OSCE ODIHR
HATE CRIME REPORTING

Information contained in this report was compiled as part of ODIHR's 2021 Hate Crime Report.
For more information, including on previous years' reporting, please visit: hatecrime.osce.org/united-states-america

For more information about ODIHR's Hate Crime Report, visit: hatecrime.osce.org/our-methodology

1 2021

Summary

The United States regularly reports hate crime data to ODIHR. The United States publishes hate crime data annually.

Following a 2021 review by the Federal Bureau of Investigation (FBI), hate crimes were included in the top-level category of priorities (Band 1 National Threat Priority), resulting in an increase in resources allocated to tackling hate crimes. By partnering with the national Hate Crime Coalition, the FBI consults closely with civil society organizations (CSOs), including to develop and update the FBI Hate Crime Data Collection Guidelines and training materials.

In 2020, the Department of Justice issued a comprehensive "Law Enforcement Roundtable Report on Hate Crimes", setting forth key recommendations and action steps to combat hate crime.

Hate crime data collection in the United States
Hate crime victim support in the United States
Hate crime capacity building in the United States
The United States's hate crime legislation

ODIHR's Key Observation

ODIHR recognizes the United States' efforts in reviewing governmental strategies to address hate crime as well as particular efforts to address hate crime targeting persons of Asian descent during the COVID-19 pandemic. However, based on the available information, it observes that since 2018, the United States has not reported data on hate crimes recorded by prosecution and judiciary to ODIHR. In addition, ODIHR observes that the United States would benefit from ensuring that hate crimes are addressed in a comprehensive manner, including by introducing a coordination mechanism.

