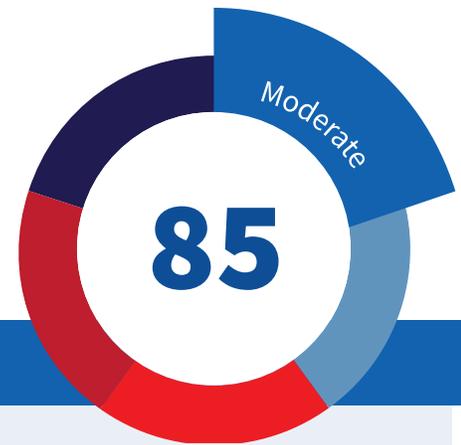


MARYLAND

Total population: 6,016,447

Rank of Arab American population by state: 13



1 anti-Arab hate crime incident was reported in MD in 2016.

Maryland is the 19th most populated state and has the 13th largest Arab American population.

The Maryland State Police (MSP), Central Records Division, is the state agency responsible for the collection and publication of hate crime data. According to the MSP, there was a single anti-Arab hate crime incident reported in Maryland in 2016.

HATE CRIME STATUTE

Md. Code, Crim. Law § 10-304 prohibits a person from committing or attempting to commit a crime against another person or their property because of their “race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another is homeless.”¹ Md. Code, Crim. Law § 10-306 provides enhanced penalties for any person who violates crimes listed under the hate crime statute.² Furthermore, Md. Code, Crim. Law § 10-307 permits increased sentencing for criminal offenses that violate the state’s hate crime statute.³

Pursuant to Maryland’s hate crime statute, sexual orientation is defined so as to include gender-related identity.

DATA COLLECTION STATUTE

Md. Code, Pub. Safety § 2-307 requires Maryland local law enforcement agencies to submit information about incidents “apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation” to the Department of State Police (MSP). Pursuant to Section 2-307, the MSP is required to collect, analyze, and report this information each month to the Commission on Civil Rights.⁴ Passed in 1981, Maryland’s hate crime data collection law is the first of its kind.⁵

LAW ENFORCEMENT TRAINING STATUTE

There is no Maryland statute that requires specific law enforcement training on hate crime. Pursuant to Md. Code, Pub. Safety § 3-207(a)(16), the curriculum and minimum standards for entry-level police training in Maryland must include “sensitivity to cultural and gender diversity,” in addition to “training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.”⁶

The Maryland Police Training and Standards Commission is responsible for the establishment of curricula and minimum courses of study at all police training schools within the state.⁷ Code of Maryland Regulations 12.04.01.09 defines the minimum

standards for entrance-level training for police officers.⁸ Those regulations, current to November 1, 2017, do not include training requirements on hate crime.

MARYLAND	
Hate Crime Statute 	40/40
No statute; civil action or civil rights law	-
Hate crime statute, with protections for:	10
Race/ethnicity/ancestry	5
Religion	5
Sexual orientation	5
Disability	5
Gender	5
Gender identity	5
Data Collection Statute 	15/15
Data collection (voluntary reporting)	-
Mandatory reporting and data collection	15
Law Enforcement Training Statute 	0/15
No statute; comprehensive training	-
Mandatory training	-
Annual Hate Crime Report 	20/20
Annual hate crime report, including:	10
Anti-Arab hate crime statistics	5
Anti-Islamic (Muslim) hate crime statistics	5
FBI Hate Crime Statistics Participant 	10/10
TOTAL	85

¹ Md. Code, Crim. Law § 10-304 (JUSTIA 2017), available at <https://law.justia.com/codes/maryland/2017/criminal-law/title-10/subtitle-3/section-10-304>.

² Md. Code, Crim. Law § 10-306 (JUSTIA 2017), available at <https://law.justia.com/codes/maryland/2017/criminal-law/title-10/subtitle-3/section-10-306>.

³ Md. Code, Crim. Law § 10-307 (JUSTIA 2017), available at <https://law.justia.com/codes/maryland/2017/criminal-law/title-10/subtitle-3/section-10-307>.

⁴ Md. Code, Pub. Safety § 2-307 (JUSTIA 2017), available at <https://law.justia.com/codes/maryland/2017/public-safety/title-2/subtitle-3/section-2-307>.

⁵ William G. Bailey, The Encyclopedia of Justice Science (1995), 350.

⁶ Md. Code, Pub. Safety § 3-207(a)(16) (JUSTIA 2017), available at <https://law.justia.com/codes/maryland/2017/public-safety/title-3/subtitle-2/section-3-207>.

