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Summary Reporting System

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National Incident-Based Reporting System

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# Hate Crime Data Collection Guidelines

**Uniform Crime Reporting**

Revised October 1999

# HATE CRIME DATA COLLECTION GUIDELINES

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# HATE CRIME DATA COLLECTION GUIDELINES

## I. BACKGROUND

### A. Legislative Mandate to Report Hate Crimes

In response to a growing concern about hate crimes, on April 23, 1990, Congress enacted the Hate Crime Statistics Act of 1990 (hereafter The Act). The Act requires the Attorney General to establish guidelines and collect, as part of the Uniform Crime Reporting (UCR) Program, data “about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder and non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.” Hate crime data collection was required by The Act to begin in calendar year 1990 and continue for four succeeding years. Responsibilities of the Attorney General under The Act were delegated to the Director of the FBI. The FBI’s UCR Program was assigned the task of developing the procedures for and managing the implementation of the collection of hate crime data. In September 1994, the Violent Crime Control and Law Enforcement Act amended the Hate Crime Statistics Act to add disabilities, both physical and mental, as factors that could be considered a basis for hate crimes. Although The Act originally mandated data collection for five years, the Church Arson Prevention Act of 1996 amended the collection duration “for each calendar year,” making hate crime statistics a permanent addition to the UCR Program. The Act, as amended, appears in Appendix I.

### B. Developing a Collection Approach

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

**1. The hate crime collection is an adjunct to the UCR collection.** — Hate crimes are not separate, distinct crimes, but rather traditional offenses motivated by the offender’s bias. For example, an offender may commit arson because of his/her racial bias. It is, therefore, unnecessary to create a whole new crime category. To the contrary, hate crime data can be collected by merely capturing additional information about offenses already being reported to UCR.

**2. The types of bias motivation to be reported are limited.** — There are, of course, many kinds of bias. Some of the more common kinds are those against race, religion, disability, sexual orientation, or ethnicity/national origin. But, there are also biases against rich people, poor people, men who wear long hair and/or beards, people who dress oddly, smokers, drinkers, people with diseases such as AIDS, motorcycle gangs, rock musicians, etc. The types

of bias to be reported to the FBI's UCR Program are limited to those mandated by the enabling Act and its subsequent amendments, i.e., bias based on "race, religion, disability, sexual orientation, or ethnicity." Because in the UCR Program, *ethnicity* has been limited to whether a person is or is not Hispanic, the term *ethnicity/national origin* was adopted to denote a broader meaning. (The definition of an ethnicity/national origin bias can be found below.)

Although there were no comprehensive statistics on the incidence of hate crimes, the limited statistics gathered in existing local and state hate crime programs indicated that the number of hate crimes reported annually throughout the United States should not constitute a major reporting burden. Hate crime reporting should not, therefore, require large new commitments of personnel and other resources by local, state, and federal UCR data contributors.

## II. DEFINITIONS

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

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

**Bias Crime**—A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

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

**Bisexual**—(adjective) Of or relating to persons who experience sexual attraction toward and responsiveness to both males and females; (noun) a bisexual person.

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

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

**Ethnicity/National Origin Bias**—A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions, e.g., Arabs, Hispanics.

**Gay**—(adjective) Of or relating to males who experience a sexual attraction toward and responsiveness to other males; (noun) a homosexual male.

**Hate Crime**—Bias Crime.

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

**Heterosexual**—(adjective) Of or relating to persons who experience a sexual attraction toward and responsiveness to members of the opposite sex; (noun) a heterosexual person.

**Homosexual**—(adjective) Of or relating to persons who experience a sexual attraction toward and responsiveness to members of their own sex; (noun) a homosexual person.

**Lesbian**—(adjective) Of or relating to females who experience a sexual attraction toward and responsiveness to other females; (noun) a homosexual female.

**National Incident-Based Reporting System (NIBRS)**—A unit-record reporting system which is being implemented to replace the traditional UCR Summary Reporting System (SRS). NIBRS provides for expanded collection and reporting of offenses and arrests and their circumstances.

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

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

**Sexual-Orientation Bias**—A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex, e.g., gays, lesbians, heterosexuals.

