

Federal Hate Crimes

- CJ Jackson, Special Agent, FBI Philadelphia
- Eric L. Gibson, Deputy Chief Assistant U.S. Attorney, Corruption & Civil Rights, Philadelphia





Hate Crime Definition

A hate crime is “a criminal offense against a person or property motivated in whole or in part by the individual’s bias against a race, religion, disability, ethnic/national origin, sexual orientation, gender, or gender identity.”

HATE CRIME: It's Against the Law!

Stop It. Report It.



911



1-800-CALL-FBI



215-686-2856



Federal Statutes

- Fair Housing (42 U.S.C. § 3631)
- Church Arson / Interference with Religion (42 U.S.C. § 247)
- Hate Crimes Prevention Act (Shepard/Byrd Act) (18 U.S.C. § 249)
- Interference with Federally Protected Activity (18 U.S.C. § 245)
- Conspiracy to Deprive Person of Civil Rights (18 U.S.C. § 241)



Fair Housing

42 U.S.C. § 3631

1. The defendant used or threatened force
2. The defendant willfully injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with, a victim
3. Because of the victim's race, color, religion, sex, handicap, familial status, or national origin
4. Because the victim was enjoying housing rights

The maximum penalty is one year imprisonment and \$100,000 fine without bodily injury; ten years imprisonment and \$250,000 fine with bodily injury and/or use of a dangerous weapon, explosive, or fire; or any term of years up to life imprisonment and \$250,000 fine if death results or if such acts include kidnapping, aggravated sexual assault

Interference
with
Federally
Protected
Activity
18 U.S.C. §
245

The defendant used force or threat of force.

The defendant willfully injured, intimidated or interfered with a person, or attempted to do so

The defendant acted because of that person's race, color, religion, or national origin.

And . . .





Interference with Federally Protected Activity

18 U.S.C. § 245 (cont.)

... The defendant acted because that person was engaged in one of the following protected activities

- Attending or enrolling in public school or college
- Participating or enjoying a benefit, , service, privilege, program, facility or activity provided or administered by a State or its subdivision, (b)(2)(C) Applying for or enjoying state or private employment,
- Serving on a state jury or attending state court in connection with such service,
- Traveling or using a facility or interstate commerce or common carrier,
- Enjoying the goods, services, facilities, privileges, advantages or accommodations of

"True threats"

- **SUBJECTIVE:** The prosecution must demonstrate beyond a reasonable doubt that the defendant transmitted a communication *for the purpose of issuing a threat or with knowledge that the communication would be viewed as a threat.*
- **OBJECTIVE:** The prosecution must also satisfy the objective component, which requires it to prove beyond a reasonable doubt that *the defendant transmitted a communication that a reasonable person would view as a threat.*



Church Arson / Interference with Religion

42 U.S.C. § 247

- Individuals are prohibited from intentionally defacing, damaging, or destroying religious real property based on the religious, ethnic, or racial characteristics of the property.
- If a victim suffered bodily injury and the violation is by means of fire or an explosive, the penalty is not more than 40 years in prison.
- If death results or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, the penalty is any term of years or life.
- In all other cases, a violation of § 247 is a





Hate Crimes Prevention Act (Shepard/Byrd Act) 18 U.S.C. § 249

- Expanded the previous federal hate-crime law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability.
- Criminalizes violent acts (and attempts to commit violent acts undertaken with a dangerous weapon) when those acts occur because of the actual or perceived race, color, religion, or national origin of any person.
- Removed the requirement that the victim be engaging in a federally-protected activity.



COVID-19 Hate Crimes Act

- Signed into law on May 20, 2021
- Makes the reporting of hate crimes more accessible at the local and state levels by boosting public outreach
- Ensures reporting resources are available online in multiple languages
- Expedites review of hate crimes related to COVID-19
- Authorizes grants to state and local governments to conduct crime-reduction programs to prevent and respond to hate crimes

Reporting a Possible Crime

How are crimes reported to the FBI?

Phone:

1-800-CALLFBI (225-5324) (National)

215-418-4000 (Philadelphia)

412-423-4000 (Pittsburgh)

Online:

tips.fbi.gov

In Person:

FBI Philadelphia

600 Arch Street

Philadelphia, PA 19106

FBI Pittsburgh

3311 E Carson St

Pittsburgh, PA 15203

Local/State Law Enforcement:

Crimes initially reported to local/state law enforcement may be shared with the FBI, if appropriate

What Happens Next?

- FBI will review the information provided in collaboration with the United States Attorney's Office and determine if the criteria for a federal crime may be met
- An Agent from the local FBI Office will likely contact the victim/individual reporting the potential crime for additional information

Federal Investigation Opened

- FBI will take investigative steps (interviews, evidence collection, etc.)

Federal Investigation Not-Opened

- If appropriate, the FBI may refer the matter to the State Attorney General or local Police Department for further investigation



What Are We Looking for in a Federal Threat Case?



- Where?
 - Store – Park – Transport
 - Business – Church
 - Restaurant – House – School
- How?
 - Phone – email – face-to-face – social media
- Violence – Bodily Harm
- Totality of Circumstances
- Number of incidents/threats

Questions?

