United Against Hate: Identifying, Reporting and Preventing Hate Crimes
Introductions

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Objective: To better understand what is a hate crime
AUSA Steven H. Breslow
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Hate Crimes Threaten Community and Belonging

Belonging@UMass

BUILDING A COMMUNITY OF DIGNITY AND RESPECT.
Honor Differences. Cultivate Belonging.
WHAT is a hate crime?

A Crime + Motivation based upon protected class or group = Hate Crime
Hate speech, hate incident, or hate crime?

Report them all!
Federally Protected Classes

- Race, Color, National Origin
- Religion
- Sexual Orientation
- Sex, Gender
- Gender Identity
- Disability
- Familial Status (FHA only)
**Required:** D targets “any person” because of the protected nature of “any person.”

- D need only target 1 person.
  - entire or part of group not needed

- D’s perception may be incorrect.
  - *e.g.*, D targets Sikh student thinking he is Muslim

- D’s target need not belong to protected group.
  - *e.g.*, D targets white supporter of Black student organization
WHY do we have hate crime laws?

Criminal’s goal: Frighten and intimidate group

Crime’s impact: Transcends individual victims
WHY do we have hate crime laws?

- Hate crimes are often more violent
- Perpetrators are often more likely to re-offend or encourage others
- Obtain greater punishment → deter others
WHAT is NOT a hate crime?

Crime involving an individual of a protected class whose membership did not motivate the crime

Offensive, harmful, and even hateful biased speech that does not amount to a crime
The First Amendment protects:

- Expressing one’s personal and religious beliefs
- Asking others to adopt those beliefs
- Being a member of a group that expresses or advocates for such beliefs
First Amendment Limits

The First Amendment does NOT protect:

- Conspiracies / plans to commit crimes
- Incitement to violence
- Threats to harm / kill
WHAT is a true criminal threat?

18 U.S.C. § 875(c): Interstate transmission of any threat to injure another person

Standard: Given all of the surrounding circumstances, should the defendant have reasonably foreseen the recipient would regard the statement as a true threat
10. On or about October 8, 2022, in the District of Massachusetts and elsewhere, the defendant, JEREMY D. HANSON, did intentionally transmit in interstate commerce a communication containing a threat to injure the person of another — to wit, a communication through MWI’s “Contact Us” page that stated: “I am going to shoot up and bomb your offices for lying and creating fake definitions in order to pander to the tranny mafia. Boys aren’t girls, and girls aren’t boys. The only good Marxist is a dead Marxist. I will assassinate your top editor. You sickening, vile tranny freaks.”

All in violation of Title 18, United States Code, Section 875(c).
Hate Crimes and Hate Incidents

Report Both to Campus Officials and Law Enforcement
1. Your report may help us discover a person who:
   - has already committed other *not-reported* crimes
   - is *escalating*
   - needs *intervention*
2. Your report may help us prove bias or identity in a later crime.

- *United States v. Jeremy Hanson*

  - Earlier e-mails to professor: “You actually penalized a student for using CORRECT grammar! The only cure for your lunacy is a bullet to the brain. Please do the world a favor and kill yourself, you crazed feminazi bitch.”
ADA Michael Russo
Northwestern District Attorney’s Office
Hampshire and Franklin Counties; Athol
Law Enforcement’s Role

► Local Law Enforcement
  ▪ Police
  ▪ District Attorney’s Office

► Federal Law Enforcement
  ▪ FBI
  ▪ Federal Prosecutors
The Northwestern District Attorney’s Office assists the police with investigating reports of hate crimes.

❖ Assistant District Attorneys assist the police with legal process, such as subpoenas and search warrants, and ensure any collected evidence will be admissible in court.

❖ Reports of hate incidents/crimes are forwarded to the office’s Civil Rights Review Team which considers whether criminal charges should be prosecuted in court and how to address the impact of the crime on the victim and the community.

❖ Victims are assigned a Victim Witness Advocate to assist them through the investigation and prosecution process.

❖ Members of the public can also contact the Team directly.
Hate Crime Statutes in Massachusetts

Commonwealth of Massachusetts hate crime laws protect the following groups:

- Race/Color
- National Origin
- Religion
- Sexual Orientation
- Gender/Sex
- Gender Identity
- Disability
Assault or Battery or Property Damage for Purpose of Intimidation
M.G.L. c. 265, s. 39

- Assault or battery or property damage with intent to intimidate such person because of membership in a protected class
  - Race, color, religion, national origin, sexual orientation, gender identity, disability

- Protected class must be reason for attack, but not sole reason

- Penalties include jail/prison and restitution for any property damage
Violation of Constitutional Rights
M.G.L. c. 265, s. 37

- Use of force or threats of force to interfere with free exercise of rights
  - E.g. education, employment, housing, religion, voting

- Deprivation of civil rights does not have to be predominant purpose of perpetrator’s action

- Penalties include jail/prison
Massachusetts Hate Crime Statutes

Destruction of a Place of Worship
M.G.L. c. 266, s. 127A

- Damage to religious property, burial grounds, schools and community centers
- Damage need not be substantial or permanent (e.g. “egging”)
- Penalties include jail/prison.
3. Your report helps us recognize trends
   - Allows us to consolidate individual reports
   - Helps us decide how to place resources
   - Enables us to report back to community
Commonwealth of Massachusetts Hate Crimes Reported (2018 Incidents)

Race/Ethnicity – 200
Religious – 86
Sexual Orientation – 69
Disability – 6
Gender Identity – 5
Gender – 5

Massachusetts Hate Crime Statistics

In 2020, there were 395 total hate crime incidents reported to law enforcement in Massachusetts.

The most common type of crimes were Vandalism/Property Damage (33%) and Intimidation (31%).

