the Federal Bureau of Investigation (FBI) published its first report based on data collected under the Hate Crime Statistics Act of 1990. The annual report, Hate Crime Statistics, did not provide data on anti-Arab hate crime until 2015.

Our research found the FBI intended to publish anti-Arab hate crime data in the first edition of Hate Crime Statistics. But in 1992, the Office of Management and Budget recommended removing Bias Motivation Code 31 (Anti-Arab) from the official hate crime data collections. As a result, anti-Arab hate crime was excluded from federal statistics until 2015, when the FBI reintroduced Code 31 into its data collections. Many law enforcement agencies continued to submit Code 31 data during this period. Records indicate that between 1991 and 2003, the FBI received over 800 Code 31 submissions from agencies in 32 states and the District of Columbia. After converting these submissions on the back end, the FBI recoded them as Anti-Other Ethnicity/National Origin hate crime incidents in official statistics. After 2003 and prior to the category’s reintroduction in 2015, the FBI rejected all Code 31 submissions, forcing state Uniform Crime Reporting (UCR) programs to resubmit “improperly coded data.”

Reports suggest thousands of anti-Arab hate crimes occurred in the aftermath of 9/11. Even before the backlash, however, Arab Americans were a community under threat of targeted violence. Just as Bias Motivation Code 31 (Anti-Arab) was rendered invalid in federal data collections, so too were anti-Arab hate crime victims rendered invisible in official statistics.

Underreported, Under Threat: Hate Crime in the United States and the Targeting of Arab Americans documents the history of hate crime prevention in the United States with a focus on targeted violence against Arab Americans. An important part of this history, though previously undisclosed, is the elimination of Bias Motivation Code 31 (Anti-Arab) from official hate crime data collections. After contextualizing anti-Arab hate crime within a broader narrative of discrimination and bigotry, the report provides case studies of targeted violence against Arab Americans, a review of the national hate crime reporting and data collection system, including analysis of anti-Arab hate crime reporting, and a consideration of enduring limitations to our federal hate crime statistics. We conclude this report with a series of recommendations based on our findings.

Our research demonstrates bias-motivated violence is a national issue. The federal government has taken important steps to protect targeted or vulnerable communities from hate crime. However, significant shortcomings, including at the state and local level, remain. To facilitate meaningful reform, we created Rating the Response: Hate Crime Legislation, Reporting, and Data Collection in the United States, which provides a clearinghouse of information pertaining to hate crime in all 50 states and the District of Columbia. Complete with ratings for each state based on its overall response, this resource guide identifies target areas for improvement and provides state-based recommendations, empowering readers throughout the United States to advocate for a better response to hate crime in their communities.

Compiled as one in this report, both research projects reflect our commitment to serving Arab Americans and protecting every community from the scourge of hate-based violence. We hope readers find the report not only informative, but also practical. Together, we will strive to advance civil rights, protect civil liberties, and secure justice for all.
KEY FINDINGS

According to federal statistics, the United States has experienced a surge of bias-motivated violence in recent years, with 2016 data indicating the first consecutive annual increase of reported hate crime incidents since 2004. Along with many other communities, Arab Americans today face an increased risk of hate crime. This increase coincides with concerning developments in American politics and popular culture. In the past, political rhetoric and government discrimination have undermined efforts to prevent anti-Arab violence.

- Hate crimes targeting Arab Americans have historically intensified in the wake of developments in the Middle East or incidents of mass violence. This “backlash” effect continues to impact Muslim, Arab, and South Asian (MASA) communities in the United States.

- The threat of hate crimes targeting Arab Americans has increased amid burgeoning xenophobia, racism, and anti-Arab and anti-Muslim sentiment.

- The laws, policies, and law enforcement practices designed to prevent or respond to hate crime vary from state to state. In particular states, hate crime victims, their families, and their communities have limited recourse to secure a substantial sense of justice.

- While the FBI first published anti-Arab hate crime statistics in 2015, the federal government previously collected anti-Arab hate crime data for over a decade, but never shared the data in official statistics.

