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# U.S. HATE CRIME PREVENTION THROUGH STATE-LEVEL ADVOCACY

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## DISCLAIMER

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The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, or by any other agency.

## HONOR STATEMENT

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On my honor as a University of Virginia student, I have neither given nor received unauthorized aid on this assignment.

Source of Image on Title Page: "Anti-Hate Crime March at the University of Delaware," Xander Opiyo via TCR Staff. (2019, November 26). Hate Crime Survivors "Don't Want to Be Outed by the Police." *The Crime Report*. <https://thecrimereport.org/2019/11/26/hate-crime-survivors-dont-want-to-be-outed-by-the-police/>

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## EXECUTIVE SUMMARY

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After decades of decline, the U.S. is experiencing an increase in hate crime statistics with a 17% overall increase in 2017 and a particularly alarming 37% increase in anti-Semitic attacks (Greenblatt, 2019). A number of societal changes have contributed to this rise, both good and bad. On the one hand, recent inflammatory politics allowed people with fringe views to feel more emboldened (Levin, 2019). On the other, more people are reporting hate crimes to law enforcement, showing trust in the judicial system to prosecute hate crimes and decreasing unreported hate crimes, but increasing the official hate crime statistics all the same (Faupel et al., 2019).

Hate crime prevention, investigation, and prosecution remains largely a state issue. The aggregate national statistics are increasing, but actionable policy changes have to happen at the state levels. States do not have uniform hate crime legislation and five U.S. states do not have any hate crime legislation at all. Many states are not making changes to their legislation or preventative programming and outside influence may be a motivating factor to increase prevention efforts.

This report first defines the problem and places it in context by detailing the history of hate crime in the U.S. and types of hate crime prevention efforts. Next, this report details the methodology used to generate selection criteria and how the different tiers of states were then grouped using that selection criteria. The report goes on to summarize the evaluative criteria used to analyze how and where the client should invest their resources. The report lays out five different advocacy paths, one for each tier (or grouping) of like states. Using the evaluative criteria, the report ultimately recommends the client work in either tier one or tier three states, increasing the likelihood to make an impact and increase hate crime prevention.

## PROBLEM DEFINITION

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Given the decade-long rise in hate crime in the United States, state governments are not doing enough to prevent hate crimes. While community-based organizations (CBOs) and legislation exist to combat hate crimes in nearly every state, state governments are not utilizing the resources available to them to adequately tackle the problem.

My client, the International Center for Religion and Diplomacy, seeks advocacy avenues to further the coordination between state governments and CBOs as well as lobbying strategies to advance comprehensive hate crime legislation to ameliorate the lack of policy action on hate crime prevention.

## BACKGROUND AND LITERATURE REVIEW

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### WHAT IS A HATE CRIME?

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To begin, we must establish what a hate crime is. According to the Federal Bureau of Investigation (FBI), a hate crime is “any crime that is committed on the basis of race, color, religion, disability, sexual orientation, ethnicity, gender, and gender identity” (“What We Investigate: Hate Crimes,” n.d.) The most recent hate crime legislation passed by the US Congress was the Matthew Shepard and James Byrd, Jr Hate Crimes Prevention Act of 2009 which codified the ability to prosecute individuals committing hate crimes based on perceived or actual sexual orientation, gender identity, gender or disability (United States Department of Justice, 2018).

### HISTORY OF HATE CRIMES IN THE U.S.

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The history of the US, unfortunately, is rife with instances of violence and hate. Hate crimes are traditionally investigated by the FBI and prosecuted by the Department of Justice (DOJ). The first hate crimes or “bias” crimes investigated by the FBI occurred during WWI (“What We Investigate: Hate Crimes,” n.d.). The FBI increased investigation of hate crimes following the passage of the Civil Rights Act of 1964 which explicitly protected all peoples’ rights no matter their race or ethnicity (“What We Investigate: Hate Crimes,” n.d.). Since then, the term “hate crimes” came to national prominence in the 1980s when journalists and media outlets started to report on a number of crimes committed based on an aspect of the victim’s identity (“Overview of Hate Crime,” n.d.).

## HOW ARE HATE CRIMES PROSECUTED?

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Hate crimes are, administratively and legally, in an interesting gray area of federalism. In most cases, the state will identify, investigate, and prosecute hate crimes within their state jurisdiction and provide reporting to the FBI and DOJ as the case progresses (“What We Investigate: Hate Crimes,” n.d.). However, in some instances, when states require support in either the investigative or prosecutorial processes, the FBI or DOJ will step in to lead the investigation or prosecution. If hate crimes cross state borders, the FBI and DOJ become the lead agencies involved rather than any state. Currently, there is no federal law that compels states to have hate crime laws or to report hate crimes to the FBI. As such, there are four US states (South Carolina, Wyoming, Arkansas, and Georgia) and four US territories that do not have hate crime laws or mandatory hate crime reporting (United States Department of Justice, 2018). On the state level, hate crimes do not have a singular definition or test to prove a hate crime. Some states have more stringent tests to prove a hate crime took place, like the “but for” rule (Steinberg et al., 2003). This rule examines, for example, but for the victim being a woman, would the perpetrator still have committed the crime. This requires states to prove beyond a doubt that the crime was committed solely based on the victim’s identity, or perceived identity, and would not have happened if the victim was of another identity category (Steinberg et al., 2003).

## SOCIETAL CHANGES CONTRIBUTING TO HATE CRIME INCREASE

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Some factors that may be contributing to the recent rise include the changing political climate in the US and increasing globalizing, including the movement of people and ideas. There are some links between counties that hosted Trump rallies in the 2016 election cycle and the same counties experiencing a rise in hate crimes in the following year (Feinberg, Branton, & Martinez-Ebers, 2019). Globally, as people are more easily able to cross borders, politics and demographics change which can threaten those in hate groups, causing them to act and actively expand their membership (Schweppe & Walters, 2016). In addition, the availability and salience of social media to spread hate and gain new followers for hate groups has been attributed to the rise in hate crimes (Levin, 2019).

Statistics taken from the US Department of Justice (DOJ) show that there may not be as large a net increase in hate crimes in the US as reported by the FBI. The DOJ data suggests that while reported hate crimes have increased, the number of unreported hate crimes may have decreased (Faupel, Scheuerman, Parris, & Werum, 2019). Additionally, the number of agencies reporting hate crime statistics to the FBI increased 5.9% in 2017, which could artificially increase the number of reported hate crimes overall compared to the previous year (Criminal Justice Information Services Division, 2018).

## HATE CRIME PREVENTION EFFORTS

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A number of hate crime prevention efforts exist that are implemented formally and informally across communities. However, states are not implementing the kinds of programming that prevents hate and biased thought. States rely on deterrence through law enforcement and legislation, but many do not go far enough to protect vulnerable populations. States then let communities create their own solutions to localized hate crime problems.

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### DETERRENCE

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The traditional response of governments at all levels has been using deterrence as a form of prevention for all crimes. Deterrence theory was popular throughout history and played a large role in the U.S. criminal justice system.

*The principal assumptions made by the theory include: (1) a message is relayed to a target group [e.g., it is wrong to murder, and if you take another's life you could go to prison or receive the death penalty]; (2) the target group receives the message and perceives it as a threat; and (3) the group makes rational choices based on the information received (Tomlinson, 2016).*

It then follows that if punishments, or “pain,” increases, people are far less likely to commit crimes. And while this works to some degree as most people will not do something if they know it is a crime, it can also create issues within communities between police/the criminal justice apparatus and community members.

The kind of relationship built on deterrence can foster distrust between police and the communities they work in, creating an “us vs. them” mentality that leads to communities actively working to inhibit police activities (Perry, 2010). Many areas that have fostered these kinds of combative police/community relationships also result in police “resistant to enforcing hate crime laws” (*Preventing and responding to hate crimes: A resource guide for NGOs in the OSCE region*, 2009).