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

### III. CRITERIA OF HATE CRIME

#### A. Bias Motivation

The object of the data collection is to indicate whether the offender was motivated to commit the offense because of his/her bias against a racial, religious, disability, sexual-orientation, or ethnic/national origin group. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The specific types of bias to be reported follow:

##### Racial Bias:

- Anti-White
- Anti-Black
- Anti-American Indian/Alaskan Native
- Anti-Asian/Pacific Islander
- Anti-Multi-Racial Group

##### Religious Bias:

Lesbian)

- Anti-Jewish
- Anti-Catholic
- Anti-Protestant
- Anti-Islamic (Moslem)
- Anti-Other Religion (Buddhism, Hinduism, Shintoism, etc.)
- Anti-Multi-Religious Group
- Anti-Atheism/Agnosticism

##### Disability Bias:

- Anti-Physical Disability
- Anti-Mental Disability

##### Sexual-Orientation Bias:

- Anti-Male Homosexual (Gay)
- Anti-Female Homosexual (Lesbian)
- Anti-Homosexual (Gay and

Anti-Heterosexual

Anti-Bisexual

##### Ethnicity/National Origin Bias:

- Anti-Hispanic
- Anti-Other Ethnicity/National Origin

#### B. Objective Evidence that the Crime was Motivated by Bias

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

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

**1.** The offender and the victim were of different race, religion, disability, sexual orientation, and/or ethnicity/national origin. For example, the victim was black and the offender was white.

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

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

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

**5.** The victim is a member of a racial, religious, disability, sexual-orientation, or ethnic/national origin group which is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place. This factor loses significance with the passage of time; i.e., it is most significant when the victim first moved into the neighborhood and becomes less and less significant as time passes without incident.

**6.** The victim was visiting a neighborhood where previous hate crimes were committed against other members of his/her racial, religious, disability, sexual-orientation, or ethnic/national origin group and where tensions remained high against his/her group.

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

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

**9.** The victim was engaged in activities promoting his/her race, religion, disability, sexual orientation, or ethnicity/national origin. For example, the victim was a member of the NAACP or participated in gay rights demonstrations.

**10.** The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, sexual orientation, or ethnicity/national origin, e.g., Martin Luther King Day, Rosh Hashanah.

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

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

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

14. The victim, although not a member of the targeted racial, religious, disability, sexual-orientation, or ethnic/national origin group, was a member of an advocacy group supporting the precepts of the victim group.

### C. Cautions

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

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

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

**4. Offender's Mistaken Perception** — Even if the offender was mistaken in his/her belief that the victim was a member of a racial, religious, disability, sexual-orientation, or ethnic/national origin group, the offense is still a hate crime as long as the offender was motivated by bias against that group. For example, a middle-aged, non-gay man walking by a bar frequented by gays was attacked by six teenagers who mistakenly believed the victim had left the bar and was gay. Although the offenders were wrong on both counts, the offense is a hate crime because it was motivated by the offenders' anti-gay bias.

**5. Changes in Findings of Bias** — If, after an initial incident report was submitted, a contrary finding regarding bias occurs, the national file must be updated with the new finding. For example, if an initial finding of no bias was later changed to racial bias or a finding of racial bias was later changed to religious bias, the change should be reported to the FBI's UCR Program.

#### **IV. EXAMPLES**

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

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

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

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

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

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

**G.** Six black men assaulted and seriously injured a white man and his Asian male friend as they were walking through a residential neighborhood. Witnesses said that the victims were attacked because they were trespassing in a “black” neighborhood. An Anti-Multi-Racial Group bias incident should be reported because the victims and offenders were of different races, and witnesses reported that the victims were attacked because they were not black.

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

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

## **V. SUBMITTING HATE CRIME DATA TO THE FBI’S UCR PROGRAM**

There are two (2) formats for reporting hate crime data to the FBI’s UCR Program—the Quarterly Hate Crime Report and a hate crime data element for NIBRS participants.

### **A. Quarterly Hate Crime Report**

The Quarterly Report is to be submitted in addition to other UCR Program requirements; i.e., the offenses which are reported using the form must also be reported in accordance with the requirements of the SRS or NIBRS, depending on which system is applicable.

**1. Who submits Quarterly Hate Crime Reports?** — Those who submit Quarterly Hate Crime reports are (a) agencies participating in the SRS, and (b) agencies participating in NIBRS that are not ready to include the hate crime data element in their submissions.

**2. How are the data transmitted?** — (a) Agencies may submit hardcopy forms; (b) State UCR Programs which transmit agencies' data may obtain magnetic tape specifications from the UCR Program in order to include hate crime data as part of their regular submissions, either summary or NIBRS, if the hate crime data element has not yet been incorporated; or (c) individual agencies or state UCR Programs using personal computers for the collection and storage of hate crime data may obtain floppy disk specifications from the FBI's UCR Program for the purpose of submitting data.