- Between 1991 and 2003, law enforcement agencies in 32 states and the District of Columbia reported over 800 anti-Arab hate crime incidents to the FBI. The agencies reported these incidents despite the federal government’s elimination of anti-Arab hate crime from official data collections. While some state-level statistics provide anti-Arab hate crime data for 1991-2016, these data do not provide an accurate representation of the nature and extent of hate crime targeting Arab Americans.

- State-level statistics often contradict federal data. For example, according to the Michigan State Police, 14 anti-Arab hate crime incidents were reported in the state in 2016; according to the FBI, one incident was reported. Similar discrepancies occur in multiple states with significant Arab American populations.

- These discrepancies underscore the enduring limitations of national hate crime data. Between 2012 and 2016, thousands of hate crimes were reported at the state level but not published in federal statistics. Our findings cast doubt on the quality of the data published in federal hate crime statistics overall.

RECOMMENDATIONS

This report’s key findings demonstrate the need for comprehensive hate crime reporting and data collection reform. A total of 23 states have statutes that require law enforcement agencies to report hate crimes, collect data, and publish annual statistics. Only 15 states have statutes that require hate crime training for police certification.

While law enforcement agencies in 49 states submit hate crime data to the FBI, and 37 states publish hate crime statistics in their own annual reports, the lack of state-level requirements for reporting, data collection, and law enforcement training contribute to underreporting of hate crime incidents nationwide. The failure of state legislatures to enact sufficient protections for hate crime victims also contributes to underreporting. Only 14 states have inclusive hate crime statutes, which offer protections for race, ethnicity or ancestry, religion, sexual orientation, disability, gender, and gender identity. Readers will find general recommendations at the end of this report. We also provide recommendations for each state in our resource guide, which is located in Appendix A.
LIMITATIONS & METHODOLOGY

This report consists of two distinct research projects, which were conducted over an eight-month period and completed in May 2018.

*Underreported, Under Threat: Hate Crime in the United States and the Targeting of Arab Americans* is the first anti-Arab hate crime report to be released in a decade, and the first to utilize hate crime data reported through official government channels. In addition to an introduction, *Underreported, Under Threat* consists of three parts.

I. Anti-Arab Animus in Context – Our first chapter considers the broader historical trends of anti-Arab bigotry, discrimination, government targeting, and political exclusion in the United States. Themes of intolerance and xenophobia exist not only at the margins of American society, and when directed against Arab Americans, have at times occupied mainstream political discourse and driven misguided, discriminatory policies. These trends foment and permit anti-Arab sentiment, potentially leading to an increased risk of bias-motivated violence against Arab Americans.

II. Case Studies of Anti-Arab Hate Crime – The second chapter features a selection of narrative vignettes that demonstrate the nature of hate crime targeting Arab Americans, the harms such crimes inflict on individual victims and communities, and the limitations of existing laws, policies, and their irregular enforcement to address those harms. As case studies, these vignettes serve to communicate the need for comprehensive hate crime reporting and data collection reform, particularly at the state and local level. These narratives illustrate how the passage of criminal statutes offering sufficient, inclusive protections for hate crime victims, along with legislation requiring hate crime training for police certification, will support hate crime prevention as well.

III. Rendered Invalid: The History of Anti-Arab Hate Crime Reporting and Data Collection – This chapter considers hate crime reporting and data collection in the United States, with particular attention to hate crimes targeting Arab Americans. As our research revealed, the FBI’s hate crime data collections were initially structured to collect data on anti-Arab hate crime. In 1992, the federal government removed Bias Motivation Code 31 (Anti-Arab) from the official data collections. As a result, anti-Arab hate crime was excluded from federal statistics until the FBI UCR Program reintroduced Code 31 in 2015. During this period, however, many law enforcement agencies continued to submit Code 31 data. Chapter Three presents this research alongside an examination of anti-Arab hate crime statistics and a historical review of hate crime prevention in the United States.

*Rating the Response: Hate Crime Legislation, Reporting, and Data Collection in the United States* is a comprehensive resource guide designed for communities, advocates, and policymakers to better understand how each state responds to hate crime. As part of this research, we developed a rating system to rank and compare states based on their hate crime statutes, reporting and data collection of hate crime incidents, police training, state-level hate crime statistics, and participation in the national hate crime statistics program.
Historically, civil rights and advocacy organizations have published annual reports on incidents of bias-motivated violence, profiling, objectionable political rhetoric, and discrimination against specific communities. Many of these publications feature data on incidents meeting the criteria of a hate crime.