This is not to say that deterrence is a bad option. On the contrary, increasing legislative protections can also help communities feel safer and more likely to report hate crimes (see Community Policing, below) (Perry, 2010). If people know they are protected, they will go to police and hopefully more hate crime perpetrators will be brought to justice. Knowing that hate crimes are more likely to be prosecuted could at least delay potential hate and bias crimes, allowing more time for community interventions to work.

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### SCHOOL-BASED TOLERANCE PROGRAMS

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School-based programs aim to target young people while their conscious, morality, and ethics are still developing to better instill tolerance and acceptance within each student.



Children and adolescents are exposed to new ideas and ways of thinking through tolerance programs that try to make students question hate-based rhetoric and actions (Darrow, 2017). Programs are based on developing an interactive and iterative program for children of all ages to learn and understand more about their peers and others. Long-term benefits result from repetitive and escalating tolerance programs throughout the school year (Wessler, 2003).

A number of non-governmental organizations and non-profits are working nationally and in communities to combat the start of hate and bias. The Southern Poverty Law Center has a Teaching Tolerance Program for schools, kids, and educators to learn to value differences (*Teaching Tolerance*, n.d.). The Anti-Defamation League has anti-bias curriculums and programs for schools, family conversations guides to start discussions in the home, and started the Mayor's Compact to Combat Hate, Extremism, and Bigotry (*Mayors' Compact to Combat Hate, Extremism and Bigotry*, n.d.). The Mayor's Compact has 10 main components which include and highlight educational opportunities to teach tolerance and community dialogues to promote values of tolerance and communication rather than violence.

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### *COMMUNITY POLICING*

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Community policing (CP) integrates local police forces into the communities they serve. Oftentimes, there is a feeling of "othering" felt by both police and community members from police activity. Integrating police officers in community events, sponsoring community activities, and interacting with the community in ways that do not involve enforcing the law can all reinforce or reinvigorate trust between communities and police. CP programs aim to increase community trust in the police's ability to handle sensitive crimes, and therefore, increase reporting rates for hate and bias crime (Perry, 2010). When a community member feels that their concerns will be heard and their rights protected, they are far more likely to report incidents to the police. Increased reporting of hate crime can increase police presence and their ability to sufficiently gather evidence, leading to more prosecutions for hate crimes. The increase in the visibility of the fight against hate crime will add to prevention through the deterrence model that has traditionally defined the hate crime space.

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### *COMMUNITY DIALOGUES (CD)*

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Community dialogue (CD) programs focus on promoting community building and cohesion through group activities, investing in common spaces, and open discussion (Ohmer et al., 2016). These programs often result in helping refurbish community recreation centers, creating spaces for at-risk youth, and providing opportunities for community social gatherings. CD aims to increase tolerance and understanding within a community to combat and disrupt feelings of loneliness, isolation, or distrust that can arise when there is little community cohesion (Ohmer et al., 2016). Through lessening individual feelings of isolation

and promoting an inclusive community culture, the likelihood of hate or bias crime decreases. The increase in mutual understanding within communities directly limits the growth of individual feelings that could eventually result in hate or bias crimes.

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### *EX-OFFENDER COMMUNITY RE-INTEGRATION*

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A niche, but important group of civil society organizations exist to prevent hate crimes and aid current member of hate groups to leave. These organizations are usually run by former hate group members who have turned their lives around and now seek to stop hate crimes before they happen (“Free Radicals Project | Disengage from Hate,” n.d.). Such organizations can be effective by working within a community and targeting their interventions to the individual level, if necessary.

Similar to community dialogues, ex-offender reintegration focuses on involving ex-hate crime offenders in community building activities to both reduce the chance of recidivism for offenders and prevent others in the community from offending. By inviting ex-offenders into the community in which they reside in a formal manner and including them in community building activities, ex-offenders are more likely to build the interpersonal ties that prevent feelings of isolation and distrust which lead to re-offending. Additionally, by offering space for ex-offenders to speak about their experiences and personal learning, populations at risk for offending will reconsider their feelings of hate and feel comfortable sharing their struggles with isolation and acceptance (Joyce & Lynch, 2017). This will effectively lower the incidence rate of populations at risk of offending while supporting rehabilitative efforts for ex-offenders.

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### *A SOCIAL JUSTICE ADVOCACY APPROACH*

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For the most part, the programs listed above are implemented by non-state actors, usually small, local community groups seeking to make the communities they live in safer and healthier. Social justice advocacy has been used for decades by these community members in the United States to further equality and rights for members of society who need protection. Historical cases from the women’s voting rights era, the Civil Right Movement, and the gay rights movement abound. Social justice advocacy works to advocate governments and institutions to increase the protections and rights afforded to people who deserve them.

Through data analysis, evidence shows that laws barring hate crimes based on sexual orientation and employment non-discrimination reduced the rates of hate crime based on sexual orientation while increases in partner rights led to an increase in hate crime reporting (Levy & Levy, 2017). Social justice advocates, the people who work to increase the inclusion of LGBTQ populations in governmental and institutional structures, can be strong allies in

increasing social inclusion of vulnerable populations. The social inclusion that comes with law change is instrumental in the decrease in hate crimes against those populations by hate crime and non-discrimination law (Levy & Levy, 2017).

Social justice advocacy remains an important endeavor but one that is becoming ever more targeted and dangerous. As the world changes and hate crimes become more prevalent, so do the crimes against those working for social justice (Hoefer, 2019). It remains important to be vigilant in the protection of staff, volunteers, and grassroots members, but the work should not stop. There are recommendations that align with best practices to ensure social justice advocates stay effective when “anticipat[ing] policy conflict” (Hoefer, 2019). These include best practices such as 1. “Emphasize the Core Messages of Your Campaign,” 2. “Study the Anticipated Opposition before You Begin Your Campaign,” 3. “Respond Strategically,” 4. “Track Reactions and Course Correct” (Hoefer, 2019).

Social justice advocacy best practices, by collaborating, co-creating, and consulting with affected populations, can contribute to coping and healing of individual and collective trauma (French et al., 2020). Advocacy for social justice focuses on building a “critical consciousness,” “strength and resistance,” and “cultural authenticity” to populations in need of rights and recognition (French et al., 2020). The social inclusion and healing associated with social justice advocacy as well as the historical policy advances due to social justice advocacy lend itself to a viable alternative for state level advocacy for hate crime legislation. In this vein, the Human Rights Campaign and other national-level hate crimes prevention advocacy organizations have published guides and reports to aid social justice advocates in their efforts to further hate crime legislation and prevention efforts (*A Guide to State-Level Advocacy Following Enactment of HCPA*, 2014), (*Responding to Hate Crime: A Multidisciplinary Curriculum for Law Enforcement and Victims Assistance Professionals*, 2000).

## METHODOLOGY

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### TIER CATEGORIZATION METHODS

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In order to make concrete advocacy paths for ICRD, it is necessary to divide U.S. states into categories. The first method of selection divides states by how comprehensive their **state hate crime legislation** is according to the Anti-Defamation League's Hate Crime Map by State. The state's legislation is evaluated on the number of protected categories it includes. The possible categories for protection are race/ethnicity/religion (listed as one category by the ADL), disability, sexual orientation, gender, and gender identity. The states that have protections for all five possible categories noted by the ADL are in tier five.

The next method of categorization for state groupings is **the rate of hate crimes per 100,000**. The data for these statistics comes from the Federal Bureau of Investigation's annual Hate Crime Report from 2018. The data for 2019 was released partially through this analysis and was not used as analysis was already underway. By using state populations from the U.S. Census Bureau, it was possible to calculate the per 100,000 rates for reported hate crimes, categorizing those states with approximately 1 hate crime incident per 100,000 and less as "low," between 1 and 3 as "medium," and higher than 3 as "high." The hate crime incident rates help signal which states have a higher concentration of hate crimes, but it is a very imperfect proxy. If states are more thorough in their reporting, it can *look* like they have very high levels of hate crimes.

