

# NIBRS Reminders – Hate Crimes

The FBI Uniform Crime Reporting (NIBRS) Program collects hate crime data regarding criminal offenses motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Due to the difficulty of ascertaining the offender's subjective motivation, bias is to be reported **only if investigation** reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.

An important distinction must be made when reporting a hate crime. The mere fact the offender is biased against the victim's actual or perceived race, religion, disability, sexual orientation, ethnicity, gender, and/or gender identity does not mean that a hate crime was involved.

**Rather, the offender's criminal act must have been motivated, in whole or in part, by his or her bias.**

In the NIBRS:

There are 34 different Hate Bias, based on Race/Ethnicity/Ancestry, Religion, Sexual Orientation, Disability, Gender, and Gender Identity.

88 = None, incidents that do not involve any facts indicating bias motivation on the part of the offender.

99 = Unknown, is to only be used for an agency to complete an investigation. When it is determined the presence of bias motivation is conclusive, the reported bias motivation code 99 = Unknown should be modified to indicate the results of the subsequent investigation. Law enforcement agencies should be diligent in modifying these types of situations as they become known.

**A review of year-end hate crime data should have few, if any, hate crimes coded as 99 = Unknown.**

Example:

While on foot patrol, Officer Sloan heard two individuals who were engaged in a shouting match. As the officer approached, she saw two men, one white and the other black, shouting obscenities at each other. The argument concerned a parking space to which each believed he was entitled. As the argument continued, one of the men shouted a racial epithet. Officer Sloan responded and quieted the men. Apparently the first driver to arrive did not use his turn signal to indicate he was waiting to pull into the parking space. The second driver, coming upon what appeared to be an unoccupied parking space, proceeded to maneuver his car around the first driver's car and into the space. The argument then began.

**Crime Classification:** None **Bias Classification:** Unbiased Crime Incident

Reasons: The argument only involved the issue of which driver deserved to get the parking space. One of the questions one should ask in investigating alleged bias incidents is: "Would the incident have taken place if both the victim and offender were of the same race, religion, sexual orientation, ethnicity, gender, or gender identity? If the answer is "Yes," it is "not a bias-motivated crime."

**ACIC requests that NIBRS or Statistics Personnel submit data by the 10th of each month to insure your agency is correctly submitting data. ACIC must receive 12 months of complete NIBRS data to be included in the FBI Crime in The United States Publication. For the latest information concerning your agency's progress please call the ACIC NIBRS Program at 501-682-2222.**