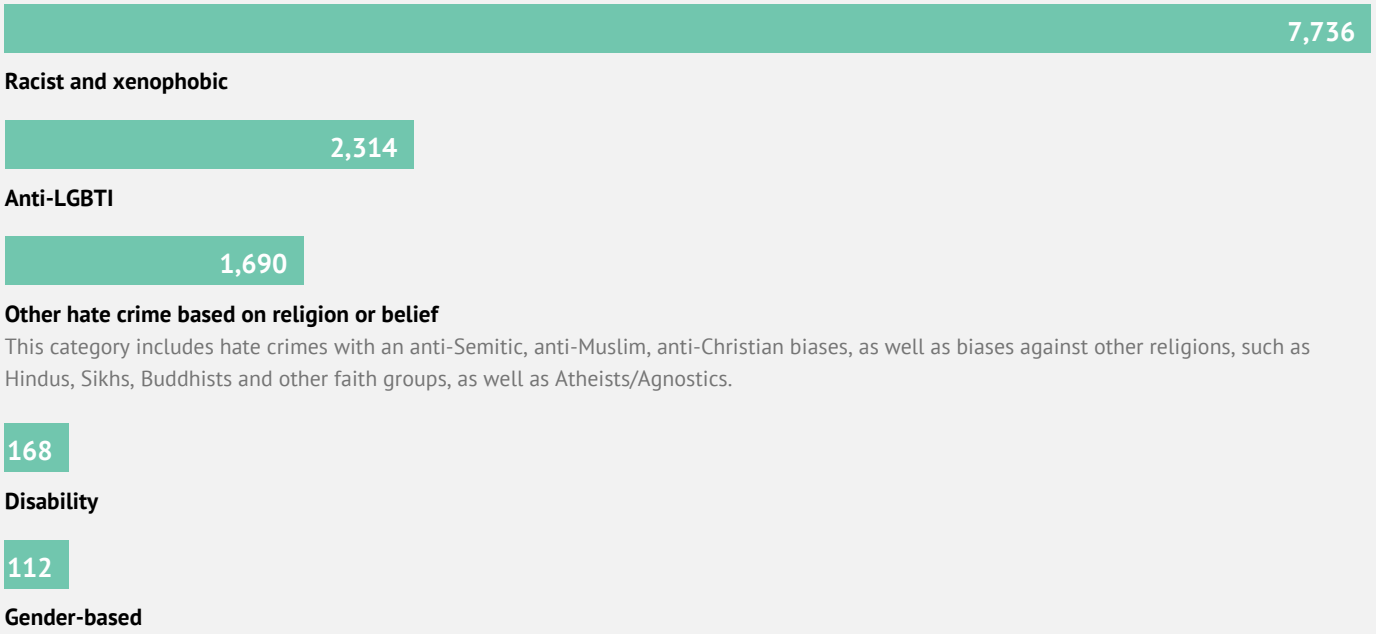
Official Data

The FBI reports data collected from several thousand law enforcement agencies on both "incidents" and offences, of which only the latter are presented here. The data is based on the Supplemental Hate Crime Statistics for 2021 (published in March 2023). The vast majority of hate crimes in the United States are prosecuted at the state and local levels, for which no figures are available. Prosecution and sentencing records were not reported to ODIHR.

Year	Hate crimes recorded by police	Prosecuted	Sentenced
2021	12,411	not available	not available

Police data by bias motivation

The breakdown below refers only to offences with one recorded bias motivation. An additional 391 offences committed with two or more bias motivations were reported but are not presented here.



Police data by type of crime

The breakdown below refers only to offences with one recorded bias motivation. An additional 391 offences committed with two or more bias motivations were reported but are not presented here.



Physical assault

This category includes aggravated and simple assaults.



Threats/ threatening behaviour

This category consists of cases of intimidation.



Damage to property

This category consists of cases of destruction, damage, vandalism and other crimes against property.



Theft/ robbery

This category includes cases of theft and motor vehicle theft.



Unspecified crime type

This category includes other crimes against persons and other crimes against society, such as gambling, drug violations or prostitution.



Arson



Sexual assault

This category includes rape.



Homicide

This category includes murders and non-negligent manslaughter.

National Developments

In 2021, the **Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program** finalized the process of transitioning all federal, state, local and tribal law enforcement agencies nationwide to the National Incident-Based Reporting System (NIBRS). The NIBRS captures details about every crime incident – as well as about separate offences within the same incident – including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes. Unlike data reported through the UCR Program's Summary Reporting System (SRS) – an aggregate monthly tally of crimes – the NIBRS goes much deeper due to its ability to provide details on the circumstances and context for crimes, including the location, time of day, and whether the incident was cleared.

On 30 June 2021, the **FBI** launched a National Anti-hate Crimes Campaign involving all 56 FBI field offices to encourage reporting. The campaign includes outdoor advertising, billboards, and radio streaming in addition to social media.

In July 2021, the **FBI Criminal Justice Information Services (CJIS) Division** launched the Hate Crimes Explorer page on the Crime Data Explorer (CDE) Website. The CDE is an interactive tool that enables law enforcement and the public to use and more easily understand the massive amounts of Uniform Crime Reporting (UCR) data currently collected and published by the FBI UCR Program. Deploying hate crime data to the CDE will help to increase the transparency of hate crime data across the country. The CDE includes hate crime statistics from 1991 and allows users to view the statistics by state or by individual law enforcement agency. The CDE also has a feature that compiles and displays tables and charts for a one-year, two-year, five-year or ten-year period.

Finally, in 2021, the **FBI** conducted its Threat Review and Prioritization (TRP) process, as a result of which Civil Rights Crimes – including hate crimes – were elevated to a Band 1 National Threat Priority (NTP), placing them at the top of the FBI's Criminal Investigative Division's priorities. As a result, 45 out of 56 FBI field offices increased their Civil Rights threat banding, necessitating an increase in resources allocated by those field offices.