The third categorization focused on the **number of hate groups** active in the state. The data, collected from the Southern Poverty Law Center who tracks hate group activity was for 2019. Using the same Census Bureau data, the number of hate groups per 100,000 people was calculated. The total number of hate groups can be highly misleading when the state population is not accounted for. Idaho, for example, has one of the highest per capita rates of hate groups in the nation, but their overall number is much lower than the majority of the other U.S. states. It should be noted that this category only accounts for the total number of hate groups and does not give any indication of hate group membership. There may be states with lower hate group rates but high membership that cannot be accounted for in this analysis.

A "low" categorization of hate group rates includes 0 to around 0.2 hate groups per 100,000. The "medium" category includes 0.2 to 0.4 per 100,000 and "high" includes anything above 0.4 per 100,000. This scale was determined by taking the state's ratings and evenly dividing the ratings into three (0.2 per category). Using the hate groups per capita helps us put the hate crime incident rate into perspective, giving us a more thorough picture at what the hate environment is like in each state.

The final category, the **prevalence of community groups** in the case study state, is not used to create the tiers of states but to help provide understanding of how an advocacy campaign can be organized and implemented in the case study state. Community groups are indicators of civil society involvement and a robust civil society can greatly help an advocacy campaign while few community groups provide few partners for advocacy implementers to rely on. The category is a proxy for community involvement in social topics and policy areas for social mobilization.

For example, Georgia has many community groups, both formal and informal, that participated in the civil rights movement and are active in hate crime prevention today, earning it a “high” rating. States with few organizations operating in hate crime prevention have “low” ratings. This categorization is based off of a cursory search online and may not necessarily reflect the true number of community groups active in the state once ICRD completes an environmental assessment in that state.

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#### *SELECTION ATTRIBUTES BY TIER*

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Tier	Legislation Protecting Vulnerable Groups*	Rate of Hate Crimes Per 100,000 People^	Number of Hate Groups Per 100,000 People^	Prevalence of Community Groups in Case Study State
One	None	All	High to Medium	High (Georgia)
Two	One Category	Medium	High	Low (Idaho)
Three	Two Categories	High	Medium to Low	Medium (Kentucky)
Four	Three to Four Categories	Medium	Medium	Medium (Nebraska)
Five	Full Protections	High to Medium	Medium to Low	High (New York)

\*Data on legislative hate crime protections for each state can be found in Appendix A.

^Data for the rates of hate crime and hate group prevalence in each state is listed in Appendix B.

## ADVOCACY CAMPAIGN METHODS

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The advocacy campaigns that are included in each case study state are based on best practices in advocacy and lobbying, with a special focus on social justice advocacy, and the organizational capacity of ICRD. After speaking with advocacy and lobbying consultant, Brooke Lehmann, and using her resource guide for federal advocacy and lobbying, I devised a step-by-step general advocacy approach for ICRD. The approach was guided by ICRD's organizational capacity for lobbying and advocacy, a tactic the organization has not used before. Additionally, ICRD is a small organization and will need to either hire new employees for their advocacy efforts or train current employees for appropriate advocacy approaches.

The general advocacy approach is then tailored for each case study state depending on the state's specific attributes. The goals for a state's advocacy campaign were created using the data on legislation and community group activity in the state to determine if increasing legislation would be either useful for increasing hate crime prevention in the state or if such measures would even be possible. There are some states that, due to their own political and social environments, would not support adding hate crime protections through legislation. The advocacy approach was further specified based on the state's community involvement and the politics of the state. If states have higher community involvement and conservative politics overall, advocacy can rely on community groups to further hate crime prevention within communities rather than try to pass state-wide tolerance education programs.

## EVALUATIVE CRITERIA

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In order to recommend where ICRD can have the most impact, each alternative is assessed based on three different criteria. The first of these is level of impact of an advocacy campaign, the political viability of advocacy in that state/tier, and level of community buy-in to support the goals of an advocacy campaign. I did not include, however, the cost of the alternatives when making a recommendation. For ICRD, while organizational will is present to move into advocacy and lobbying, the organization has not yet developed extensive experience and expertise in domestic advocacy. To fulfill any one of the five outlined advocacy plans, ICRD will need to invest considerable funds into personnel, materials, assessments, and consultation to begin to prepare for an on-the-ground advocacy campaign. Each of the alternatives presented are high cost as they currently stand. If ICRD wants to make an impact in the tiers selected while reducing the associated costs of starting a brand-new program, there are ways to add expertise and partner with national or local organizations currently doing work in this field.

### LEVEL OF IMPACT

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Project impact level was evaluated based on the availability of community organizations within the state, the perceived openness of the state government to the proposed advocacy path, and to what degree the proposed advocacy path, if successful, would increase preventative measures against hate crimes through either a deterrence or community programming model. ICRD, due to their organizational capacity, should focus on working in tiers that have the potential for the most impact. The level of impact is evaluated on a “low,” “medium,” “high” scale. Low impact would indicate that the advocacy campaign does not have a good chance at making any kind of measurable increase in hate crime prevention, either due to the community and political environment of the state or the goals of the advocacy campaign themselves. In some states, an achievable advocacy goal is not necessarily one that would make much impact.

### COMMUNITY BUY-IN

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Community buy-in is evaluated based on how the public would perceive the advocacy campaign and the proposed changes to increase hate crime prevention. Each state has different constituencies and some are more outspoken than others. In some states, large or powerful groups of conservative citizens that uphold “traditional” values could perceive hate crime laws and community programming as a violation of their constitutional rights and/or a potential threat to their values. If hate crime legislation is expanded to include sexual orientation and sexual identity, many states that have been resistant to gay marriage laws or

instituted transgender bans would be against the proposed changes. Community buy-in is evaluated on a “low,” “medium,” “high” scale. If community buy-in is low, there is potential for citizens to mobilize against the advocacy campaign, inhibiting any potential progress. Similarly, if community buy-in is high, it is more likely for the advocacy campaign to increase their grassroots support, making it easier to convince those necessary to make the changes ICRD advocates for.

## POLITICAL VIABILITY

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Political viability is similar to community buy-in, but focuses on the political will of state legislators, mayors, and governors who would ultimately have to approve of the changes proposed by the advocacy campaign. If the goal is a proposed law or a change to funding to increase community programming resources, the measures have to be approved by some governmental body no matter where they are proposed.

Political viability is measured on a “low,” “medium,” “high” scale. If the government or enough people in the state legislature are opposed to the changes proposed by ICRD, then they will not pass, giving it a “low” score. Even with a robust grassroots campaign and wide general support among the population, there are times that representatives or governors will disagree with the majority. Most of the time, this is not the case and local governments are very reflective of their populations, but there are times when elected officials’ actions diverge from their constituents wants. States with “high” scores have state governments that are in favor of increasing hate crime prevention efforts. In order to pass anything meaningful, ICRD will need to work in states that have some measure of political viability for hate crime prevention legislation or funding.



## ADVOCACY PATHS

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It would be impossible to describe in detail an advocacy and lobbying plan for all 50 states in this report. However, after consideration of the number of hate crimes reported per capita, the number of hate groups per capita, and the quality of hate crime legislation in each state, I have identified five different tiers of states within which I crafted an advocacy plan outline. Within each of these, I identified a singular state to be a case study for a detailed advocacy approach based on the tier's outline.

Each advocacy approach was designed based on the characteristics of the tier, the level of community action, best practices in lobbying, and the organizational capacity of ICRD to implement an advocacy campaign. The level of community action, for the purposes of this analysis, is defined as the amount of mobilized community groups and grassroots action.

## BEST PRACTICES GENERAL ADVOCACY APPROACH FOR STATES

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The first step to any advocacy plan is to do an on-the-ground assessment of the capacity and interest of community organizations to understand the players who are involved in this geographic and political area (B. Lehmann, personal communication, March 6, 2020). This environmental assessment identifies more than just the high-profile organizations identified from this preliminary research. Additionally, this step will also help identify where there are spaces and opportunity for advocacy. There could be similar advocacy movements underway in the state, or in certain localities within the state, that could provide opportunities for ICRD to support local organizations in their work rather than duplicating efforts. Much of this information will not be available until an assessment is done and community partners are identified.