⁷ Md. Code, Pub. Safety § 3-207(a)(5), *id.*

⁸ Md. Code Regs. 12.04.01.09, available at http://mdle.net/regs/PTC_General_Regulations_11-1-2017.pdf.

DATA COLLECTION & STATISTICS

Pursuant to Md. Code, Pub. Safety, § 2-307, and in cooperation with the Maryland Coordination and Analysis Center (MCAC), the MSP publishes an annual report on statewide hate crime statistics. The 2012-2016 editions of the *State of Maryland Hate/Bias Report* can be found on the MSP website.⁹

ANNUAL STATEWIDE HATE CRIME REPORT



State-level hate crime statistics published by the CRD include data on anti-Arab and anti-Islamic (Muslim) hate crime. The CRD tabulates hate crime data according to the number of incidents per disaggregated bias motivation category.

State of Maryland Hate/Bias Report includes data on both hate crime incidents and bias incidents, which are defined as “incidents reported by the victim(s) or the investigating law enforcement officer(s) when perceived to be motivated by hate or bias.”¹⁰ The data consists of verified, inconclusive, and unfounded incidents.

- ### ANTI-ARAB HATE CRIME STATISTICS

Anti-Arab hate crime statistics are provided in the 2011-2016 editions of *Maryland Hate/Bias Report*. According to the MSP, there was a single anti-Arab hate crime incident reported in Maryland in 2016. The report does not indicate whether the incident was verified, inconclusive, or unfounded.

- ### ANTI-ISLAMIC (MUSLIM) HATE CRIME STATISTICS

Anti-Islamic (Muslim) hate crime statistics are provided in the 2011-2016 editions of *Maryland Hate/Bias Report*. The 2015-2016 CRD reports suggest an escalation of hate crimes targeting American Muslims.

UNIFORM CRIME REPORTING (UCR)

By January 2021, the FBI Uniform Crime Reporting (UCR) Program will depend solely on the National Incident-Based Reporting System (NIBRS) to collect nationwide crime data.¹¹ This transition entails the sunset of summary-based crime reporting (SRS) and requires cooperation on the part of state UCR programs and individual reporting agencies.

The Maryland UCR program is one of 15 state programs that still rely exclusively on SRS data.¹² The Montgomery County Police Department achieved full NIBRS status in 2017 and now reports NIBRS data directly to the FBI.¹³ The Central Records Division began planning in 2015 and remains in the early stages of a state-level NIBRS transition.¹⁴ According to the Bureau of Justice Statistics, Maryland has received funding through the National Crime Statistics Exchange (NCS-X) Initiative.¹⁵

NIBRS reporting enables criminal justice agencies to acquire a better understanding of crime, including hate crime, occurring within their respective jurisdictions. This in turn has positive implications for effective law enforcement response and policy implementation.

CONTACT

Central Records Division
 Maryland State Police
 1711 Belmont Avenue
 Baltimore, Maryland 21244
 (410) 298-3444
 msp.ucr@maryland.gov

MARYLAND HATE/BIAS REPORT INCIDENTS (2000-2016)

Bias motivation	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16
Anti-Arab	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	0	1
Anti-Islamic (Muslim)	-	-	-	-	-	-	-	-	-	-	-	2	4	5	1	14	11
Anti-other race/ ethnicity/ancestry	-	-	-	-	-	-	-	-	-	-	-	4	6	5	2	5	9

According to supplemental data from the FBI, a single anti-Islamic (Muslim) hate crime incident was reported in Maryland in 2016. This total conflicts with MSP statistics. The CRD does not indicate which incidents are verified, inconclusive, or unfounded. Maryland law enforcement agencies submit hate crime data to the FBI UCR Program through the CRD.

FBI HATE CRIME STATISTICS (2015-2016)

Bias motivation	'15	'16
Anti-Arab	0	0
Anti-Islamic (Muslim)	1	1

⁹ Maryland Coordination and Analysis Ctr., Resources, <http://www.mcac.maryland.gov/resources>.

¹⁰ Maryland Coordination and Analysis Ctr., Maryland State Police, *State of Maryland 2016 Hate/Bias Report* (Sept. 27, 2017), available at http://www.mcac.maryland.gov/resources/State_of_Maryland_2016_Hate_Bias_Report_Final.pdf.

¹¹ CJIS Div., Fed. Bureau of Investigation, SRS to NIBRS: The Path to Better UCR Data, <https://www.fbi.gov/services/cjis/cjis-link/srs-to-nibrs-the-path-to-better-ucr-data>.