After assuming office in March 2021, **Attorney General** Merrick B. Garland issued a directive on a 30-day internal review to determine how the Department of Justice could most effectively counter the recent rise in hate crimes and hate incidents. In May 2021, the Attorney General issued a comprehensive memorandum on this end, and ordered the Department of Justice to (1) improve incident reporting; (2) increase law enforcement training and co-ordination at all levels of government; and (3) prioritize community outreach. The Attorney General appointed a Hate Crimes Coordinator to centralize the efforts of Department attorneys, law enforcement partners, community organizations, and other stakeholders. The Coordinator oversees efforts to: establish online reporting of hate crimes; increase identification and classification of hate crimes in the NIBRS; provide financial support for local programmes designed to prevent, address, or otherwise respond to hate crimes; and issue guidance aimed at raising awareness of hate crimes during the COVID-19 pandemic. Since May 2021, the Department of Justice has released significant funding to provide resources to communities to support projects devoted to promoting awareness, healing, and reconciliation, as well as service access and resource development.

In September 2021, the **Department of Justice's Bureau of Justice Statistics** published the results of the National Crime Victimization Survey (NCVS), applying data from 2005 to 2019. Hate crimes in the NCVS include violent and property crimes that the victim perceived to be motivated by bias against the victim's race, ethnicity, national origin, gender, disability, sexual orientation, or religion. It includes crimes reported and not reported to police. The report examines the number of hate crimes over time, characteristics of hate crimes, perceived bias motivations for these hate crimes, reporting to police and reasons for not reporting, and the demographic characteristics of victims and offenders. The following highlights can be mentioned: (i) during the 15-year period of 2005-19, 1,864 hate crime suspects were referred for prosecution to Unites States attorneys from federal judicial districts in all 50 states; (ii) hate crime matters investigated by United States attorneys'

offices declined by 8 per cent (from 647 during 2005-2009, to 597 during 2015-2019); (iii) the conviction rate for hate crimes increased from 83 per cent during 2005-2009 to 94 per cent during 2015-2019; and (iv) approximately 85 per cent of defendants convicted of a hate crime were sentenced to prison, with an average term of more than 7.5 years.

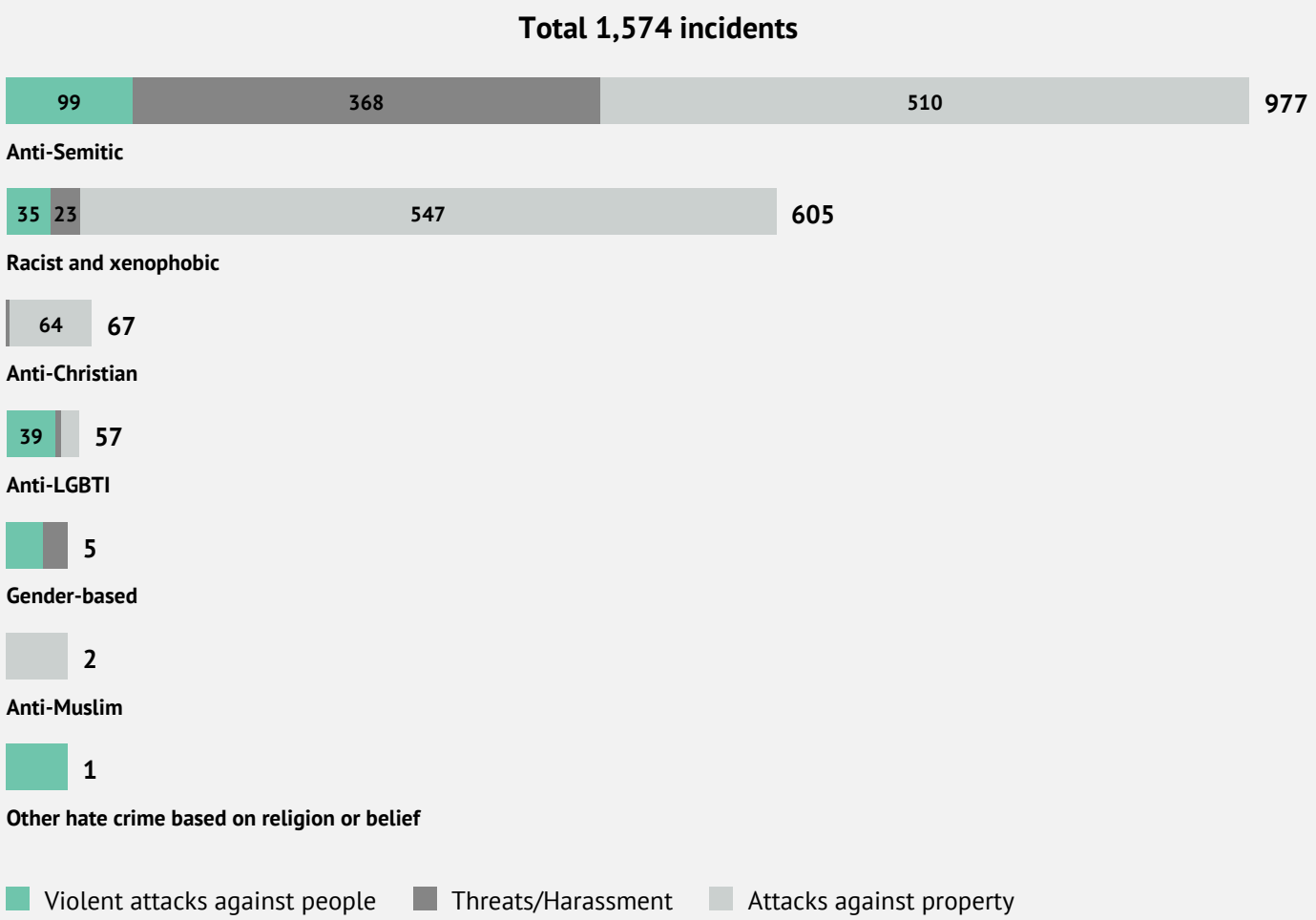
In 2021, the **Office for Community Oriented Policing at the Department of Justice (COPS Office)** field tested a new hate crimes curriculum focused on police response, investigation, and reporting at the Nashville Metropolitan, Tennessee Police Department. The curriculum was developed through a partnership with the International Association of Chiefs of Police (IACP) and nine leading law enforcement leadership and labour organizations, along with the Arlington, Texas Police Department.