Doing this assessment is key to operating in the state. Finding community partners who would welcome ICRD and their expertise while providing local knowledge and connections makes for the most effective advocacy campaign while ensuring ICRD does not encroach on the space of advocacy organization and allowing ICRD to add value to this political space (B. Lehmann, personal communication, March 6, 2020). For any community and local partners listed in the case studies, please see Appendix C for links to organizations' websites.

After an assessment, ICRD would need to partner with a local organization (see Appendix C for lists of organizations). Ideally, this organization has previous advocacy experience and a wide grassroots base. ICRD would be able to work more efficiently and start their campaign sooner if their local partner (LP) was well-equipped with advocacy tools and skills. The goals of an advocacy campaign should be determined collaboratively between ICRD and the LP.

The timeline and targets for advocacy should also be determined collaboratively. The LP will have more knowledge on how long it may take to get their goals put in place (be it passed by

the legislature or voted on in local government). The other key group that ICRD will identify with help from the LP are the “grass tops.” These people are high-ranking or high-profile people with many connections and clout that can help bring attention and persuasiveness to an advocacy campaign. These grass tops will give ICRD and the LP the access they need to influential policymakers to spread their message and convince policymakers now is the time to support their advocacy goal.

ICRD will need to use the LP’s knowledge and outreach to mobilize a grassroots campaign of people willing to lobby the targeted governmental organization chosen for its changemaking ability. These grassroots will be the ones who call their state legislators, go to the state legislature and meet with their representatives in person, and donate money to the effort. The grassroots are what carries an advocacy campaign to the finish line and without a robust grassroots effort, most social advocacy will not achieve their goals.

Throughout all of these steps, ICRD and the LP will continually refine the proposed, narrow ask for preventing hate crimes in that state. Speaking with lawmakers, grassroots, and grass tops, ICRD can identify key areas in the draft of the bill, budget, or community program that garner wide support and those that are contentious. From this, the advocacy plan can focus on different aspects of the proposed changes according to different constituencies.

ICRD will need to use statistics and emotionally-moving stories of people affected by hate crimes to get decisionmakers to sign on to a letter of support for the proposed changes. The aim is to get decisionmakers from both sides of the aisle to sign the letter of support, signaling to all lawmakers that this a bill to seriously consider and its goals are universal in nature. From there, the proposed change (legislation, budget, curriculum, etc.) will be put up for a vote in the appropriate governmental institution. ICRD and the LP will be able to see if their advocacy efforts were successful or if continued revision is necessary depending on the outcome of the vote.

## ADVOCACY OBJECTIVES BY TIER

Tier	Model States*	Objectives
One	Arkansas, <b>Georgia</b> , Indiana, South Carolina, Wyoming	Adopt basic hate crime protection legislation
Two	<b>Idaho</b> , Mississippi, South Dakota, Montana	Identify localities for improvement, increase community participation
Three	Kansas, <b>Kentucky</b> , Missouri, West Virginia	Increase rigor of state legislation, partner with community organizations to implement tolerance-based programming
Four	Colorado, Florida, <b>Nebraska</b> , New Hampshire	Increase state outreach to community organizations, increase community participation for hate crime prevention
Five	California, Minnesota, <b>New York</b> , Washington	Increasing state-to-state learning or city-to-city learning on legislation protections and community participation

\*Not all 50 states have been categorized, bold selections are case study states for that tier

## TIER ONE

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The first tier includes those states with no hate crime legislation or no protected groups of people. The only states in this tier are Arkansas, Georgia, Indiana, South Carolina, and Wyoming. I will use Georgia as the case study for this tier. Georgia has a high level of community groups currently active throughout the state with a high level of grassroots advocacy and community outreach. Many of these groups are religiously affiliated but have their roots in the civil rights movement.

This tier of states will have an advocacy plan that centers around increasing states' adoption of comprehensive hate crime legislation through a coordinated effort with community groups. The active and organized community groups already working are well versed in hate crime prevention or tolerance-building activities as well as advocacy and grassroots movements.

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### *GEORGIA CASE STUDY*

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In 2018, Georgia reported 35 hate crimes to the FBI (0.411 per 100,000). As Georgia does not have state hate crime legislation, it does not recognize any state crime as a hate crime and accordingly has very low FBI reporting rates. The hate crime rates that the FBI publishes cannot be interpreted as the actual hate crime incident rate in states that have poor reporting standards and few or no protected groups of people.

At the end of 2019, a white Georgia teenager was charged with attempted murder after plotting a "knife attack" at the Bethel African Methodist Episcopal Church outside of Atlanta (Rojas, 2019). This teen was reported to her school counselor by concerned classmates, thankfully avoiding a terrible outcome, but she will not be charged with a hate crime.

Hate crimes, like the one attempted above, dot Georgia's recent criminal history:

In late 2016, an admitted member of the Aryan Brotherhood was in a passenger seat of a truck when he shot at a black driver's car and then yelled racial slurs in the presence of police. In 2015, a couple interrupted an African American child's birthday party with Confederate flags, racial slurs and armed threats. That same year, a former fire captain pointed a pistol at an African American couple while yelling racial slurs at them outside an Applebee's (Mansoor, 2019).

All of these crimes could not be classified as hate crimes due to the state's lack of hate crime legislation. The perpetrators received no extended jail sentences or harsher penalties for their hate-fueled acts.

In 2019, there were 41 hate groups active in the state (0.389 per 100,000) according to the Southern Poverty Law Center. In comparison to the rest of the U.S. this is actually a pretty

middling ranking, akin to many other states in the South and far from some of the highest rates near .8 per 100,000. Georgia has historically been home to various white supremacist groups and there are still strong ties to the KKK and neo-Nazi movements.

As for legislation and legal protections, Georgia has a history of trying to pass legislation to provide some protections and at one point had a state-wide hate crime law. However, the politics in Georgia limits the ability of the legislature to pass meaningful, wide-sweeping hate crimes protections. In 2004, the Georgia Supreme Court overturned a hate crime law that was “too vague” as to be enforceable (Mansoor, 2019). Additionally, movements to try and add comprehensive hate crime laws to the books failed in 2017 and 2018 legislative sessions (Mansoor, 2019).

A big hurdle to adding hate crime laws, especially those that are sweeping or open ended, is the political conservatism in Georgia’s state legislature. The main barrier that conservative lawmakers face is the potential for expanding vague legislation to include sexual orientation and sexual identity. Comprehensive legislation includes these categories explicitly.

However, it remains possible that these lawmakers are open to legislation that is narrow and rigid in its protections of race, religion, and ethnicity. By starting off with legislation that is more defined and more niche than previous attempts, lawmakers in Georgia may be able to pass such a bill into law. A single successful, narrow bill could become the start to hate crime protections for vulnerable groups without appearing threatening to lawmakers with “traditional” values.

From a preliminary, remote assessment, Georgia, luckily, has a strong history of grassroots movements and advocacy. Many groups are still in existence from the Civil Rights Movement, leaving the state with an incredible number of people willing to put in the work necessary to get hate crime legislation passed. Some high-profile groups in Georgia that are likely candidates for potential partnership include Georgia Equality, the Georgia Legislative Black Caucus, the NAACP Georgia Chapter, the Community Policing Unit of the Atlanta Police Department, and many churches, especially AME churches throughout the state are active community participants.

The capacities of many of these organizations are very high—they can operate their own grassroots advocacy operations and have strong connections to local and state lawmakers. Working with their LP, ICRD would outline the basic protections that would form the basis for new legislation. These protected groups should be universally accepted and try to avoid causing undue suspicion from lawmakers. Many people in Georgia that oppose hate crime protections do so because they fear those protections expanding to LGBTQ+ populations (Mansoor, 2019). By drafting legislation based on race/religion/ethnicity with narrow language, ICRD can circumvent those fears while still creating a toe hold for future hate crime protections.