**3. What does the Quarterly Report look like?** — A sample of the form titled Quarterly Hate Crime Report is included in Appendix II. It consists of a quarterly summary report and an incident report for each bias incident.

**4. What offenses are to be reported?** — The form is to be used to report the following offense categories:

- Murder and Nonnegligent Manslaughter
- Forcible Rape
- Robbery
- Aggravated Assault
- Burglary
- Larceny-theft
- Motor Vehicle Theft
- Arson
- Simple Assault
- Intimidation
- Destruction, Damage, or Vandalism of Property

The definitions of these offenses for SRS purposes can be found in Appendix III.

**5. Additional Instructions** — The following additional instructions are applicable to agencies submitting Quarterly Reports:

**a. Simple Assault and Intimidation** — In the SRS, Simple Assault and Intimidation are not reported separately. Both are reported on the Return A-Monthly Return of Offenses Known to the Police form as Other Assaults-Simple, Not Aggravated. For the purpose of hate crime reporting, SRS agencies should report Simple Assault and Intimidation separately using the definitions found in Appendix III.

**b. Destruction, Damage, or Vandalism of Property** — In the SRS, Destruction, Damage, or Vandalism of Property are reported only when arrests occur. They are then reported on the appropriate Age, Sex, and Race of Persons Arrested form for persons either under 18 years of age or 18 years of age and over. Vandalism is reported on the forms as Vandalism, but Destruction of Property and Damage to Property may be reported as either Vandalism or All Other Offenses, depending on the facts of the case. However, all three should be reported on the hate crime reporting form as Destruction/Damage/Vandalism of Property regardless of whether arrests have taken place. The offense is defined in Appendix III.

**c. Nonapplicability of the Hierarchy Rule** — In the SRS under the Hierarchy Rule, only the most serious Part I offense in a multiple-offense incident is to be reported. However, for hate crime reporting purposes, all of the offenses listed in number 4 above which were identified as bias motivated and occurred during the incident should be reported on the hate crime reporting form.

**d. Multiple-page Submission** — Should it become necessary to submit multiple pages for one incident in order to list more than six (6) different offenses, the FBI's UCR Program will relate the pages by the common incident number and "Page \_\_ of \_\_" designation.

**e. UCR Offense and Code Segment** — The number of victims involved in each offense code where bias/hate motivation has been determined should be listed.

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

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

**f. Updating** — For updating purposes, a copy of the report should be retained by the agency. Corrections/updates should be accomplished by submitting a photocopy of the original form with changes shown and "adjustment" marked at the top or by sending a corrected Incident Report on either the disk or tape submission. Incidents can be deleted by simply identifying them on the Quarterly Summary Page.

## **B. NIBRS Hate Crime Reporting**

**1. Who submits hate crime data in the NIBRS format?** — Agencies participating in NIBRS which are able to include the hate crime data element in their magnetic tape submissions contribute their data in the NIBRS format.

**2. How are the data transmitted?** — The data element addressing Bias Motivation has been incorporated with the other NIBRS data which are all submitted on magnetic tape as an integral part of NIBRS participation. Quarterly Reports are not necessary for NIBRS participants.

**3. Where should the hate crime data element be located on the magnetic tapes?** — It should be entered at the end of the Offense Segment (Level 2).

**4. To which offenses does the hate crime data element apply?** — The hate crime data element applies to all Group “A” offenses. They are listed below. (The numbers in parentheses are UCR Offense Codes.)

Arson (200)

Assault Offenses:

Aggravated Assault (13A)

Simple Assault (13B)

Intimidation (13C)

Bribery (510)

Burglary/Breaking and Entering (220)

Counterfeiting/Forgery (250)

Destruction/Damage/Vandalism of Property (290)

Drug/Narcotic Offenses:

Drug/Narcotic Violations (35A)

Drug/Equipment Violations (35B)

Embezzlement (270)

Extortion/Blackmail (210)

Fraud Offenses:

False Pretenses/Swindle/Confidence Game (26A)

Credit Card/Automated Teller Machine Fraud (26B)

Impersonation (26C)

Welfare Fraud (26D)

Wire Fraud (26E)

Gambling Offenses:

- Betting/Wagering (39A)
- Operating/Promoting/Assisting Gambling (39B)
- Gambling Equipment Violations (39C)
- Sports Tampering (39D)

Homicide Offenses:

- Murder and Nonnegligent Manslaughter (09A)
- Negligent Manslaughter (09B)
- Justifiable Homicide (09C)

