



## Legislation Text

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**File #:** 2022-0171, **Version:** 3

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A MOTION requesting the executive develop a plan for establishing a non-law-enforcement community-based countywide hotline, web portal, incident reporting requirements for a countywide data collection system and public awareness campaign for persons to report hate crimes and incidents.

WHEREAS, the Washington state Legislature finds that the state interest in preventing crimes and threats motivated by bigotry and bias goes beyond the state interest in preventing other felonies or misdemeanors that are not motivated by hatred, bigotry and bias, and that prosecution of those other crimes inadequately protects citizens from crimes and threats motivated by bigotry and bias, and

WHEREAS, as a result of that recognition by the state, state law establishes that a person who intentionally threatens or causes injury to persons or physical property because of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity or mental, physical or sensory disability has committed a hate crime offense under RCW 9A.36.080, and

WHEREAS, in addition to the criminal penalty provided in state law for committing a hate crime offense, state law allows that the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars and reasonable attorneys' fees and costs incurred in bringing the action, and

WHEREAS, according to the U.S. Department of Justice, in the simplest terms, a hate crime must include both hate and a crime, and

WHEREAS, the federal government and national advocacy groups acknowledge that there is a

difference between hate crimes and hate incidents. Hate crimes have established criminal penalties and require due process to arrest alleged perpetrators, file charges and adjudicate those cases. A hate crime is a crime for which an individual can be arrested and where bias was observed and can be proven, and

WHEREAS, the U.S. Department of Justice and national advocacy groups have noted that hate or bias incidents are acts of discrimination that are not classified as crimes and do not involve violence, threats or property damage. The most-common examples of hate incidents are racial slurs and attacks, notes the National Asian Pacific Bar Association, where yelling a racial slur without committing a crime or threatening one is likely a hate incident that negatively affects the victim but cannot be prosecuted as a hate crime, and

WHEREAS, the federal government and national law enforcement leaders have noted that, if possible, all hate incidents, such as verbal harassment or refusal of service, should be reported to law enforcement in that reports of any hate incidents help law enforcement "focus, track and provide extra attention to areas to prevent those incidents from escalating into crimes of violence or reportable criminal acts," and

WHEREAS, according to the U.S. Department of Justice, hate crime victims include not only the crimes' immediate targets but also others like them. Hate crimes affect families, communities and, at times, the entire nation, and

WHEREAS, hate and hate crimes know no boundaries, affecting people based on their race, ethnicity, sexuality, gender identity, religion, political identity, housing status and disability, and

WHEREAS, hate crimes in the United States rose in 2020 to the highest level in 12 years, with a significant increase in numbers of anti-Asian and anti-Black hate crimes, according to the U.S. Department of Justice, and

WHEREAS, King County declared racism a public health crisis in June of 2020, and

WHEREAS, in May 2021, the Washington state Attorney General's Office announced the formation of the Missing and Murdered Indigenous Women and People Task Force to address the epidemic of disproportionate violence against Indigenous people.

WHEREAS, the Seattle police department's bias/hate crime data dashboard shows cases involving hate crimes, bias incidents and crimes with bias elements in the city of Seattle. In 2020, the data dashboard showed 497 hate/bias crimes based on race, of which 55 percent were anti-Black, 10 percent anti-Asian, 9 percent anti-Latinx and 2 percent anti-Arab. In addition, there were 134 hate/bias crimes and incidents based on sexual orientation, 22 based on gender identity and 38 on religion in 2020. In 2021, the total number of hate/bias crimes and incidents in Seattle increased by 27 percent to 632, of which 48 percent were anti-Black, 18 percent anti-Asian, 9 percent anti-Latinx and 2 percent anti-Arab. There were an additional 140 hate/bias crimes and incidents based on sexual orientation, 31 on gender identity and 27 on religion in 2021, and

WHEREAS, according to data compiled by California State University's Center for the Study of Hate and Extremism, anti-Asian hate crimes in 16 of America's largest cities spiked in the first quarter of 2021, going from 36 incidents in the first quarter of 2020 to 95 in the first quarter of 2021, which is an increase of 164 percent, according to the center's data. The 2021 first quarter increase follows an historic surge in anti-Asian hate crime that started in 2020. In 2020, anti-Asian hate crime increased 146 percent across 26 of America's largest jurisdictions that comprise over 10 percent of the nation's population, according to an updated analysis of official preliminary police data by the center, and

WHEREAS, a separate group, Stop AAPI Hate, launched a reporting site where individuals who have experienced anti-Asian American Pacific Islander hate incidents can report their experiences. From March 2020 to March 2021, the reporting site received over 9,000 reports of hate incidents, and

WHEREAS, the King County prosecutor's office has reported a total of ninety-five filed cases involving hate crimes perpetrated in King County since 2020, and

WHEREAS, it is well-established that victims of hate crimes under report incidents of violence to due to social stigmatization and fear of reprisal. International research into hate crime shows that those crimes are less reported to the police than non-hate crimes, and most victims do not report their hate victimization to the police or to other organizations, and