In addition to legislation, ICRD can work with their LP to identify school districts that would be amenable to tolerance-based programming. Cities like Atlanta have community policing task forces and could be open to furthering community work towards tolerance and mutual understanding in the broader community (*Community Policing Programs*, 2019). These goals, while not at the state level, can be more attainable for smaller organizations with less capacity for legislative lobbying and still make a difference for communities in need.

ICRD will need to use the LP's knowledge and outreach to mobilize a grassroots campaign of people willing to lobby the state legislators identified as key targets for bill approval. The other key group that ICRD will identify with help from their LP are the "grass tops." For Georgia, that may be an athletics coach from University of Georgia, high-profile pastors, members of the Georgia Legislative Black Caucus, etc. These grass tops will give ICRD and the LP the access they need to influential policymakers not convinced by the grassroots push.

Speaking with lawmakers, grassroots, and grass tops, ICRD can identify key areas in the draft of the bill that garner wide support and those that are contentious. ICRD will need to use statistics and moving stories of people affected by hate crimes to get lawmakers to sign on to a letter of support for the proposed bill. By using grassroots and grass tops outreach, ICRD and the LP should be able to get lawmakers from both sides of the aisle to sign a letter of support for the bill. This will signal to the remaining lawmakers that this a bill to seriously consider and its goals are universal in nature. From there, the bill will be put up for a vote in the state legislature. ICRD and the LP will be able to see if their advocacy efforts were successful or if continued revision is necessary depending on the passage of the bill.

## TIER TWO

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The second tier of states include those that have limited hate crime protections (only protect people based on race/religion/ethnicity) and have high rates of hate groups per capita. Idaho, Mississippi, Montana, and South Dakota are models of this tier. I will use Idaho as a case study for this tier's detailed advocacy plan.

The advocacy efforts for tier two states would center on harnessing power of localities to counter hate groups and creating space at the state level for identifying good practices and policy areas or cities that need improvement.

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### *IDAHO CASE STUDY*

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In 2016, a hate crime in Idaho “was so vicious, it quickly drew comparisons to the 1998 murder of university student Matthew Shepard,” the student which helped inspire the most recent federal hate crime legislation (Sowell, 2017). The brutal beating and murder of Steven Nelson could not be tried as a hate crime in Idaho, and, in fact, would have received a more lenient sentence for the perpetrator had it been tried as one (Sowell, 2017).

The hate crime statutes in Idaho only cover race, religion, and ethnicity. Nelson was targeted for his sexual orientation and Idaho state prosecutors decided to try Kelly Schneider, the perpetrator, for first degree murder. The hate crime statutes in Idaho only malicious harassment, a sentence that covers only a portion of the time possible for crimes like aggravated assault, battery, or murder. State and county prosecutors often have to “privilege” the crime with a harsher sentence over the malicious harassment hate crime charge to make sure that victims receive justice rather than letting perpetrators off with an easier sentence (Sowell, 2017).

The FBI received reports of 23 hate crimes in Idaho in 2018, around 1.32 per 100,000 persons in the state. The Southern Poverty Law Center tracked 10 different hate groups in Idaho in 2019, around .570 per capita. While Idaho's per capita recorded rates for hate crimes is relatively average compared to the rest of the country, Idaho does only protect against hate crimes committed on the basis of race, religion, or ethnicity. This means that there are probably many more crimes committed in the state than can be classified as “hate crimes.”

The rates of hate groups per capita is one of the highest in the nation. While 10 doesn't seem like a large number, the small population in Idaho makes hate groups incredibly prevalent. Additionally, the SPLC doesn't track membership of hate groups, meaning each hate group in Idaho could have many members. The reach of hate groups in Idaho is pervasive and their presence cannot be ignored.

As such, the focus for any advocacy effort in the state would be on the local level, increasing community organizations working in tolerance programming and increasing community involvement in such programs. Increased legislative protections in Idaho, while a worthwhile goal, are a far second compared to community programming. There does not seem to be any political will for increasing protections.

From an initial assessment, there seems to be a deficit in community actors working in tolerance programming. There are a number of churches and synagogues that could present potential partnerships for increasing education on tolerance and increasing community participation. Working with the LP, ICRD can design appropriate curricula and identify individual schools willing to pilot the programming. Or, ICRD can work with the LP to gain approval from school boards to mandate tolerance programming in schools.

Working at the local level, ICRD and their LP should follow the best practices advocacy steps for getting tolerance programming curricula passed for schools or increasing local community efforts for tolerance programming. At the city level, the grassroots most likely to support such efforts are concerned parents and/or religious institutions with more open beliefs, like the Kentucky Council of Churches which advocates for criminal justice reform among other political topics. Grass tops could be a member of the school board, a prominent community member, the leader of a religious institution, a faculty member of a higher education institute in the area, etc.

On the state level, Idaho has a Human Rights Commission that was created through the state legislature in 1969 and last amended in 2005 (Ch 59: Commission on Human Rights, 1969). The Commission serves to protect against discrimination of any kind in employment, education, and public housing (*Idaho Human Rights Commission*, 2018). While a state-created entity, the Commission is able to protect the public from discrimination by the government. They could be a useful resource in identifying localities in need of improvement for tolerance programs or connect ICRD to local organization working to prevent, mitigate, and counter discrimination.

Idaho, like Georgia, has political Conservatives that are worried about expanding hate crime protections to include sexual orientation and sexual identity (Sowell, 2017). There are some organizations working to combat this at the state level. Add The Words – Idaho (ATW), is a state chapter of a movement to ensure that sexuality is a listed protected category in hate crime legislation across the country. ATW works in the advocacy space in Idaho already and has some networks available for support. ATW also runs community advocacy workshops and partners with local business to build support for their movement. It could be that partnering with such an organization would allow ICRD to help create meaningful change in communities in Idaho without necessarily focusing on passing updated legislation. Working with the Human Rights Commission and ATW, ICRD can implement its knowledge base of curriculum design with an Idaho-specific message on tolerance.



## TIER THREE

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The third tier of states includes those that include some protections (more than one category) and have high incidences of hate groups per 100,000 people. Kansas, Kentucky, Missouri, and West Virginia as examples of this tier. I will use Kentucky as a case study to demonstrate a detailed advocacy plan.

The third tier of states provides an interesting path for advocacy. The aim of an advocacy campaign in tier three states would center on increasing the rigor of state legislation. This focus is achievable because voluntary reporting of hate crimes is high (the state has recognized the importance of identifying and reporting hate crimes), signaling that the state could be open to doing more to prevent hate crimes through legislation and/or working with community organizations to implement community-based programming.

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### *KENTUCKY CASE STUDY*

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Kentucky has had some higher profile hate crimes in the national news in the past few years. Notably, Gregory Bush was arrested for shooting two black people in a Kroger parking lot in Kentucky after not being able to gain access to a black church (Chokshi, 2018). The First Baptist Church of Jeffersontown, the church that Bush failed to gain access to, has kept its doors locked since the 2015 Charleston, S.C. shooting of an AME church (Brown, 2018). While he was indicted on federal charges and charged for federal hate crime offenses (Chokshi, 2018), there are many hate crimes in Kentucky that cannot be prosecuted at the federal level.

The FBI received reports of 235 hate crimes in Kentucky in 2018, over 5.23 per 100,000 persons in the state. Kentucky has weak hate crime legislation, protecting only two specific categories of people including race/religion/ethnicity and sexual orientation. However, the state omits disability, gender, and gender identity from its protections, leaving many more potential hate crimes unrecognized.

Kentucky, does, however, have middle to low rates of hate groups per capita. The SPLC found 13 hate groups were active in Kentucky in 2019, around .290 per 100,000. The low number of hate groups and the high number of hate crimes can point to very active hate groups in the state, many individuals influenced by hate rhetoric committing crimes, and/or the high reporting of hate crimes may only reveal that Kentucky is thorough in their reporting to the FBI. Many states do not report all hate crimes to the federal government as reporting is not mandatory. The high number of reported hate incidents is still concerning and can be utilized to leverage the state government to increase the protections given through hate legislation by including gender, disability, and gender identity as categories that motivate hate crimes.