On 26 January 2021, the **United States President** issued a Memorandum addressing intolerance, including hate crime, against Asian American and Pacific Islander (AAPI) persons, families, communities, and businesses, in relation to the COVID-19 pandemic. The Memorandum strongly condemned any forms of such intolerance and encouraged the relevant state agencies to adopt all possible measures to address it.

In March 2021, the **United States Congress** passed the "COVID-19 Hate Crimes Act" [Public Law No: 117-13 (05/20/2021), 34 U.S.C. 10101 Note]. The bill requires a designated officer or employee of the Department of Justice to facilitate the expedited review of hate crimes and reports of hate crimes. The Department of Justice is required to issue guidance for state, local, and tribal law enforcement agencies on establishing online hate crime reporting processes, collecting data disaggregated by protected characteristics (e.g., race or national origin), and expanding education campaigns. Additionally, the Department of Justice and the Department of Health and Human Services is required to issue guidance aimed at raising awareness of hate crimes during the COVID-19 pandemic. The bill establishes grants for states to create state-run hate crime reporting hotlines, and authorizes grants for states and local governments to implement the NIBRS and conduct law enforcement activities or crime reduction programmes to prevent, address, or respond to hate crimes. Finally, the bill allows courts to order persons convicted of a hate crime offence to participate in educational classes or community service as a condition of supervised release, where applicable.