Kidnaping/Abduction (100)

Larceny/Theft Offenses:

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

Motor Vehicle Theft (240)

Pornography/Obscene Material (370)

Prostitution Offenses:

- Prostitution (40A)
- Assisting or Promoting Prostitution (40B)

Robbery (120)

Sex Offenses, Forcible:

- Forcible Rape (11A)
- Forcible Sodomy (11B)
- Sexual Assault With An Object (11C)
- Forcible Fondling (11D)

Sex Offenses, Nonforcible:

- Incest (36A)
- Statutory Rape (36B)

Stolen Property Offenses (280)

Weapon Law Violations (520)

The definitions of these offenses for NIBRS purposes can be found in Appendix III.

**5. What is the hate crime data element's number?** — Data Element 8A: This data element should be used to flag offenses which were motivated by the offender's bias. Designated in NIBRS as Data Element 8A, it should be added as a Mandatory for each of the offenses of NIBRS Volumes 1: *Data Collection Guidelines* and Volume 4: *Error Message Manual* for which hate crime applies.

**Bias Motivation - 2 Characters (A):** This data element indicates whether the offender was motivated to commit the offense because of his/her bias against a race, religion, disability, sexual orientation, or ethnicity/national origin. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The most appropriate of the following codes is to be entered into the data element:

Racial Bias:

- 11 = Anti-White
- 12 = Anti-Black
- 13 = Anti-American Indian/Alaskan Native
- 14 = Anti-Asian/Pacific Islander
- 15 = Anti-Multi-Racial Group

Religious Bias:

- 21 = Anti-Jewish
- 22 = Anti-Catholic
- 23 = Anti-Protestant
- 24 = Anti-Islamic (Moslem)
- 25 = Anti-Other Religion (Buddhism, Hinduism, Shintoism, etc.)
- 26 = Anti-Multi-Religious Group
- 27 = Anti-Atheist/Agnostic

Ethnicity/National Origin Bias:

- 32 = Anti-Hispanic
- 33 = Anti-Other Ethnicity/National Origin

**Sexual-Orientation Bias:**

- 41 = Anti-Male Homosexual (Gay)
- 42 = Anti-Female Homosexual (Lesbian)
- 43 = Anti-Homosexual (Gay and Lesbian)
- 44 = Anti-Heterosexual
- 45 = Anti-Bisexual

**Disability Bias:**

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

**None/Unknown [NIBRS Magnetic Tape Submissions Only]:**

- 88 = None (no bias)
- 99 = Unknown (offender's motivation not known)

**Note:** In NIBRS, incidents which do not involve any facts indicating bias motivation on the part of the offender are to be coded as 88 = None, while incidents involving ambiguous facts (i.e., where some facts are present but are not conclusive) should be coded 99 = Unknown. Agencies that do not report through NIBRS should not submit hardcopy reports for either type of incident.

## APPENDIX I

### HATE CRIME STATISTICS ACT (AS AMENDED, 28 USC § 534)

§ “[Sec. 1.] (a) This Act may be cited as the ‘Hate Crime Statistics Act’.

“(b)

(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

“(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

“(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation.

As used in this section, the term ‘sexual orientation’ means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act [5 USCS §§ 551 et seq. or 28 USCS § 1651].

“(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

“(5) The Attorney General shall publish an annual summary of the data acquired under this section.

“(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 2002.

“Sec. 2. (a) Congress finds that —

“(1) the American family life is the foundation of American Society,

“(2) Federal policy should encourage the well-being, financial security, and health of the American family,

“(3) schools should not de-emphasize the critical value of American family life.

“(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.”



**APPENDIX II**

**INSTRUCTIONS AND**  
**HATE CRIME REPORTING FORMS**



## QUARTERLY HATE CRIME REPORT Offenses Known to Law Enforcement

Form Approved  
OMB No. 1110-0015  
Approved through 5/31/97

### Summary Page

This report is authorized by Title 28, Section 534, U.S. Code, and the Hate Crime Statistics Act of 1990. Your cooperation in using this form to report hate crimes known to your department will assist the FBI in compiling comprehensive and accurate data regarding incidence and prevalence of Hate Crime throughout the Nation. Please submit this report on a quarterly basis, by the 15th day after the close of the quarter, to Federal Bureau of Investigation, Criminal Justice Information Services Division, Attention: Uniform Crime Reports/Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306.