Geared toward community empowerment, engagement, and representation, these reports are key resources for civil rights advocacy at the local, state, and national level. Furthermore, these reports serve to educate and inform the American public with respect to the challenges facing specific communities.

The annual reports of civil rights and advocacy organizations potentially provide more accurate data than federal hate crime statistics regarding the nature and extent of bias-motivated violence in certain parts of the United States. Studies from the Department of Justice suggest a majority of hate crime victimizations go unreported to law enforcement. There are various reasons why hate crime victims do not report incidents to police, including fear of retaliation, distrust in law enforcement, or the impression that law enforcement does not consider hate crime a priority. This contributes to a nationwide undercount in official hate crime statistics. However, the onus does not fall on victims to feel more comfortable reporting incidents to police. Rather it is the responsibility of the criminal justice system to improve trust between law enforcement and the communities they serve, prioritize hate crime, and ensure officers receive proper training, not only in reporting or investigating incidents, but also in serving diverse communities.

This aspect of criminal justice reform would facilitate improved hate crime statistics. Efforts more directly related to data collection are critical as well. Research indicates multiple cracks, or “breakdowns,” exist within the national hate crime reporting and data collection system, such that even when hate crime incidents are reported to police, those incidents are not reflected in official statistics. While it appears these breakdowns are more prevalent in particular states, the issue is systemic and therefore requires a comprehensive response. The federal government and American public rely on data collected under the Hate Crime Statistics Act to better understand the nature and extent of bias-motivated violence within the United States. The data promote an informed response to hate crime and effective resource allocation and assistance to impacted communities.

However, without accurate data, the goal of hate crime prevention is less attainable. In order to improve the data and furnish more reliable statistics, we must identify the limitations of our hate crime reporting and data collection system and develop solutions to mitigate the effect of systemic breakdowns. While this report is focused on anti-Arab hate crime in particular, our research and analysis demonstrate the limitations of our hate crime reporting and data collection system while identifying the breakdowns that often occur.

Our research and analysis of anti-Arab hate crime statistics rely on three principal data sources:

1. The FBI’s 2015-2016 editions of Hate Crime Statistics. This annual report is based on voluntary hate crime data submissions from participating law enforcement agencies. The FBI Crime Statistics Management Unit provided additional data related to the 2015-2016 reports;
2. State-level hate crime statistics published in annual reports from individual state UCR programs; and
3. Excel versions of 1991-2003 FBI Hate Crime Master Files, which contain records of raw data submitted from participating law enforcement agencies to the FBI UCR Program.
Between 1992 and 2015, Bias Motivation Code 31 (Anti-Arab) was rendered invalid in official UCR hate crime data collections. Prior to 2003, the FBI UCR Program accepted Code 31 submissions from participating law enforcement agencies. While the data are contained in Hate Crime Master Files, they are not reflected in official statistics for those years. Starting in 2003, all Code 31 submissions were rejected from UCR hate crime data collections. During this period, however, a number of state UCR programs published anti-Arab hate crime data in annual state-level statistics. The FBI UCR Program reintroduced Bias Motivation Code 31 (Anti-Arab) in 2015. As a result, participating law enforcement agencies can now submit anti-Arab hate crime data for publication in the FBI UCR Program's annual report, *Hate Crime Statistics*. A total of 88 anti-Arab hate crime incidents are recorded in the 2015-2016 editions of *Hate Crime Statistics*.

To inform our analysis of anti-Arab hate crime statistics, we compared the federal data with anti-Arab hate crime data recorded in state-level statistics for 2015 and 2016. These comparisons reveal significant discrepancies between federal and state-level statistics, with *Hate Crime Statistics* often recording fewer anti-Arab hate crime incidents in a particular state than are recorded in that state's annual hate crime report. This demonstrates one potential breakdown within the national hate crime reporting and data collection system. A second breakdown occurs when anti-Arab hate crimes are reported to police, and even prosecuted, but are never reflected in official statistics. The case studies in Part One present two instances conforming to this example. Part One also provides an example of a third breakdown, which occurs when a crime appears to contain a bias motivation but authorities do not treat the incident as such, either failing to record a bias motivation when reporting the incident or never opening a hate crime investigation. According to survey research from the Department of Justice, a majority of hate crime victimizations go unreported to law enforcement. This fourth potential breakdown is significant but not a focus of this report.