¹² Bureau of Justice Statistics, U.S. Dep’t of Justice, 2017 NCS-X Estimation Project (Jul. 27, 2017), available at <https://www.bjs.gov/content/pub/pdf/17ncsxep.pdf>.

¹³ Bureau of Justice Statistics, U.S. Dep’t of Justice, NIBRS Transition Report: Montgomery County Police Department (May 2017), available at <https://www.bjs.gov/content/pub/pdf/Case%20Study%20MCPD%205-18-17%20FINAL%20V6.pdf>.

¹⁴ *Id.*, at 4.

FBI HATE CRIME STATISTICS

Pursuant to the Hate Crime Statistics Act (HCSA) of 1990 the FBI UCR Program collects data on "crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation, or ethnicity."¹⁶

Since 1993, the FBI UCR Program has published the annual report, *Hate Crime Statistics*, which is based on voluntary submissions from participating law enforcement agencies. In 2016, agencies from 49 states and the District of Columbia participated in the national hate crime statistics program.

For the most part, hate crime data is collected at the state level and forwarded to the FBI UCR Program. A total of 48 states maintain a state-level UCR data collection. UCR programs in 38 states publish annual hate crime statistics. Some participating law enforcement agencies submit hate crime data directly to the FBI UCR program.¹⁷



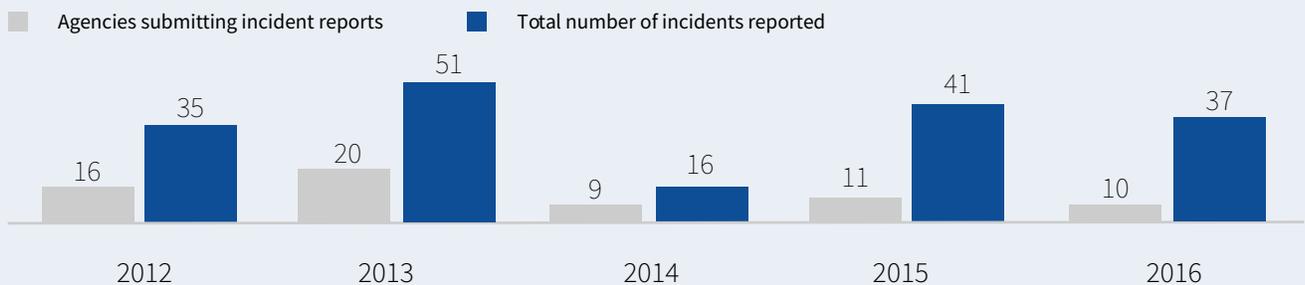
FBI HATE CRIME STATISTICS PARTICIPANT

Law enforcement agencies in Maryland submit hate crime data to the FBI UCR Program through the CRD. According to the FBI UCR Program's annual report, *Hate Crime Statistics*, 37 hate crime incidents were reported in Maryland in 2016.

In 2016, 10 of the 154 Maryland law enforcement agencies participating in the national hate crime statistics program submitted incident reports to the FBI UCR Program. Agencies representing four of the five largest cities in Maryland either did not participate in the national hate crime statistics program or submitted only zero data.

According to annual hate crime statistics published by the CRD, 285 hate/bias incidents, consisting of 93 verified incidents, were reported in Maryland in 2016. This total conflicts with the FBI UCR Program's annual report, *Hate Crime Statistics*, 2016. Discrepancies occur between state and federal hate crime statistics for 2012-2015 as well.

