In May 2016, a gay man living in Plano, Illinois was harassed and threatened by his neighbors.
They told him they were “going to beat his faggot ass” and “f--- him with a baseball bat.” At first, local police didn’t want to take his complaint. The man pushed his case forward, meeting with Plano’s police chief and prosecutor, until Kendall County authorities at last brought felony hate crime charges against the neighbors. Chicago Lawyers’ Committee for Civil Rights provided legal counsel through the criminal bench trial, which resulted in a misdemeanor disorderly conduct conviction for one of the neighbors.

Yet according to the FBI’s Uniform Crime Reporting (UCR) analysis for 2016 released last month, not a single hate crime occurred last year in either Plano or Kendall County. It is one of the estimated thousands of hate crimes missing from official FBI statistics.

“The FBI's reporting system for hate crimes is like a sieve; it's full of holes,” says Julie Justicz of the Chicago Lawyers’ Committee Hate Crime Project. “Unless we know which neighborhoods and people are impacted by hate crime, we can’t fully analyze or fund tools to combat it. And I fear this problem will continue to get worse.”

Nationally, the number of hate crimes recorded by the FBI rose by 4.6 percent compared to the previous year.

Anti-transgender crime increased by 43.8 percent. Anti-Muslim crime increased by nearly 20 percent from 2015 and by nearly 100 percent from 2014, surpassing even the 2001 peak after 9/11.

In Illinois, hate crime numbers hit a seven-year high in 2016, with the greatest increase in the race/ethnicity/ancestry bias category. Illinois’ fourth quarter (October-December 2016) set a near-ten year record, and Chicago’s fourth quarter saw more than a 210 percent jump in incidents compared to the same
period in both 2015 and 2014. Philadelphia, New York City, Washington D.C.,
and Los Angeles also saw higher-than-average fourth quarters, according to
FBI data. Independent organizations including ProPublica, Southern Poverty
Law Center, the Council on American-Islamic Relations, and South Asian
Americans Leading Together reported on escalating violence, which they linked
to the presidential election and inauguration.

Yet the FBI statistics do not tell the whole story—or even most of it. The Bureau
of Justice offers an alternative measure of hate crime incidence in its National
Crime Victimization Survey (NCVS), which the Bureau conducts by interviewing
a broad sample of U.S. households. According to NCVS data, around 200,000
hate crime victimizations do not make it to the FBI’s database each year.

One problem is under-reporting: Less than half of NCVS participants who
experienced a hate crime from 2011-2015 reported the incident to police, and
only 22 percent reported the incident as a hate crime. Even if survivors
understand that a hate crime occurred, they may not be able to access
reporting mechanisms due to language or ability barriers, or they may be
reluctant to interact with law enforcement. Recent escalations in anti-immigrant
rhetoric and policy likely intensify this roadblock for those who fear detention
and deportation. Those who do report an incident to police may not know to
convey the bias motive, or may choose not to disclose the bias for fear of
outing themselves to law enforcement.

A second problem is that inaccurate reports from the street to the FBI can hide
from public view even those hate crimes that are charged and prosecuted - as
happened in Plano, Illinois last year.

**The responding officer at a crime scene is the front line in reporting hate crime statistics.**
For the data to be captured, the police officer must identify the incident as a hate crime in a police report. In Chicago, beat officers file reports using mobile data management systems. Other departments may rely on other systems, including pen and paper. The process requires that the police officer understand hate crime laws and the procedure for reporting them. It also requires that an officer can comfortably interact with members of marginalized communities, ask about bias motive, and respond to requests for language or disability accommodations. When the Department of Justice investigated the Chicago Police Department (CPD) in January 2017, it found that lack of training and the inability to recognize the gravity of these incidents often kept these cases from reaching the department’s hate crime unit.

Law enforcement agencies use different systems for collecting and reviewing hate crime data. For example, in Chicago all hate crime cases are supposed to be forwarded to a special Civil Rights Unit. However, the unit has to wait to be notified about these crimes before it can begin investigating, and it is only staffed by two officers. The Department of Justice report found:

“[...] front line officers need better training to recognize potential hate crimes, or these crimes will go uninvestigated. Indeed, the Civil Rights Unit did not learn about a rash of anti-Semitic and anti-Muslim graffiti in the Rogers Park neighborhood over the summer until there was a televised news report. We were also told that the Unit sometimes has to push to investigate crimes that appear to be hate-motivated because detectives minimize the seriousness of such crimes, saying things like, “a crime is a crime,” or “so they got called a name.”

In Chicago, it is up to Civil Rights Unit investigator Mike Gunheim to collect all CPD reports marked as hate crimes, and enter the information from each one into an online Illinois UCR form.
“We don’t stop and say, ‘well this person didn’t succeed in court.’ That has no bearing on what we submit,” Mike explained. He simply forwards all of the recorded hate crime incidents to Springfield.

In Illinois, every agency with at least one part-time officer who can carry a gun and make an arrest - from state fire marshals to hospital security and campus police - sends their reports to the Illinois State Police office in Springfield, where it is compiled by one person: UCR Program Director Terri Hickman.

“You do enough to keep your nose above water every day,” says Terri. Unlike Missouri’s 8-person or Wisconsin’s 3-person team, Terri is alone responsible for processing hate crime data from Illinois. She collects information from more than 500 agencies for the FBI, including reports on six other types of crime recorded in the UCR system. Because she is the state’s only staffer compiling UCR data, Terri does not chase down data from agencies - and a good number never report anything.

In fact, only 730 out of 1,000 Illinois agencies submitted UCR data in 2017. Of the 25 percent who do not report, at least 10 agencies haven’t reported since 2012. Terri says the problem is acute among law enforcement agencies in smaller towns, where there is small staff to begin with, frequent staff turnover, and no one tasked with reporting.

One reason agencies don't submit hate crime data is because they are not required to do so.

The only penalty for an agency that does not report UCR data is that it may not be eligible for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which funds body-worn cameras for police officers. In Chicago, community members impacted by police brutality and discriminatory practices have called for more body cameras to witness rampant police misconduct.
“We don’t collect the data we need, and then we penalize vulnerable communities for it,” says Justicz. “Our priorities when it comes to public safety are completely backward.”

A uniform and mandatory system of reporting across law enforcement is only part of the solution. Those who have experienced hate crimes should have multiple and accessible reporting mechanisms to enable them to come forward safely and receive support throughout the process. The U.K. and Ireland, for instance, have implemented online hate crime reporting forms and third party reporting centers. These locations are state-approved to receive hate crime reports and relay them to law enforcement.

By developing better options for individuals and communities to discuss and document incidents of hate-fueled violence, and by requiring every law enforcement agency to use the same tallying and reporting system, we can begin to assess the real numbers and provide necessary resources to address this national scourge.

The Hate Crime Project of Chicago Lawyers’ Committee for Civil Rights combats hate incidents and hate crime through education, advocacy, and legal representation for targeted communities. If you or someone you know has experienced hate incidents, or if you are seeking information on how to combat hate crime, please call our free and confidential helpline at 312-202-3663.