All four breakdowns compromise data quality and undermine the reliability of official hate crime statistics. With respect to anti-Arab hate crime in particular, the removal of Bias Motivation Code 31 (Anti-Arab) from UCR hate crime data collections in 1992 creates additional challenges to presenting an approximate understanding of anti-Arab hate crime in the United States. We can say with reasonable confidence that even when consulting multiple sources, including federal statistics, FBI Hate Crime Master Files, and state-level statistics, the incident totals provided in this report severely under represent the true nature and extent of anti-Arab hate crime in this country.
RATING THE RESPONSE

When we began researching for *Underreported, Under Threat* in September 2017, we had no intentions of publishing a supplemental resource guide. However, our research demonstrated the need for comprehensive hate crime reporting and data collection reform, and that a significant potential for improvement rests at the state level. As a clearinghouse for hate crime-related information pertaining to each state and the District of Columbia, *Rating the Response* is designed not only to educate and empower communities across the country, but to encourage informed policymaking as well.

A handful of civil rights and advocacy organizations monitor legislation relating to hate crime and provide accessible online resources for both victims and communities. Content is updated on a regular basis to reflect recent or pending developments, such as amendments to existing hate crime statutes or provisions for mandatory reporting and data collection. In recent years, organizations have also developed collaborative platforms to assist hate crime victims.

In response to the recent escalation of bias-motivated violence, a coalition of grassroots and national organizations launched an initiative to streamline resources to a wide range of communities, providing legal services, survivor assistance, counseling, relevant local contacts, and information on hate crime laws. For more on members of the Communities Against Hate initiative and related efforts, readers should consult Appendix C: Select Resources.

As perhaps the most comprehensive freestanding resource on state-level hate crime legislation, reporting, and data collection in the United States, *Rating the Response* is unprecedented in its breadth. Furthermore, our resource guide is the first publication to develop a rating system to rank, compare, and assess each state’s overall response to hate crime. While we have identified the various laws, policies, and programs designed to address hate crime in each state, the enforcement of such measures does not factor into our rating system. Our approach to *Rating the Response* is discussed in the following pages. Readers should take note of our rating methodology before turning to learn more about their state.

Rating Methodology
States are judged on a 100-point scale, with a perfect overall score denoting strong commitment to addressing and reporting hate crime. To achieve the highest rating, states must demonstrate the following:

- An inclusive hate crime statute.
- A mandatory hate crime reporting and data collection statute.
- A mandatory law enforcement training statute on hate crime.
- An annual hate crime report that includes Anti-Arab and Anti-Islamic (Muslim) hate crime statistics.
- Consistent participation in the FBI hate crime statistics program.

Only six states receive a perfect rating of 100, denoting a "Strong" response to hate crime. Those states are: CA, CT, IL, NJ, OR, WA.

The remaining states are organized based on their overall score into four additional categories: Moderate, Average, Limited, and Minimal.
RATING THE RESPONSE IN THE UNITED STATES

Figure 1: State Response to Hate Crime

- **STRONG (100)** - CA, CT, IL, MA, NJ, OR, WA
- **MODERATE (80-95)** - AZ, DC, IA, KY, ME, MD, MN, RI, TX
- **AVERAGE (55-75)** - CO, FL, HI, ID, LA, MI, MO, NE, NV, NH, NM, NY, OK, PA, TN, VT, VA
- **LIMITED (30-50)** - AL, AK, DE, IN, KS, MT, NC, ND, OH, SD, UT, WV, WI
- **MINIMAL (0-25)** - AR, GA, MS, SC, WY
**HATE CRIME STATUTE (40 POINTS)**

To achieve a perfect rating, a state must have an inclusive hate crime statute. A hate crime statute prohibits crimes committed because of certain protected characteristics. An inclusive hate crime statute offers protections for race, ethnicity or ancestry, religion, sexual orientation, disability, gender, and gender identity. These protections are virtually consistent with current federal law (18 U.S.C. § 249), which defines hate crime as an offense committed because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person.