Kentucky's extremely high reporting rate for hate crimes in the state is both good and bad. The high reporting signals that Kentucky is not afraid to investigate, arrest, and prosecute

hate crimes in the state which is far better than many other states. The high reporting level signals that the state wants to tackle their hate crime issues and make sure that people in protected categories are actually protected from bias and hate crime.

However, Kentucky only has two protected categories on which they can base criminal proceedings for hate crimes, leaving people targeted based on disability, gender, and gender identity without protections. The rate of hate groups in the state is not high compared to many other states, yet the hate crime rates are off the charts in comparison. The high level of hate crimes reported for race/ethnicity/religion and sexual orientation points to a distressingly high amount of individual, violent bias in the state. As such, ICRD and the LP should focus on increasing the number of protected groups under state legislation.

Once ICRD identifies potential partners and works on an initial environmental assessment, they will have to identify areas for increased action, potential advocacy avenues, grass tops partners, and communities in need. ICRD can work with more localized organizations like the Louisville Community Policing Unit or local school districts like Marshall County, Kentucky and try to recruit grass tops from organizations like the University of Kentucky or local sports teams.

Marshall County experienced a school shooting in 2018 at the local high school, prompting some students at the school to join the March for Our Lives rally and work on teaching tolerance in their community (Collins, 2018). The national organization Teaching Tolerance interviewed student leaders from the Marshall County High School about their experiences in trying to open dialogue on a controversial topic. The school leaders were hopeful and tenacious in their responses, opening the possibility of community partnerships in areas that have higher rates of school violence or school shootings. While sad, the reality is that many people who go on to commit hate and bias crimes have their feelings of isolation and “othering” of peers happen in middle and high school. Similarly, parental organizations from school districts like Marshall County could be partners in advocacy efforts for tolerance program adoption and increasing legislative protections for vulnerable populations.

While increasing legislative protections should be a priority for ICRD and the LP, ICRD should also focus on developing tolerance programming for schools and communities that face high levels of bias crime or hate crime in Kentucky. Those localities, especially if in partnership with state government, should welcome efforts to curb hate and discrimination before they lead to crime. The tolerance-based programming should be designed in partnership with the LP and those specific communities to focus on the needs of the community.

## TIER FOUR

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The fourth tier of states include those that have some protections and limited community involvement in hate crime prevention. Colorado, Florida, Nebraska, and New Hampshire are models. I will examine Nebraska as a case study to demonstrate a detailed advocacy plan.

As tier four states have relatively comprehensive state hate crime legislation, the aim for advocacy would be to increase state governments' outreach to community partners. These partners may not necessarily be dedicated to hate crime prevention, but offer an avenue for increasing community participation and buy-in to hate crime prevention.

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### *NEBRASKA CASE STUDY*

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Nebraska presents with middling levels of hate crimes per capita and hate groups per capita. With pretty extensive hate crime laws on the books in the state, it may be a product of deterrence that the state does not have high levels of either. The state has low community organization involvement in preventing hate crime or increasing tolerance, potentially through some complacency because of the hate crime laws or through a lack of identification with victims of hate crimes. Nebraska reported 34 hate crimes to the FBI in 2018, around 1.9 per 100,000 people in the state. As for hate groups, the SLPC determined eight were active in the state in 2019, around .414 per 100,000 people.

In 2019, Nebraska started investigating a potential hate crime. A young Muslim woman, 17-years-old, was accosted and beaten by two white men while she walked alone at night (Clopton, 2019). The police started investigating the incident as a hate crime and the Council on American-Islamic Relations offered a \$1000 reward for information on the perpetrators (Clopton, 2019). While the perpetrators have still not been identified, the community in and around Lincoln remain shaken (Young, 2019). The sister of the victim wrote a letter to Nebraska state lawmakers following the attack that denigrated the perpetrators not only for the act committed against her sister but for "generating fear" in the community (Young, 2019).

If those perpetrators are identified and arrested, Nebraska, luckily has relatively comprehensive hate crime legislation that would ensure they could be convicted of such an act. The state covers all protected groups identified by the ADL except for gender identity. While the state has middling rates of hate crimes and hate groups per capita (comparable with tier two states), Nebraska's comprehensive legislation and focus on prosecuting hate crimes when they occur signals a different objective for advocacy.

As hate crime legislation is comprehensive there is no strong will among the people or the legislators in the state to increase protections to include gender identity and pushing for such legislation would not make much of an impact in the state. However, Nebraska has many community organizations that work on tangentially related topics that would provide a

strong base for increase community tolerance programming. Here, Nebraska and Idaho really diverge. While Idaho has few community organizations to work with at all, Nebraska actually has quite a few, just not many that work on preventing hate crimes in the state.

With such robust community organizations, ICRD should easily find an LP. With the LP, ICRD should diverge a little from the general advocacy path and create a coalition focused on tolerance programming. ICRD and the LP should aim to recruit more community groups to join, creating a grassroots base of organizations rather than people. However, following the advocacy steps, ICRD and the LP should use the coalition to co-create a funding appeal for increased state funds for community programming. The funds could come from a discretionary fund, but it would be more sustainable to add a new line item to the state budget. Trying to get a state budget addition passed follows the same steps as legislation. ICRD and the LP should find grass tops, use the coalition to lobby state lawmakers, and work to gather bi-partisan support for the proposed amendments.

## TIER FIVE

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The fifth tier of states include those that have full legal protections for protected groups and there is community involvement in hate crime/hate group prevention. New York, California, Minnesota, and Washington are models. I will examine New York as a case study to demonstrate a detailed advocacy plan.

The advocacy plan for tier five states would focus on increasing state-to-state learning in hate crime prevention or intra-state city-to-city learning. Many large cities within each of the tier five states have task forces designed to combat hate crime and can spread their lessons learned, best practices, and new initiatives if only places like NYC or LA or Minneapolis are working well on this and the rest of the state would benefit from shared learning.

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### NEW YORK CASE STUDY

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In 2018, New York reported 253 hate crimes to the FBI, approximately 2.7 hate crime incidents per 100,000 people. This sounds like an extremely large number; however, the reality is that in states with excellent reporting practices and stringent hate crime laws, more crimes are classified as hate crimes than in other states who do not have hate crime legislation or have poor reporting practices. This number may still be high even if we account some of the reported numbers to better practices. The number of hate crimes per capita in New York is actually very similar to the rates reported in Minnesota and California, two other tier 5 states.

According to the SPLC, New York had 47 active hate groups in 2019 (0.240 per 100,000). The per capita rate in New York is again consistent with Minnesota and California, while Washington state reports 0.340 per 100,000. Again, the total amount of hate groups seems high, but the per capita rate is actually relatively low compared to the rest of the United States, falling below the national, aggregated rates.

Part of the explanation for New York's high hate crime rates and the number of hate groups in the state can potentially be attributed to New York's diversity. Compared to states like Idaho, New York has a far more diverse population that can be targeted during times of increased vitriolic rhetoric, groups threatened by large minority populations can lash out at perceived threats. New York state and New York City, however, have been proactive in trying to prevent hate crimes from happening and prosecuting swiftly and aggressively when they do occur. New York state has some of the most comprehensive hate crime legislation in the nation, covering race/religion/ethnicity, gender, gender identity, sexual orientation, and disability (*ADL Hate Crime Map*, 2019).

Still, New York does have hate crimes, and due to the recent novel coronavirus outbreak, has been investigating hate crimes against people of Asian descent. On March 12, the New York City hate crimes task force were directed to investigate two attacks on people of Asian

descent, one of which the perpetrators shouted racial slurs and yelled about coronavirus (“Hate Crimes Task Force Investigates Two Possible Anti-Asian Attacks in NYC,” 2020). The New York Attorney General’s Office, in response, launched a hotline to report “combat coronavirus hate crimes and xenophobic rhetoric” in the wake of COVID-19 only eleven days later on March 23 (*AG James Launches Hotline to Combat Coronavirus Hate Crimes and Xenophobic Rhetoric*, 2020).

