



# SCOTTSDALE POLICE DEPARTMENT

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## Hate/Bias Crime & Incident Information

# HATE CRIMES AND HATE INCIDENTS

Hate crimes and hate incidents can cause significant trauma for the victims and the community. The Scottsdale Police Department is committed to addressing and handling hate crimes and incidents. It is important to recognize that even though a hate incident may not necessarily be classified as a crime, the police still play a role in addressing it and treating it seriously. In all cases, including hate crimes and incidents, we collaborate with our partners, including the citizens, tourists, guests, employees, and residents of Scottsdale. The Scottsdale Police Department is dedicated to ensuring that people are aware of our active involvement in addressing both hate crimes and hate incidents, while also acknowledging the limitations associated with each.



# HATE/BIAS CRIME

**Hate/Bias Crime:** At the federal level, hate crime laws include crimes committed on the basis of the victim's perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability.

**Hate/Bias crimes** can be verbal, physical, or visual. Some examples include:

- Assaulting, injuring, or even touching someone in an offensive manner because of their perceived protected class.
- Creating racist or derogatory graffiti on someone else's property based on their perceived protected class.
- Threatening to physically harm a person, their family, or their property based on their perceived protected class.

# HATE/BIAS INCIDENT

**Hate/Bias Incident:** Acts of prejudice that are not crimes and do not involve violence, threats, or property damage.

An incident that involves bias or hate could also be called, known or referred to as a ***suspected hate/bias incident*** if there is no known offender or the motivation of the person who did whatever occurred is not known or can't be proven during or after an investigation by law enforcement.

**A hate/bias incident is an action or behavior motivated by hate or bias but which, for one or more reasons, is not a crime.** Examples of hate/bias incidents include:

- Name-calling
- Insults
- Displaying hate material on your own property.
- Posting hate material that does not result in property damage.
- Distribution of materials with hate messages in public places.
- The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. While these acts are certainly hurtful, they do not rise to the level of criminal violations and thus may not be prosecuted. However, it is important to note that these incidents have a traumatic impact on the victims as well as on the community at large.

# HATE CRIMES VS. HATE INCIDENTS

**All hate/bias crimes are hate/bias incidents, but not all hate/bias incidents are hate/bias crimes. - *There is a Difference.***

It may or may not be difficult to prove that an individual committed a crime, but it can be complicated to *prove* that the intent behind the crime was bias or hate, especially if you don't have a suspect or a known offender and you don't know what the motivation was.

# REPORTING HATE CRIMES TO THE FBI

Reporting Hate/Bias Crimes to the FBI Requires Objective Evidence the Crime was Motivated by Hate/Bias.

An important distinction must be made when reporting a hate/bias 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/bias crime was involved. Rather, the offender's *criminal act must have been motivated, in whole or in part, by their hate/bias.*

Motivation is subjective; therefore, it is difficult to know with certainty whether a crime was the result of the offender's hate/bias. A hate/bias crime is to be reported only if an investigation reveals sufficient objective facts are present to lead a reasonable person to conclude that the offender's actions were motivated, in whole or in part, by hate/bias.

# UNIFORM CRIME REPORTING (UCR)

**Definition:** The FBI program that compiles official data on crime in the United States. A Nationwide cooperative statistical effort by law enforcement agencies voluntarily reporting data on crimes brought to their attention.

Arizona does not have a specific criminal charge for hate crimes. Hate crime is a qualifier that may enhance sentencing in hate & bias-motivated crimes. These are known as *aggravating circumstances* during the commission of a crime where the motive was biased against a victim's race, religion, ethnicity, gender, gender identity, sexual orientation, or disability.

Scottsdale Police Department reports all Hate/Bias Crimes to the FBI UCR Program.

**THE STATE OF ARIZONA DOES NOT  
HAVE A HATE CRIME CHARGE**



# HATE CRIME SENTENCING IN ARIZONA

[A.R.S. 13-701d.15\\*](#) - Evidence that the defendant committed the crime out of malice toward a victim because of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3 or because of the defendant's perception of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3.

[A.R.S. 41-1750A3](#) - Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender, antisemitism or disability.

\*Applies to felony crimes only

# “HATE”

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The term "hate" can be misleading. When used in a hate crime law, the word "hate" does not mean rage, anger, or general dislike. In this context “hate” means bias against people or groups with specific characteristics that are defined by the law.

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At the federal level, hate crime laws include crimes committed on the basis of the victim’s perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability.

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Most state hate crime laws include crimes committed on the basis of race, color, and religion; many also include crimes committed on the basis of sexual orientation, gender, gender identity, and disability.