**As of June 2018, 45 states have hate crime statutes.** Of these states, only 14 have inclusive hate crime statutes, with the remainder offering near-inclusive or limited protections. In some states, hate crime laws provide additional protections, such as for political affiliation, age, or homelessness.

In order to rank, compare, and assess each state’s overall response to hate crime, we designed our rating system to differentiate between states according to the protections offered in their hate crime statutes. In addition to an automatic 10 points, states with a hate crime statute receive 5 points for each protection offered in the statute. Therefore, a hate crime statute offering protections for race, ethnicity, or ancestry, religion, sexual orientation, disability, gender, and gender identity would receive 40 points. A hate crime statute with protections for race/ethnicity/ancestry, gender, and religion, but without protections for sexual orientation, disability, or gender identity, would receive 25 points.

While not criminal statutes, some states have civil laws that may be applicable to certain hate crime offenses. Additionally, a state may have a criminal statute that prohibits specific offenses against an individual’s civil rights. If a state does not have a hate crime statute, but does have a law permitting civil action on behalf of a hate crime victim, or a criminal statute that prohibits interference with civil rights, that state may be allocated a provisional 5 points.

According to our rating methodology, 14 states receive a perfect score of 40 points, indicating a criminal statute that offers inclusive protections for hate crime victims. Those states are: CA, CT, DE, HI, IL, MD, MN, MO, NV, NJ, NM, OR, VT, WA.

A total of 11 states receive a score of 35 points. These states have hate crime statutes offering all required protections but one. Of these states, nine have hate crime statutes without protections for gender identity. The remaining states, Colorado and Massachusetts, have hate crime statutes without protections for gender. The District of Columbia, which has a hate crime statute that offers protections for physical disability, but not mental disability, also receives 35 points.
To achieve a perfect rating, a state must have a mandatory reporting and data collection statute. A data collection statute requires a centralized state repository to collect hate crime data submissions from participating law enforcement agencies. A mandatory reporting and data collection statute requires law enforcement agencies to submit hate crime data to a centralized state repository, which is in turn required to collect, compile, or analyze that data and prepare statistics.

As of June 2018, 28 states have data collection statutes. Of these states, 23 have mandatory reporting and data collection statutes. An additional state, New Mexico, has a statute requiring law enforcement agencies to report hate crime incidents to the FBI. The New Mexico statute does not require state-level data collection.

In order to rank, compare, and assess each state’s overall response to hate crime, we designed our rating system to differentiate between states according to their data collection statutes. A state receives 15 points if it has a mandatory reporting and data collection statute. A state receives 5 points if it has a statute that requires data collection but not reporting, or vice versa.

According to our rating methodology, 23 states receive a perfect score of 15 points, indicating a statute that requires law enforcement reporting and data collection on hate crime. Those states are: AZ, CA, CT, FL, HI, ID, IL, IN, IA, KY, ME, MD, MA, MI, MN, NJ, OK, OR, PA, RI, TX, VA, WA.

A total of six states and the District of Columbia receive a score of 5 points. These states have statutes requiring either hate crime reporting or data collection, but not the other. The remaining states receive no points.

Figure 2: Data collection statutes in the United States
LAW ENFORCEMENT TRAINING STATUTE (15 POINTS)

To receive a perfect rating, a state must have a mandatory law enforcement training statute. A mandatory law enforcement training statute requires law enforcement training schools or academies to provide mandatory instruction relating to investigating or reporting hate crime incidents.

As of June 2018, 15 states have mandatory law enforcement training statutes. In most states, a designated agency is required by law to prescribe the curriculum for law enforcement academies or basic police training schools within the state. Therefore, even in states without a mandatory law enforcement training statute, hate crime might still be a topic of instruction at law enforcement training schools or academies. A total of seven states fit this description. In one additional state, Idaho, hate crime training materials have been distributed to all law enforcement departments within the state.