Due to the high volume of government-sponsored programs to combat hate crime and the comprehensiveness of hate crime legislation in New York, there is no need for new legislation on the topic. Instead, ICRD can use partnerships with local community organizations and national organizations combatting hate crime to increase the opportunities for knowledge sharing of best practices and introduce city or state partnerships for the New York state and New York City law enforcement and government agencies combatting hate crimes.

ICRD and the LP can create a proposal on a new program for information sharing including the necessary budget. Using a coalition model, ICRD and the LP should recruit community organizations and government offices that would be willing to participate in the information sharing program. From there, ICRD and the LP can lobby the city or state government to include such a program in the budget. ICRD and the LP should follow advocacy best practices using the coalition as their grassroots members and identifying grass tops to support the effort (potentially the Attorney General) to shore up support for the increased funding.

## FINDINGS

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In an ideal world with enough time and resources, it would be worthwhile to work on each tier given that each tier has its own implementation target. However, with a limited organizational capacity and constrained costs, a few tiers present themselves as more ready options. Each advocacy path is evaluated based on its projected impact level, community buy-in, and political viability.

### IMPACT MATRIX

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Tier	Projected Impact Level	Community Buy-In	Political Viability
One	High	Medium	Medium
Two	Medium	Low	Low
Three	High	Medium	Medium
Four	Medium	Medium	Low
Five	Low	High	High

### TIER ONE

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The **projected impact level** is **high** in tier one because states that have no protections are also some of the states with highly motivated CBOs working on equality measures. While states in this tier may be unable to grant full protections through legislation right away, there is motivation and openness to starting to grant protections to limited groups (race, ethnicity, religion, etc.).

The **degree of community buy-in** is **medium** as there are two groups on either end of the spectrum in regards to hate crime legislation. Citizens who are political conservatives who are not members of protected groups dominate the side that rejects the need for hate crime legislation and is worried about what hate crime legislation could signal for their state (i.e. more “left”-leaning policies like gay marriage and abortion protections). The group that staunchly supports hate crime protections are often those more liberal on the political spectrum and often are non-white or part of a protected group. These members would go to great lengths to help develop hate crime legislation and persuade law makers of the need for narrow legislation protecting specific groups.

In tier one states, hate crime legislation has been proposed before and even passed in some states before being struck down. The main worry for political conservatives centered around the possibility that vague or undefined hate crime legislation could lead to new protections for sexual orientation and gender. Aiming to create narrow hate crime legislation that specifically outlines race, religion, and ethnicity as basis for protection from hate crimes could alleviate the fears of alternate interpretations.

Balancing the two political groups' needs and concerns makes this medium political viability. The effectiveness of community groups and the strength of grassroots networks in these states makes a compelling case for strong grassroots advocacy, but the political conservatives and many of the grass-tops in tier one states are staunchly against hate crime legislation. The staunch opposition negates some of the power the tier one CBOs have, making it **medium** in **community buy-in**.

## TIER TWO

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Tier two, on the other hand, has a **medium** score for **impact** because states would need increased CBO action in addition to petitioning the state legislature to improve protections. The overall effort necessary to implement a campaign is higher in this tier; however, there exists much room for improvement in protections, so some change could be manageable.

The **degree of community buy-in** in tier two is **low**. There are few community organizations working in this area and states in this tier have few identity-based community organizations available except for religious institutions. There could be room for community buy-in for implementing school-based tolerance programs in localities with high rates of hate crime and/or hate groups, but it's not likely to get much movement statewide.

It follows that **political viability** is **low** as well. With little help from community organizations to influence politicians' minds, there are limited options for grassroots partnership, and with basic hate crime protections in place for at least one group of people, there not be much political room for a new hate crime law or expanding existing protections. In the mind of many politicians, the job has been done and does not need to be revisited.

## TIER THREE

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For tier three, there is **high likelihood for impact**. In this tier, states' voluntary reporting on hate crime incidents is high, which leaves room for more rigor in their laws. As long as the states are identifying hate crime as a problem, there is room for increasing protections of vulnerable groups. Additionally, there are is potential for increasing community outreach and community involvement in hate crime protection.



**Community buy-in** is **medium** for tier three states. The high prevalence of hate groups in the states signals a potential bias towards biased thinking, or a general community indifference to others' prejudice and hate. Trying to organize community members and start grassroots campaigning could be met with serious disagreement and pushback from many community members. On the other hand, many community members may be concerned about the prevalence of hate groups in their community and reaching out to religious institutions and schools could be a way to target groups willing to advocate for increased rigor in legislation.

However, **political viability** is **medium** as the state seems to recognize the issue of hate crimes through both its legislation and its voluntary reporting of hate crimes to the FBI. The high reporting would seem to point to a potential opening for more rigorous legislation, but the potential for pushback and/or indifference from the community would stymie lawmakers.

## TIER FOUR

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In tier four, **projected impact level** is **medium** because the states are relatively mobilized, but there's little grassroots mobilization or pressure to create further change. For the most part, these states are complacent in their protections legislation and don't have any community groups working to make more progress.

The **degree of community buy-in** in tier four is **medium** as evidenced by the goal of tier four advocacy, namely to increase community involvement in hate prevention. There are few community groups working on hate crime prevention in this tier and since legislation is relatively comprehensive, there are not many issues around which to mobilize people. However, the large number of community groups working on related topics could help inspire community action on hate crime prevention.

A **low political viability** exists in tier four states. Politicians and legislators are generally satisfied with the amount of protections that exist against hate crime and most likely do not see hate crimes as a prevalent problem in their communities. If hate crime was thought of as a problem in select localities, state legislators and local elected officials may help in trying to increase community participation in preventing hate crime, but this would be on a micro-level.

## TIER FIVE

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The **projected impact** in tier five is **low** because the states are currently highly mobilized and working to innovate new policies in hate crime prevention. There is not much room for improvement within the state, making the focus for tier five on state-to-state learning or

intra-state learning to share best practices. This would only make a difference among states and cities that are looking to improve their response.

The **community buy-in** in tier five states is **high** as there are many grassroots organizations working in this and similar fields. These organizations can motivate communities to adopt or approve of adoption of new policies and programming in hate crime prevention as well as mobilize people with the technical know-how to participate in state-to-state or city-to-city learning.

Tier five states also have a **high** score for **political buy-in**. Tier five states recognize that hate crimes are a problem and are actively taking steps to prevent hate crime and mitigate the effects of hate crimes on protected groups. The politicians in tier five states can be counted on to work for bettering hate crime programming in their states and in others.

## RECOMMENDATION

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Based on the likelihood of impact, ICRD should pursue work in tier one and/or tier three. The likelihood of impact is highest in these two tiers. These two tiers also score well in community buy-in and political viability. Working in these two tiers will provide the most benefit for investment. However, due to tier one's high number of community groups with established networks and advocacy experience, it may be the best entry point into advocacy for ICRD. Tier one states have a clear goal to achieve and active partners with which to do so. This can ease ICRD into state-level advocacy work in preventing hate crimes without creating high costs and straining human resources.

Tier one has strong grass roots community groups that can facilitate a legislative lobbying push for increased protections. Political viability for full protections in tier one states is almost non-existent, but there is room for creating narrow legislation which would center on racial, religious, and ethnic groups. Creating any protections legislation at all increases the likelihood of future protections expansion.

Tier three, on the other hand, involves states with some protected groups and voluntary reporting of hate crimes. The lack of comprehensive legislation leaves a lot of room for improvement while voluntary reporting of hate crime incidents strongly signals that states recognize hate crime as a problem, making political viability relatively high for increasing protections. Community buy-in can be expanded in tier three states through including religious and community organizations not yet involved in hate crime prevention.

States can move through the tiers by improving aspects of their hate crime environment. Once tier one states have some legislation, they can easily become tier two or tier three states given their rate of hate crimes and hate groups per capita. Governments in tier two states must acknowledge the hate crimes in their states are a problem, increasing reporting requirements and accurately tracking the hate crimes in their state in order to move up to tier three. The states in tier three would have to work to reduce the rate of hate crimes and increase their legislative protections before moving to tier four. Finally, tier four states would have to make use of robust community groups to pressure their governments to provide robust, comprehensive protections in their states before graduating to tier five.

