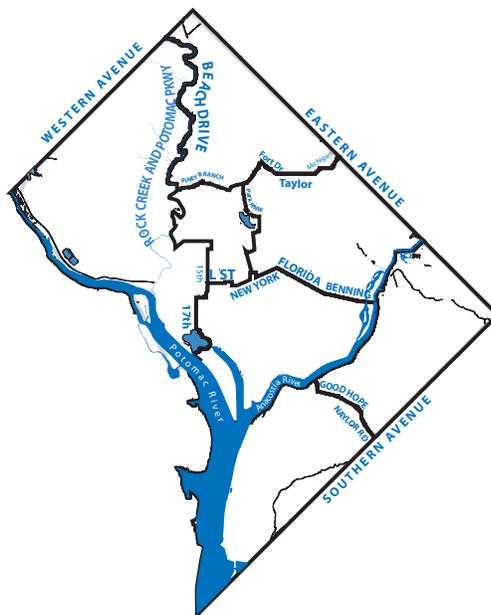


Bias-Related Crime

*in the
District of Columbia*



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The Fenty administration remains committed to working with District of Columbia communities to address and reduce hate crimes and perceptions of bias in our city.

While the District strives to reduce crime for all residents of and visitors to the city, hate crimes can make a particular community feel vulnerable and more fearful. This is unacceptable, and is the reason everyone must work together not just to address allegations of hate crimes, but also to proactively educate the public about hate crimes. As part of this effort, this report highlights trends in hate or bias-related crimes in the District of Columbia since 2005, and efforts in the District to address them.

Hate Crimes Law in the District of Columbia

District law establishes a possible sentencing enhancement upon conviction for a hate crime. In layman’s terms, this means that the police do not charge someone with committing a hate crime, only for the underlying crime that may have been motivated by bias. A person can be *arrested* for the underlying crime and then *prosecuted* for a hate crime.

Under the *Bias-Related Crime Act of 1989* (D.C. Official Code § 22-3700 *et. seq.*), to qualify as a hate or bias-related crime in the District of Columbia, an incident must be reported to the Metropolitan Police Department, which will make an initial determination of whether the incident meets the following two standards:

- (1) Whether the incident is a “bias-related crime,” meaning a designated act that demonstrates an accused’s prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness,¹ physical disability, matriculation, or political affiliation of a victim of the subject designated act.
- (2) Whether the crime is a “designated act,” meaning a criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry. D.C. Official Code § 22-3701.

In order to successfully prosecute a hate crime, the government must establish beyond a reasonable doubt both that the defendant committed the crime, and that he or she was motivated by prejudice because of an actual or perceived difference.² It is not sufficient to merely prove that the defendant belonged to different group than the victim; the criminal act had to have been motivated by the prejudice. If a person is found guilty of a hate crime, the court may fine the offender up to 1 ½ times the maximum fine and imprison him or her for up to 1 ½ times the maximum term authorized for the underlying crime. D.C. Official Code § 22-3703.

¹ Homelessness was added as a designated class for bias-related crimes in the *Omnibus Public Safety and Justice Emergency Amendment Act of 2009*, effective August 6, 2009.

² See Jury Instruction 4.99C

Hate Crimes Data

Since 2005, the Metropolitan Police Department has reported data on sustained hate crimes to the Federal Bureau of Investigation (FBI), consistent with FBI reporting definitions and standards. The FBI's definition of a hate crime³ is narrower than the District's. For instance, the District includes hate crimes based on political affiliation, whereas the FBI does not. Since the data presented in this report include all hate crimes sustained under District law (D.C. Official Code § 22-3701), the figures differ slightly from the MPD's reports to the FBI.

After a spike in hate crimes in 2006, the total number dropped 30 percent in 2007, and remained at that level in 2008. In 2009, as of September 30, there have been only two fewer crimes sustained in the first nine months of 2009 than in all of 2008. Whether or not there is a change in reported hate crimes in 2009 will not be known until the final numbers are calculated and reported in early calendar year 2010.

Type of Bias: Since 2005, a bias related to sexual orientation has been the most commonly sustained type of bias for hate crimes in the District. While hate crimes related to race or religion have dropped, hate crimes based on sexual orientation have not. As a result, sexual orientation hate crimes account for a growing proportion of all hate crimes.

Type of Bias	2005	2006	2007	2008	2009 YTD
Ethnicity/national origin	1	3	2	2	1
Race	6	8	3	5	3
Religion	7	5	6	0	0
Sexual orientation	29	36	26	30	31
Disability	0	1	0	0	0
Political affiliation*	1	1	1	1	1
Total	44	54	38	38	36

2009 Year to Date figures are preliminary data through September 30, 2009.

*Not a basis for a hate crime under FBI reporting standards.

Type of Crime: Simple or aggravated assaults are the most common type of hate crimes (57 percent). Since 2005, destruction of property is the next most common type of offense (16 percent), but it appears to have been on a downward trend over the past three years.