In order to rank, compare, and assess each state’s overall response to hate crime, we designed our rating system to differentiate between states according to their law enforcement training statutes. A state receives 15 points if it has a mandatory law enforcement training statute. A state without a mandatory law enforcement training statute may receive 5 points if other policies or programs seem to indicate that a majority of law enforcement officers in the state receive some type of hate crime training.

According to our rating methodology, 15 states receive a perfect score of 15 points, indicating a statute that requires law enforcement training schools or academies to provide mandatory instruction relating to investigating or reporting hate crime incidents. Those states are: AZ, CA, CT, IL, IA, KY, LA, ME, MA, MN, NJ, NM, OR, RI, WA.

A total of eight states and the District of Columbia receive a score of 5 points. These states have policies or programs to deliver hate crime training to a majority of law enforcement officers. The remaining states, even those for which we have identified some indication of state-sponsored hate crime training, receive no points.
To achieve a perfect rating, a state must publish an annual hate crime report that includes both anti-Arab and anti-Islamic (Muslim) hate crime statistics. An annual hate crime report is a statistical publication based on hate crime data submissions from reporting law enforcement agencies. Annual hate crime reports are often published in accordance with a state’s data collection statute. Anti-Arab and anti-Islamic (Muslim) hate crime statistics represent the number of hate crimes reported each year that law enforcement agencies determine are motivated because of bias against people of Arab descent or Muslims. Annual hate crime reports can be tabulated according to the number of incidents, offenses, victims, or offenders per aggregate or disaggregated bias motivation category. Aggregate bias motivation categories reflect the protections offered in a hate crime statute, such as disability or gender identity. Disaggregated bias motivation categories are more specific, referring to certain types of biases entailed in those protections, such as Anti-Physical Disability or Anti-Gender Non-Conforming. Anti-Arab and Anti-Islamic (Muslim) are disaggregated bias motivation categories within the aggregate categories of Race/Ethnicity/Ancestry and Religion.

As of June 2018, 37 states and the District of Columbia publish annual hate crime reports. Of these states, five publish annual hate crime reports that present hate crime data tabulated according to aggregate bias motivation categories, thus precluding anti-Arab or anti-Islamic (Muslim) hate crime statistics. A total of 24 states publish annual hate crime reports that include both anti-Arab and anti-Islamic (Muslim) hate crime statistics. The remaining nine states publish annual hate crime reports that include anti-Islamic (Muslim) hate crime statistics, but not anti-Arab hate crime statistics. Among the 24 states that publish anti-Arab hate crime statistics, 18 states present hate crime data tabulated according to all categories identified in Hate Crime Statistics. These states publish statistics in accordance with current UCR data collection standards.

In order to rank, compare, and assess each state’s overall response to hate crime, we designed our rating system to differentiate between states according to their annual hate crime reports. A state receives 10 points if it publishes an annual hate crime report, 5 additional points if that report includes anti-Islamic (Muslim) hate crime statistics, and another 5 points if the report also includes anti-Arab hate crime statistics. According to our rating methodology, 24 states receive a perfect score of 20 points, suggesting compliance with UCR data collection standards. Those states are: CA, CO, CT, HI, IL, IA, KY, MD, MA, MI, MO, MT, NE, NV, NH, NJ, NY, OR, PA, RI, SD, TN, TX, WA.

A total of nine states receive a score of 15 points, indicating annual reports with hate crime data tabulated according to disaggregated bias motivation categories. An additional four states and the District of Columbia receive a score of 10 points. These states publish reports with aggregate bias motivation categories. The remaining 13 states receive no points.

![Figure 4: Annual hate crime reports in the United States](image-url)
To achieve a perfect rating, a state must be a consistent FBI hate crime statistics participant. An FBI hate crime statistics participant is a state that submits hate crime data, in the form of incident reports or zero data, to the FBI Uniform Crime Reporting (UCR) Program for publication in the annual report, *Hate Crime Statistics*. A consistent FBI hate crime statistics participant is a state that has submitted hate crime data, in the form of both incident reports and zero data, in each of the last five reporting years. An incident report is a hate crime data submission referring to a single hate crime incident. Zero data is a hate crime data submission indicating that no hate crime incidents occurred within a jurisdiction during a particular reporting period.