City _____		County _____		State _____	
Name of Agency _____			Name of Identifier _____		
Name of Preparer _____			Title _____		
Quarter and Year of Report: January-March <input type="checkbox"/>		April-June <input type="checkbox"/>			
July-September <input type="checkbox"/>		October-December <input type="checkbox"/>			
Year _____					
Total number of incidents reported in this quarter _____					
If there were no hate crimes in this quarter, check this box. <input type="checkbox"/>					

Deletion of incident(s) previously reported [Applicable only for deletion of entire incident(s)].

**Incident Number**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Date of the Incident**

Month	Day	Year			

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Month	Day	Year			

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Month	Day	Year			

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Month	Day	Year			

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Month	Day	Year			

**NOTE:** Public reporting for this collection of information is estimated to average .17 hours per response, including the time for reviewing. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to, Federal Bureau of Investigation, CJIS, ATTN: Uniform Crime Reports, 1000 Custer Hollow Road, Clarksburg, WV 26306; and to the Office of Information and Regulatory Affairs, OMB Number 1110-0015, Office of Management and Budget, Washington, D.C. 20503.

## **INSTRUCTIONS FOR PREPARING QUARTERLY HATE CRIME AND HATE CRIME INCIDENT REPORT**

### **GENERAL**

This report is separate from and in addition to the routine Summary UCR submission and the Hierarchy Rule does not apply. Also, in the Summary UCR system, the offenses of Intimidation and Destruction/Damage/Vandalism of Property are reported only when arrests occur. On this form, all are to be reported when they have been determined to have occurred and are bias-motivated, regardless of whether arrests have taken place. Refer to the Hate Crime Reporting Guidelines for additional information, clarification, and explanation.

### **SUMMARY PAGE**

1. At the end of each calendar quarter, a single Summary Page, along with an individual Incident Report for each hate-motivated incident identified during the quarter (if any), should be jointly submitted. If none occurred, submit only the Summary Page.
2. The Summary Page should be used to identify your agency, to state the number of hate-related incidents being reported for the calendar quarter, and to delete any incidents previously reported which were determined during the reporting period not to be hate related.

### **HATE CRIME INCIDENT REPORT**

3. The Incident Report should be used to report initially a hate-related incident or to adjust information in a previously reported incident.
4. Provide an identifying incident number which preferably will be your "case" or "file" number.
5. Provide codes for all offenses within the incident determined to be hate related and the number of victims for each such offense. In multiple offense incidents, report only those offenses determined to be hate related. Should more than six offenses be involved in one incident, use additional Incident Reports and make appropriate entries in the page " of " portion of the form.
6. Provide the most appropriate location for each hate-related offense.
7. Provide the nature of the hate/bias motivation for each hate-related offense
8. Provide the victim type for each offense identified within the hate-related incident.
9. Where the victim type is an "individual," indicate the total number of individual victims (persons) involved in the incident irrespective of the number of offenses in which they were involved.
10. Provide the number of offenders, if known, or report that such is unknown.
11. Provide the suspected offender's race, if known. If there was more than one offender, provide the race of the group as a whole.
12. Include on separate paper any additional comments/information you feel will add clarity to the report. (optional)



## INSTRUCTIONS FOR PREPARING QUARTERLY HATE CRIME AND HATE CRIME INCIDENT REPORT

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## APPENDIX III

### OFFENSE DEFINITIONS

#### Summary Reporting System

**Murder and Nonnegligent Manslaughter**—The willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded. Justifiable homicides are limited to: (1) the killing of a felon by a law enforcement officer in the line of duty; and (2) the killing of a felon, during the commission of a felony, by a private citizen.

**Forcible Rape**—The carnal knowledge of a female forcibly and against her will. Included are rapes by force and attempts or assaults to rape. Statutory offenses (no force used—victim under age of consent) are excluded.

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

**Aggravated Assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

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

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

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

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

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

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

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

## National Incident-Based Reporting System

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Homicide Offenses (continued)**

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

**Negligent Manslaughter**—The killing of another person through negligence.

**Justifiable Homicide (Not a Crime)**—The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.

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

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

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

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

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

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

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

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

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

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

**Motor Vehicle Theft**—The theft of a motor vehicle.

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

**Prostitution Offenses**—To unlawfully engage in or promote sexual activities for profit.

## **Prostitution Offenses (continued)**

**Prostitution**—To unlawfully engage in sexual relations for profit.

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

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

**Sex Offenses, Forcible**—Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**Forcible Rape**—(Except "Statutory Rape") The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Forcible Sodomy**—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Forcible Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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

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

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

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

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