Type of Offense	2005	2006	2007	2008	2009 YTD
Aggravated Assault	10	18	8	6	10
Arson	0	0	0	0	1
Burglary	0	0	1	1	0
Destruction of Property	10	14	6	3	1
Homicide	0	0	0	0	1
Kidnapping	0	0	1	0	0
Larceny/Theft	1	1	1	1	0

³ According to the FBI, a hate crime, also known as a bias crime, is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.

Type of Offense	2005	2006	2007	2008	2009 YTD
Other Misdemeanors	0	0	0	0	2
Robbery	4	2	0	5	2
Simple Assault	13	13	15	15	11
Stalking	1	2	0	2	0
Threats	5	4	6	5	8
Total	44	54	38	38	36

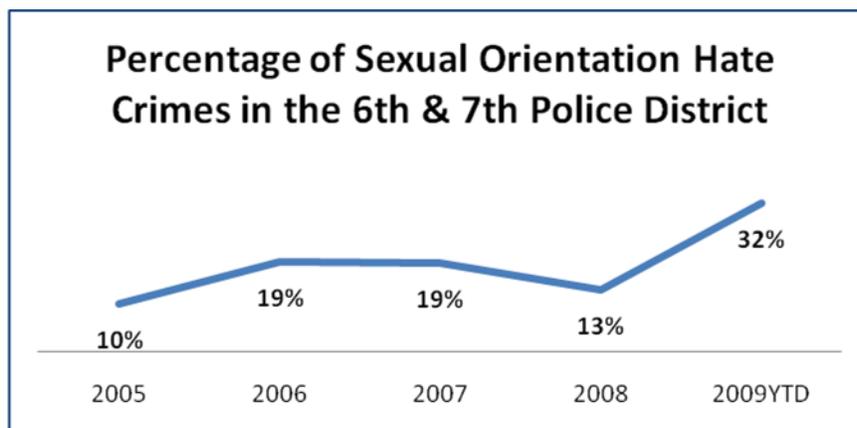
2009 Year to Date figures are preliminary data through September 30, 2009. For consistency with FBI reporting, the offense types are according to FBI offense categories.

Location: From 2008 to 2009, there has been a marked shift in the location of sexual orientation hate crimes. In 2008, 70 percent of the sexual orientation related hate crimes were in the First, Second, and Third police districts, areas that have historically had a higher proportion of gay, lesbian, bisexual, and transgender residents⁴. In contrast, in 2009, just over half (55 percent) of the sexual orientation related crimes have been reported in these districts, while almost a third (32 percent) were reported in the Sixth and Seventh Districts. Since 2005, these police districts that are east of the Anacostia River have not accounted for more than 19 percent overall of the sexual orientation related hate crimes.

District	First		Second		Third		Fourth		Fifth		Sixth		Seventh	
	2008	2009 YTD	2008	2009 YTD	2008	2009 YTD	2008	2009 YTD	2008	2009 YTD	2008	2009 YTD	2008	2009 YTD
Ethnicity/national origin									1	1			1	
Race		1	1	1	2	1					2			
Religion														
Sexual orientation	5	1	5	7	11	9	1	2	4	2	1	6	3	4
Disability														
Political affiliation*				1	1									
Total	5	2	6	9	14	10	1	2	5	3	3	6	4	4

2009 Year to Date figures are preliminary data through September 30, 2009.

*Not a basis for a hate crime under FBI reporting standards.



⁴ According to data in the 2005 American Community Survey, 69.3 percent of all self-identified same-sex couples reported living in Wards 1, 2, 3 and 6 which are in the areas of these police districts.

Addressing Hate Crimes

The District of Columbia is a leader in the area of preventing and combating hate crimes and has been recognized for its efforts. The Metropolitan Police Department, District of Columbia Public Schools, the Mayor's Office of Gay, Lesbian, Bisexual and Transgender Affairs, the Mayor's Office of Asian and Pacific Islanders, and others work with the community to address hate crimes and related issues.

Metropolitan Police Department

The Metropolitan Police Department (MPD) is committed to identifying and implementing best practices in reducing hate crimes. The Department works proactively to ensure that hate or bias-related crimes are reported and investigated in a consistent manner through a systematic and open process for categorizing hate crimes. The Department's new automated reporting system includes a mandatory field to indicate whether there is an allegation of bias related to any reported crime. Officers cannot file a report without making this indication. Whenever a hate or bias-related crime is reported, the Special Liaison Unit is notified, which helps to ensure that the investigative reports include whatever facts exist in the case that would support a hate crimes charge. The Special Liaison Unit is the umbrella Departmental unit that includes members serving the Asian, deaf and hard of hearing, Latino, and gay, lesbian, bisexual and transgender (GLBT) communities.