In 2016, 49 states and the District of Columbia participated in the FBI hate crime statistics program by submitting hate crime data for publication in *Hate Crime Statistics*. Hawaii does not submit hate crime data to the FBI. For the reporting years 2012-2016, 47 states submitted at least one incident report per year. Mississippi failed to submit hate crime incident reports to the FBI in 2015. Wyoming failed to submit hate crime incident reports the previous year. By submitting only zero data, law enforcement agencies in Mississippi and Wyoming indicated that no hate crime incidents occurred within their states during those particular years. Based on data from the Bureau of Justice Statistics, media accounts, and reporting from leading civil rights and advocacy organizations, this is highly unlikely.

In order to rank, compare, and assess each state’s overall response to hate crime, we designed our rating system to differentiate between states according to their participation in the FBI hate crime statistics program. A state receives 10 points if it is a consistent FBI hate crime statistics participant.

According to our rating methodology, 47 states and the District of Columbia receive a perfect score of 10 points, indicating five continuous years of reporting at least one hate crime incident to the FBI. Hawaii receives no points, because it is not an FBI hate crime statistics participant. Mississippi and Wyoming receive no points, because they are not consistent FBI hate crime statistics participants.

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**Figure 5: FBI hate crime statistics participation in the United States**
OVERALL SCORING BREAKDOWN

To achieve a perfect rating, a state must meet the criteria identified in the preceding pages. To reiterate, those criteria include:

1. An inclusive hate crime statute.
2. A mandatory hate crime reporting and data collection statute.
3. A mandatory law enforcement training statute on hate crime.
4. An annual hate crime report that includes both anti-Arab and anti-Islamic (Muslim) hate crime statistics.
5. Consistent participation in the FBI hate crime statistics program.

Only six states receive a perfect rating of 100, denoting a "Strong" response to hate crime: CA, CT, IL, NJ, OR, WA.

The remaining states are organized based on their overall score into four additional categories. Some states receiving relatively high or near-perfect ratings, and others receiving relatively low or near-zero ratings. A plurality of states score somewhere in the middle, above 50 points, but not beyond a rating of 75.

Depending on a state’s individual rating, that state can receive one of five different classifications denoting its overall response to hate crime. In descending order, those classifications are: STRONG, MODERATE, AVERAGE, LIMITED, and MINIMAL.

STRONG – 6 states: CA, CT, IL, NJ, OR, WA.

MODERATE – 9 states: AZ, IA, KY, ME, MD, MA, MN, RI, TX.

AVERAGE – 17 states: CO, ID, FL, HI, LA, MI, MO, NE, NV, NH, NM, NY, OK, PA, TN, VT, VA.*

LIMITED – 13 states: AL, AK, DE, IN, KS, MT, NC, ND, OH, SD, UT, WV, WI.

MINIMAL – 5 states: AR, GA, MS, SC, WY.

*While the District of Columbia receives an overall score of 65 points according to our rating methodology, certain factors warrant conditional scoring. We have therefore allocated a conditional rating of 85, denoting a moderate response to hate crime. The justification for a conditional rating is provided in the District of Columbia’s individual profile.

The figure on the opposite page demonstrates the scoring breakdowns particular to each state. Readers should note that due to the nature of our rating methodology, states can achieve the same rating based on a combination of different scores. Such is the case for CO, MI, MO, NE, NM, PA, and VT, each of which receives an overall score of 70 points, denoting average commitment to addressing and reporting hate crime. While the seven states in question receive an identical rating, Fig. 6 demonstrates unique scoring breakdowns among them.

In Fig. 6, states are organized alphabetically in descending order based on overall score and are separated into the five classifications discussed above. Each criterion can be identified according to its own corresponding shade and hue.
Figure 6: Overall score breakdowns by state

- Hate Crime Statute (0-40)
- Data Collection Statute (0-15)
- Law Enforcement Training Statute (0-15)
- Annual Hate Crime Report (0-20)
- FBI Hate Crime Statistics Participant (0-10)