# “CRIME”

The "crime" in hate crime is often a violent crime, such as assault, murder, arson, vandalism, or threats to commit such crimes. It may also cover conspiring or asking another person to commit such crimes, even if the crime was never carried out.

# WHAT IS A HATE CRIME?

In the simplest terms, a hate crime must include both "hate" and a "crime."



If there is not a known offender, a law enforcement agency cannot report to the F.B.I. that a hate crime or bias crime occurred since the offender's motivation is unknown.

# TYPES OF CRIMES THAT CAN BE REPORTED AS HATE/BIAS CRIMES TO THE FBI

Animal Cruelty

Arson

Assault

Bribery

Burglary

Counterfeiting/Forgery

Vandalism

Drug/Narcotic Crimes

Embezzlement

Extortion/Blackmail

Fraud

Gambling Crimes

Homicide

Human Trafficking

Kidnapping

Theft

Auto Theft

Pornography Crimes

Prostitution

Robbery

Sex Crimes

Stolen Property Crimes

Weapon Law Crimes

# TYPES OF CRIMES FOR WHICH HATE/BIAS CANNOT BE REPORTED TO THE FBI

Curfew/Loitering/Vagrancy Crimes

Disorderly Conduct

Driving Under the Influence

Nonviolent Family Offenses

Liquor Law Violations

Trespass

Any Other Offense That Is Not Specifically Listed

# HATE/BIAS-MOTIVATORS COLLECTED IN UCR

There are many kinds of hate/bias. Some of the more frequently discussed are those against race, sexual orientation, or religion. There are also biases due to socioeconomic status, age, people who dress differently, habits, weight, etc. The types of hate/bias to be reported to the FBI UCR Program are limited to those mandated by the [Hate Crime Statistics Act and its subsequent amendments](#). Examples are provided in the following slides.

# HATE/BIAS- MOTIVATORS COLLECTED IN UCR

## **Race/Ethnicity/Ancestry**

Anti-American Indian or Alaska Native

Anti-Arab

Anti-Asian

Anti-Black or African American

Anti-Hispanic or Latino

Anti-Multiple Races, Group (if more than 1 victim in the incident is a different race)

Anti-Native Hawaiian or Other Pacific Islander

Anti-Other Race/Ethnicity/Ancestry

Anti-White



# HATE/BIAS- MOTIVATORS COLLECTED IN UCR

## Religion

Anti-Buddhist

Anti-Catholic

Anti-Eastern Orthodox

Anti-Hindu

Anti-Islamic (Muslim)

Anti-Jehovah's Witness

Anti-Jewish

Anti-Church of Jesus Christ

Anti-Multiple Religions, Group (if more than 1 victim in the incident is a different religion)

Anti-Other Christian

Anti-Other Religion

Anti-Protestant

Anti-Sikh

Anti-Atheism/Agnosticism



# HATE/BIAS- MOTIVATORS COLLECTED IN UCR

## **Sexual Orientation**

- Anti-Bisexual
- Anti-Gay (Male)
- Anti-Heterosexual
- Anti-Lesbian
- Anti-Lesbian, Gay, Bisexual, or Transgender+  
(Mixed Group)



# HATE/BIAS- MOTIVATORS COLLECTED IN UCR

## **Disability**

- Anti-Mental Disability
- Anti-Physical Disability

## **Gender**

- Anti-Female
- Anti-Male

## **Gender Identity**

- Anti-Gender Nonconforming
- Anti-Transgender

# INVESTIGATION BY SCOTTSDALE POLICE & REPORTING OF HATE/BIAS CRIMES TO THE FBI

When the Scottsdale Police Department becomes aware of hate/bias crimes, detectives from the Violent Crimes Unit conduct a thorough investigative follow-up. If, once an investigation has been completed and a known offender's motivation in committing the crime has been determined to be hate/bias based, that crime is reported as a hate/bias crime for Federal reporting in Uniform Crime Reporting (UCR) data.

If no known offender is ever found, the crime will not be reported as a hate/bias crime since motivation cannot be determined.

# QUESTIONS OR FURTHER INFORMATION DESIRED?

Contact the Scottsdale Police Department's Violent Crime Unit 480-312-5000

For FBI Reporting information contact: [vbermudez@scottsdaleaz.gov](mailto:vbermudez@scottsdaleaz.gov)

# RESOURCES

<https://www.justice.gov/hatecrimes/learn-about-hate-crimes>

<https://le.fbi.gov/file-repository/hate-crime-data-collection-guidelines-and-training-manual.pdf/view>

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title34-section41305&num=0&edition=prelim>