MPD has also designated a detective to review and analyze all alleged hate crimes. Even if MPD does not initially find the evidence to substantiate a hate crime, the detective monitors these cases to determine if there are commonalities or trends that might indicate such a motive. MPD also meets regularly with the Biased Crimes Task Force to review recent determinations and to verify the statistics. The Bias Crimes Task Force was founded in 1996 to increase community awareness of the problem of hate crimes. In addition to MPD, the Task Force includes representatives from Gays and Lesbians Opposing Violence, the Anti-Defamation League, and the U.S. Attorney's Office, and other interested federal law enforcement agencies.

What can you do to reduce hate crimes?

- Report all crimes and any suspicious activity or person immediately to the Metropolitan Police Department by dialing 911.
- Avoid walking alone late at night. Walk in groups when you can.
- Always be aware of your surroundings, wherever you are. If you are wearing headphones, do not turn up the volume so high that you cannot hear outside noises.
- Stay in well-lit or heavily traveled areas. Avoid alleys, vacant lots, wooded areas, and other short-cuts or secluded areas.
- If someone attempts to rob you, do not resist. It is better to give up your property than to risk injury.

The Metropolitan Police Department provides its members with extensive training on recognizing bias-related crimes, as well as on diversity and cultural understanding. The Department has been nationally recognized for launching innovative programs both in training and community outreach. For example, the Department worked in partnership with the Anti-Defamation League and the U.S. Holocaust Memorial Museum to create a training program for law enforcement officers that examines the Holocaust from their personal and professional roles in a pluralistic society. All members of the MPD are required to participate in this training. In addition, Harvard University's Ash Institute for Democratic Governance and Innovation bestowed the prestigious Innovation in American Government Award upon MPD's Gay and Lesbian Liaison Unit (GLLU) for reaching out to an underserved community and creating a model for community policing. This model has been replicated both locally – through MPD's Special Liaison Unit, serving the Asian, Deaf and Hard of Hearing, and Latino communities – and nationally.

In order to serve people in the District with Limited English Proficiency (LEP), MPD also works to recruit and compensate members who speak multiple languages, and educates all members to use a language access line for translation services if a certified speaker is not available. MPD's Language Access Coordinator also works to enhance access to police services for LEP communities. As part of the language access effort, MPD has been working with the National Crime Prevention Council to develop and distribute crime prevention posters in Spanish, Korean, Chinese, Vietnamese, and French. The poster (shown here in English) will be available and distributed before the end of the year. Efforts such as these are likely to improve the reporting of hate crimes.

The oldest of MPD's Special Liaison Units, the Gay and Lesbian Liaison Unit (GLLU) is staffed by openly gay, lesbian and transgender members of the Department and their allies. Since its inception in June 2000, the GLLU has dedicated itself to serving the GLBT community in the District. In addition to providing 24-hour police support to members of the GLBT communities and on-duty MPD units, the GLLU advises the Chief of Police and members on issues surrounding the GLBT communities;



represents the Department at community events, civic meetings, government functions, and other related events; provides support and assistance with law enforcement investigations that involve members of the GLBT communities; provides training and education to the GLBT communities and MPD members; offers safety training tailored to members of the GLBT communities; and serves as a resource for other law enforcement agencies nationwide. Additionally, the GLLU represents MPD at regular meetings with the Hate/Biased Crime Task Force to review recent determinations, verify statistics and discuss trends in national and local hate crimes.

The Department is also expanding the reach of the SLU by training “affiliated” patrol officers in each police district who are interested in being part of the unit and serving the community while working their regular patrol duty. This expansion will help address the increase in bias-related crimes based on sexual orientation in the Sixth and Seventh districts. The GLBT community is likely to see the most immediate benefit from the evolution of SLU. Since the GLLU affiliates do not need to be proficient in any additional languages, more members are able to immediately participate in this training and program.

District of Columbia Public Schools

The District of Columbia Public Schools (DCPS), the Mayor’s Office of Gay, Lesbian, Bisexual and Transgender Affairs, MPD, and others have collaborated to develop an improved centralized response to bullying and harassment in DCPS. This system includes posters and flyers that provide students with specific information on whom to contact in their school to report being bullied and harassed and a phone number to call if they aren’t comfortable reaching out to the school based staff. This system is the part of a comprehensive strategy to reduce violence in the schools.

Additionally, the Office of Youth Engagement in DCPS is working with faculty, administration, and staff to identify curriculum and program changes to address diversity and difference. The Office works within the schools to improve culture and create a respectful learning environment for all students. A revised comprehensive health curriculum for DCPS will also include specific sessions on sexual orientation to help reduce some of the stigma associated with identifying as GLBT.

Mayor’s Liaison Offices

The Mayor’s Office of GLBT Affairs works closely with community groups and the GLLU to promote information about public safety and hate crime reporting. The Mayor’s Office of Asian and Pacific Islander Affairs has offered grants to two community groups to study hate crimes towards members of the southeast Asian community and will provide community space for community organizations who are interested in promoting awareness of hate and other violent crimes. Finally, All of the Mayor’s Liaison Offices will be assisting with the distribution of the hate crime prevention poster.