The most common characteristics motivating the incidents were Race/Ethnicity or National Origin (66%) and Religion (16%).

Of 395 incidents, only 9 were reported to have occurred at a college or university.

Source: 2020 Hate Crimes Report for Massachusetts, Massachusetts Executive Office of Public Safety & Security
The two reported hate crimes above in 2020 were the only ones reported in all of Hampshire County.

Source: 2015-2020 Hate Crimes Report for Massachusetts, Massachusetts Executive Office of Public Safety & Security
Exploitation Of Social Media Sites And Online Gaming
Tyrone A. Parham
Assistant Vice Chancellor/Chief of Police
University of Massachusetts Amherst Police Department
UMass Amherst Police Department

- Authorized level 62 sworn officers
- 11 police dispatchers
- Police Cadets
- Over 80 full time employees
- Over 200 student employees
- 24/7 and 365 day availability
UMass Amherst Police Department

► Report
► Investigate
► Provide resources
► Identify responsible parties
► Initiate proceedings through judicial and University processes

HERE FOR YOU
UMass Amherst Police Department

- 24/7 Resource
- Community Engagement
- Part of the Community
- Invested in community interests
- Highly Trained

REPORT – REPORT – REPORT
Hate Crime Statistics

2018: 4 vandalisms (2 racial, 1 religious, 1 gender) and 1 assault (national origin)
2019: 1 vandalism (religious)
2020: 1 vandalism (racial)
The Importance Of Reporting All Hate Incidents
UMass Amherst Police Department

- Emergencies: 911 or 413-545-3111
- Non-Emergency: 413-545-2121
- 585 E. Pleasant Street
- Umass.edu/umpd
- Online direct reporting and anonymous reporting/tips

Chief Tyrone Parham
Objective: To understand how to report bias-related crimes and incidents and the importance of reporting
Casey Anderson
Special Agent
Federal Bureau of Investigation
What to do When a Hate Crime Occurs

Get immediate help: Dial 9-1-1.

Report the hate crime to your local law enforcement and then the FBI.

Submit Tips to FBI: www.fbi.gov/tips
2020 National Reported Hate Crimes- by Bias

Race/Ethnicity/Ancestry 61.8%
Sexual Orientation 20.0%
Religion 13.3%
Gender Identity 2.7%
Disability 1.4%
Gender 0.7%

8,052 hate crimes targeted
11,126 victims because of bias against the victim’s:

Source: FBI Crime Data Explorer 2020 Hate Crimes Statistics
National Crime Victimization Survey Responses

Annual Reported Averages from 2010-2019

- **NCVS - Average annual hate crime victimizations**
- **NCVS - Victimizations reported to police**
- **NCVS - Victim reported that the police confirmed the crime was a hate crime**
- **UCR Reported - Average annual hate crime victimizations**

- **243,770**
- **107,850**
- **13,850**
- **7,830**
Why Hate Crimes Are Underreported

Most Important Reasons for Not Reporting Hate Crimes to the Police, 2015-2019

- Handled Another Way
- Not Important Enough
- Other
Objective: To gain familiarity with resources to help prevent hate crimes
Helpful Actions to take Individually

- **Recognize hate crimes and incidents**
- **Don’t hesitate to report to police and FBI**
- **Utilize local and federal resources to support victims and community**
- **Build strong relationships with your local law enforcement**
DOJ Components Addressing Hate Crimes

- Federal Bureau of Investigation (FBI)
- Civil Rights Division (CRT)
- United States Attorney’s Office
- Community Relations Service (CRS)
- Office of the Community Oriented Policing Services (COPS Office)
AUSA Greg Dorchak

Civil Rights Unit

U.S. Attorney’s Office
Hate Incidents and Discrimination

Housing Discrimination

- A landlord uses homophobic slurs and/or excludes a tenant’s guests on the basis of race.

- A landlord does not rent to tenants on the basis of their sexual orientation, gender identity, or family composition.
Hate Incidents and Discrimination

Employment discrimination

- An employee uses a slur when talking about co-workers they perceive as LGBTQ+ and is not disciplined
- A supervisor does not give LGBTQ+ employees raises or promotions
Education Discrimination

- A student repeatedly harasses a gay student by calling them homophobic epithets/names and the school does not intervene to stop the behavior.

- A public school imposes a gender-specific dress code, rule for hairstyles, or maintains a policy that prevents students from using bathrooms consistent with their gender identity.
Massachusetts Civil Rights Act

The State Attorney General can obtain civil rights injunctions to protect victims of bias-motivated threats, intimidation, and coercion.
Between July 2017 and December 2017, Choi posted threats to at least 45 different Instagram accounts, with multiple threats to each account and often multiple targets per threat.

“I will kill you and your family and f****** hang them on a tree you stupid ugly mother******”

“I hope you f****** die you stupid monkey n*****.”
The Fair Housing Act doesn’t only protect you against your landlord or other housing providers. It also protects you from bias-based incidents from neighbors.

- Calls to police
- Calls to child welfare authorities
- Calls to animal welfare organizations
Resources

**National Resources**

U.S. Department of Justice

[www.justice.gov/hatecrimes](http://www.justice.gov/hatecrimes)

[www.justice.gov/crs](http://www.justice.gov/crs)

(202) 305-2935

Stop Hate Project:

[www.8449NoHate.org](http://www.8449NoHate.org)

Victim Connect Resource Center:

[www.victimconnect.org](http://www.victimconnect.org)

**Local Resources**

Emergencies: 911 or 413-545-3111

Non-Emergency: 413-545-2121

[www.Umass.edu/umpd](http://www.Umass.edu/umpd)
Presenters’ Contact Information

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Panel Discussion

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