WHEREAS, researchers note that underreporting is the result of suspicion of government agencies among some marginalized communities. For some communities, that suspicion stems from the historically poor relationship between state agencies and communities. In addition, those victims fear being subject to discrimination, and even victimization, by police or other criminal-justice agency staff, and

WHEREAS, there are also practical limitations that prevent hate crime victims from reporting. Those are issues affecting the accessibility or adequacy of existing reporting mechanisms for victims. For example, limited access to translation resources for some groups is a barrier to reporting, and

WHEREAS, the King County Coalition Against Hate and Bias, which established the Hate and Bias Response Survey, reports that the survey has recorded five hundred forty-two incidents since its initiation in 2020, and

WHEREAS, other jurisdictions have established hate crime hotlines and reporting programs. Those programs are run by either law enforcement or prosecutors, where victims would be reluctant to use those programs because of mistrust or suspicion of the organizations, and

WHEREAS, on May 20, 2021, President Biden signed Pub. L. 117-13, the COVID-19 Hate Crimes Act, which requires the federal Department of Justice to facilitate the expedited review of hate crimes and reports of hate crimes. In addition, the legislation requires that the federal government issue guidance for state, local and tribal law-enforcement agencies on establishing online hate crime reporting processes, collecting data disaggregated by protected characteristic, such as race or national origin, and expanding education campaigns. The bill also establishes federal grants for states and local governments to implement the National Incident-Based Reporting System and to conduct law enforcement activities or crime reduction programs to prevent, address, or respond to hate crimes;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. It is the intent of the council that the executive develop a plan to expand King County's Coalition Against Hate and Bias non-law enforcement community-based countywide hate crime reporting system for

persons experiencing hate crimes and hate incidents.

B. The executive is requested to convene a workgroup to develop a plan to expand a community-based Stop Hate Hotline to include telephone and web-based online portals for reporting hate crimes and hate incidents. The plan should also include both incident reporting requirements for data collection purposes and an attendant public awareness campaign. In addition, the plan should also identify the office of equity and social justice as the hosting agency in partnership with members of the King County Coalition Against Hate and Bias. The workgroup should include staff from the department of community and human services, the office of equity and social justice and representatives from the King County Coalition Against Hate and Bias. The workgroup should also include members of the prosecutor's office and the sheriff's office when necessary. Workgroup members who are not paid employees of King County or who are not being compensated for their participation on the work group through their employer should be compensated at a rate of \$100 dollars per meeting they attend.

C. The Stop Hate Hotline should have four goals:

1. To provide a means for victims and survivors of hate crimes or incidents to report the crimes or incidents to non-law enforcement community-based service providers who would then help the victims, if desired by the victims, report the crime or incident to law enforcement authorities without fear of retribution or mistrust;
2. To provide access to services for the victim regardless of the whether or not the incident is reported to law enforcement;
3. To raise public awareness about the nature of hate crimes and hate incidents, how and where they occur locally and how to report them; and
4. To collect and report countywide data on hate crimes and incidents.

D. The workgroup should to the extent feasible use successful strategies developed in other jurisdictions in developing a plan for the hotline, web portal and public awareness campaign.

E. The workgroup should, to the extent possible, recommend data collection and reporting systems that meet the federal standards to be established pursuant to Pub. L. 117-13, the COVID-19 Hate Crimes Act, and explore how the county can obtain federal technical assistance and grant funding for these programs.

F. The workgroup should identify the minimum service requirements for a hotline and web portal contractor, including:

1. Identification of populations to be served;
2. Service hours;
3. Data recording and reporting requirements;
4. Systems to engage victims with law enforcement agencies in the event of a crime;
5. Procedures to ensure victims can access appropriate services;
6. Language access for non- or limited-English speaking communities; and
7. An estimate of projected funding and other resources needed to establish a hotline, web portal and reporting system.

G. The workgroup should explore partnership opportunities with existing service providers who already work with communities that have been subject to hate crimes and incidents. In addition, the workgroup should identify federal technical assistance and grant funding for these programs available through Pub. L. 117-13, the COVID-19 Hate Crimes Act, and to explore how the county or contractor can use these funds to offset the costs of the developing, implementing and operating the hotline, web portal and reporting system.

H. The public information materials used for the hotline and in the public awareness campaign should be accessible in multiple languages.

I. The workgroup should assess the distinctions between the existing Hate and Bias Incident Response Survey and database and the countywide system envisioned by this motion.

J. To the extent the workgroup believes meeting the goals stated in section C above may be better achieved through approaches different from those identified in this motion, the executive is encouraged to

include these recommendations in its report.

K. The executive is requested to provide an update on the progress of the workgroup and potential recommendations by May 2, 2023, and a plan for the establishment of the hotline and public awareness campaign by September 15, 2023, in the form of a paper original and an electronic copy filed with the clerk of the council,

who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff of the law, justice, health and human services committee, or its successor.