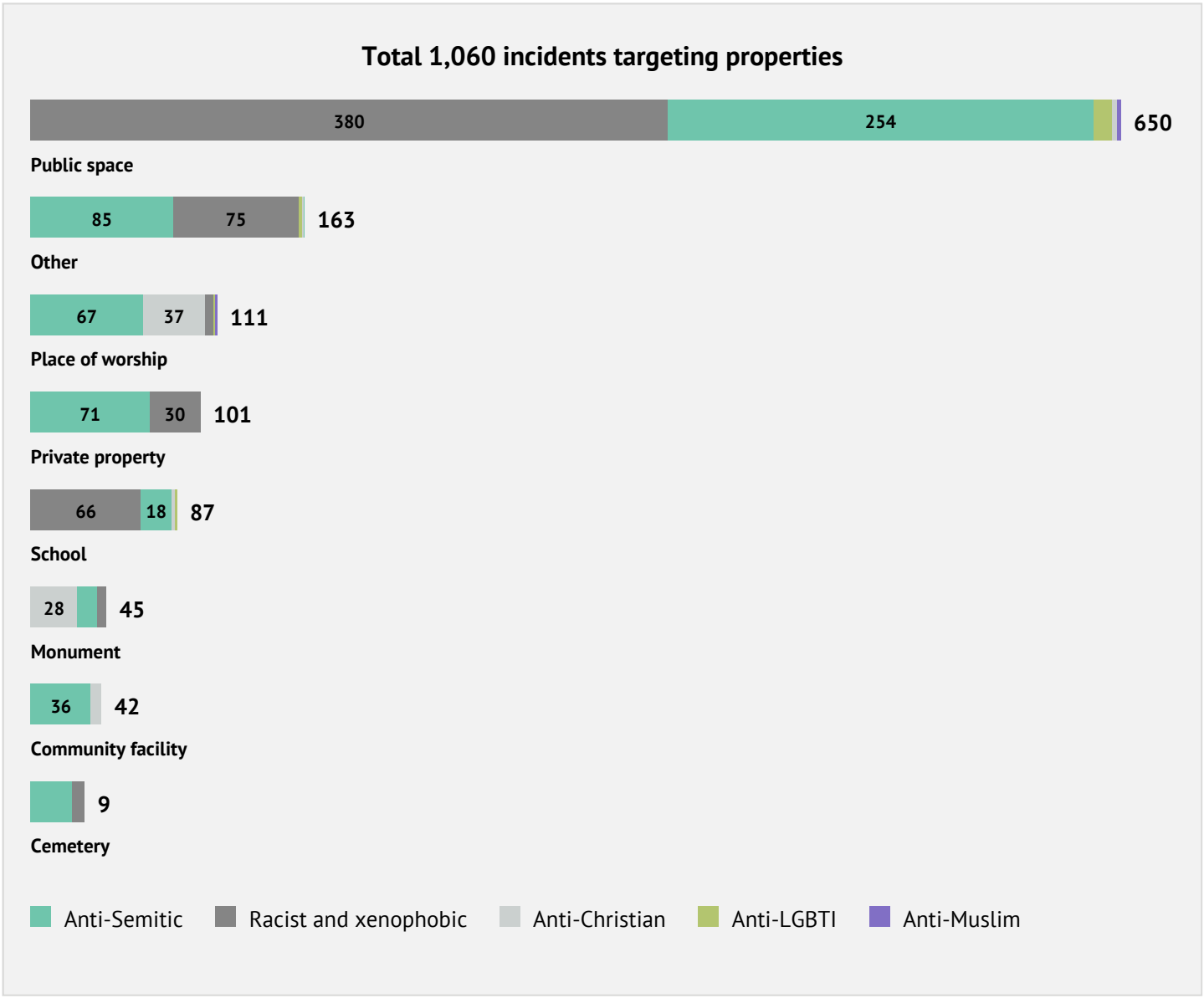
In March 2022, the **Senate** and **House of Representatives of the United States of America** amended Section 249 of title 18, United States Code (18 U.S.C. 249) by adopting the Emmett Till Anti-Lynching Act, adding a new subsection (249(a)(5) and (6)) specifying that lynching is a hate crime act.

Incidents reported by civil society



Please note that the total number of incidents may be lower than the sum of incidents presented in the breakdown chart above, as some incidents involve multiple bias motivations.

Targeted properties



Type of property attack



View civil society incidents for United States of America, 2021