PARTICIPATION IN UCR HATE CRIME STATISTICS PROGRAM

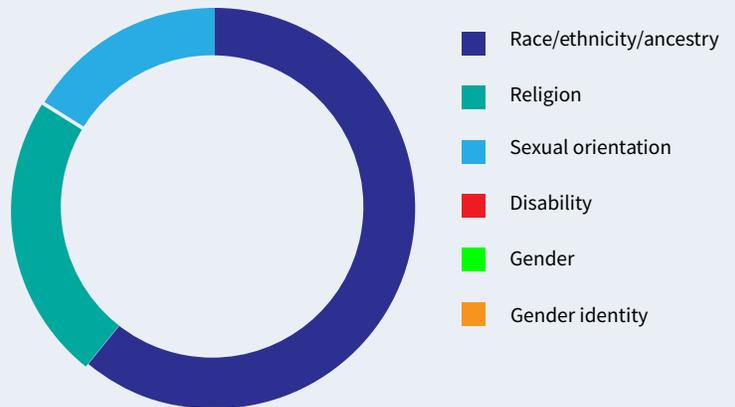


SUMMARY

Maryland has an inclusive hate crime statute. While Maryland has a statute that requires reporting and data collection, there is no state law regarding mandatory police training on hate crime. The Maryland State Police, Criminal Records Division, maintains the state clearinghouse for all police-reported crime data, including hate crime and hate/bias incidents. In conjunction with the State Police, the Maryland Coordination and Analysis Center publishes an annual report on hate crime and other incidents perceived to contain an element of bias. The 2012-2016 editions of the *Maryland Hate/Bias Report* can be found on the MCAC website and include both anti-Arab and anti-Islamic (Muslim) hate/bias statistics. In 2016, 10 Maryland law enforcement agencies submitted hate crime incident reports to the FBI UCR Program. The remaining 144 participating agencies provided only zero data. A total of 8 participating agencies recorded blank data in at least one quarterly submission period. Maryland receives an overall score of 85 points, denoting a moderate response to hate crime.

FBI HATE CRIME STATISTICS: MARYLAND 2012-2016

Incidents per bias motivation	2012	2013	2014	2015	2016	Total
Race/ethnicity/ancestry	24	29	12	22	24	111
Religion	4	15	2	14	7	42
Sexual orientation	7	7	2	7	6	29
Disability	0	0	0	0	0	0
Gender	-	0	0	0	0	0
Gender identity	-	0	0	0	0	0
Total	35	51	16	43	37	182



¹⁶ 28 U.S.C. § 534 (JUSTIA 2016), available at <https://law.justia.com/codes/us/2016/title-28/part-ii/chapter-33/sec.-534>.

¹⁷ Uniform Crime Reporting Program, Fed. Bureau of Investigation, Data Quality Guidelines, https://ucr.fbi.gov/data_quality_guidelines.

ADVOCACY RESOURCES - Maryland

IMPROVING THE RESPONSE

Most states have failed to enact sufficient legislation to address, prevent, and counteract hate crime in American communities. To accompany our federal hate crime laws, state legislatures must pass the following:

1. **An inclusive hate crime statute**, which covers a wide range of criminal offenses and provides enhanced penalties for crimes motivated because of citizenship status, race, ethnicity, color, disability, age, ancestry or national origin, gender or gender identity, sexual orientation, religion, or homelessness. Such protections are pursuant to model hate crime legislation drafted by the Arab American Institute. According to the model statute, penalty enhancement may incorporate alternatives to fines or increased prison sentences. Alternatives include restitution for victims and communities, participation in educational programs, and restorative justice.
2. **Statutes that require reporting, data collection, and specific law enforcement training on hate crime.** Centralized state agencies must publish comprehensive, accessible statistics on the nature and extent of hate crime occurring within their state. These statistics must conform to national UCR standards and include the bias motivation categories identified in the FBI's annual report, *Hate Crime Statistics*. States must also require law enforcement training schools to provide comprehensive training to ensure that officers are prepared to investigate, report, and respond to hate crime incidents.

STATE RECOMMENDATIONS

According to our rating methodology, Maryland receives an overall score of 85, denoting a moderate response to hate crime. Advocates for an improved response to hate crime in Maryland should promote the following:

1. The current Maryland hate crime statute offers protections for race, color, religious beliefs, sexual orientation, which is defined so as to include gender identity, disability, national origin, and homelessness. **The Maryland hate crime statute should be amended** to include protections for citizenship status, ethnicity, age, ancestry, or association with a person or group with one of these actual or perceived characteristics.
2. Of the 154 Maryland law enforcement agencies participating in the national hate crime statistics program, only 10 agencies submitted incident reports for *Hate Crime Statistics, 2016*. Maryland must transition to the National Incident-Based Reporting System to facilitate hate crime reporting and data collection. By January 2021, all law enforcement agencies in the United States will be required to report crime information through the NIBRS.
3. Maryland state code does not require specific law enforcement training on hate crime. The Maryland Police Standards Commission must establish minimum courses of study relating to investigating and reporting hate crime incidents in all police training schools within the state. As required by law, curriculum and minimum standards for entry-level police training in Maryland must already include instruction relating to cultural and gender diversity.

STATE CONTACTS

Advocates for an improved response to hate crime in Maryland should contact current state legislators and members of Congress.

Maryland General Assembly

Contact: (410) 841-3700

Both Chambers: <http://mgaleg.maryland.gov>

United States Senate

Contact: Maryland

<https://www.senate.gov/senators/contact>

United States House of Representatives

Directory of Representatives: Maryland

<https://www.house.gov/representatives#state-maryland>