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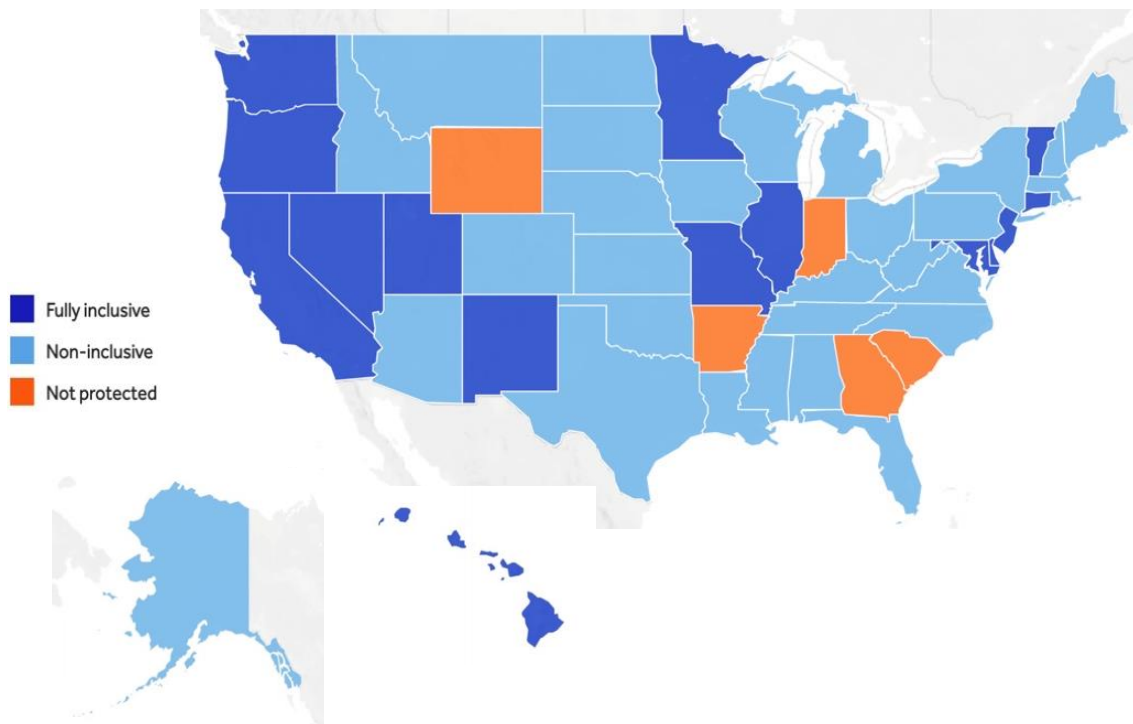
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## APPENDIX A: STATE HATE CRIME LEGISLATION CHART AND MAP

Level of Protection	States
States with no protections	Arkansas, Georgia, Indiana, South Carolina, Wyoming
Only Race/Religion/Ethnicity Protections	Idaho, Montana, South Dakota, Ohio, Pennsylvania, Virginia
2 Protected Groups	Alabama, Kansas, Kentucky, Michigan, Mississippi, North Carolina, North Dakota, Oklahoma, West Virginia
3 Protected Groups	Alaska, Florida, Wisconsin
4 Protected Groups	Arizona, Colorado, Iowa, Louisiana, Maine, Massachusetts, Nebraska, New Hampshire, New York, Tennessee, Texas, Rhode Island
Full Protections	California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, Oregon, Utah, Vermont, Washington

**Source:** State Hate Crime Map, Anti-Defamation League, 2019



## APPENDIX B: HATE CRIME AND HATE GROUP RATES BY STATE

State	Total number of hate crime incidents reported	Hate Crime Incidents per 100,000*	Number of total hate groups	Number of Hate groups per 100,000^
Alabama	0	0.000	23	0.470
Alaska	7	0.954	4	0.542
Arizona	166	2.326	20	0.278
Arkansas	13	0.452	14	0.464
California	1,063	2.689	83	0.209
Colorado	121	2.195	22	0.386
Connecticut	81	2.571	6	0.167
Delaware	16	1.662	2	0.206
Florida	141	0.673	75	0.352
Georgia	35	0.411	41	0.389
Hawaii	44	4.480	5	0.351
Idaho	23	1.322	10	0.570
Illinois	107	0.895	31	0.243
Indiana	107	3.561	24	0.358
Iowa	10	0.328	3	0.095
Kansas	69	2.694	4	0.137
Kentucky	235	5.283	13	0.290
Louisiana	45	1.275	21	0.450
Maine	20	1.494	5	0.373
Maryland	49	0.811	21	0.347
Massachusetts	352	5.230	14	0.202
Michigan	431	4.332	31	0.310
Minnesota	126	2.297	12	0.213
Mississippi	5	0.693	13	0.435
Missouri	64	1.081	24	0.391
Montana	7	0.658	7	0.658
Nebraska	34	1.908	8	0.414
Nevada	33	1.087	10	0.329
New Hampshire	13	0.986	10	0.737

New Jersey	561	6.297	18	0.202
New Mexico	28	1.461	0	0
New York	523	2.703	47	0.240
North Carolina	140	1.355	40	0.385
North Dakota	10	1.314	3	0.394
Ohio	350	3.580	36	0.307
Oklahoma	20	0.552	9	0.228
Oregon	118	2.940	15	0.357
Pennsylvania	67	0.527	36	0.281
Rhode Island	13	1.230	2	0.189
South Carolina	111	2.237	17	0.334
South Dakota	20	2.479	7	0.793
Tennessee	170	2.523	36	0.531
Texas	455	1.634	73	0.254
Utah	33	1.075	9	0.284
Vermont	45	7.131	1	0.159
Virginia	143	1.680	39	0.457
Washington	506	6.765	28	0.371
West Virginia	43	2.732	5	0.276
Wisconsin	52	0.901	15	0.258
Wyoming	0	0.000	1	0.173
Total	7,120	2.320	1020	0.311

*\*as reported to the Federal Bureau of Investigation in 2018*

*^as tracked by the Southern Poverty Law Center in 2019*

## APPENDIX C: NATIONAL AND STATE ORGANIZATIONS FOR POTENTIAL PARTNERSHIP

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### NATIONAL

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[African Methodist Episcopal Church](#)

[Anti-Defamation League](#)

[NAACP](#)

[Southern Poverty Law Center](#)

[Human Rights Campaign](#)

[Federal Bureau of Investigation](#)

[Teaching Tolerance](#)

[U.S. Department of Justice](#)

[U.S. Department of Homeland Security](#)

### GEORGIA

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[AME Georgia](#)

[NAACP Georgia](#)

[Community Policing Task Force](#), Atlanta Police Department

[Georgia Legislative Black Caucus](#)

[Georgia Equality](#)

### IDAHO

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[Add The Words](#)

[Idaho Human Rights Commission](#)

[Idaho Law Foundation](#)

### KENTUCKY

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[Kentucky Commission on Human Rights](#)

[Louisville Community Policing Unit](#)

[Marshall County Public Schools](#)

[Kentucky Center for School Safety](#)

[Kentucky Council of Churches](#)

## NEBRASKA

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[Community Justice Center](#)

[Compassion in Action, Inc.](#)

[Nebraska Civic Engagement Table](#)

[Nebraska Community Foundation](#)

[The Civic Nebraska Writers Group](#)

[Urban League of Nebraska](#)

[Unity in Action](#)

## NEW YORK

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[The Center \(LGBTQ+\)](#)

[The New York Women's Foundation](#)

[New York State Women, Inc.](#)

[New York State Attorney General's Office](#)

New York City Mayor's Office—[Office for the Prevention of Hate Crimes](#)

Neighborhood Programs (ex. [Village Alliance](#))

[New York State Homeland Security and Emergency Services](#)