

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

21 WHEREAS, the federal government and national advocacy groups acknowledge
22 that there is a difference between hate crimes and hate incidents. Hate crimes have
23 established criminal penalties and require due process to arrest alleged perpetrators, file
24 charges and adjudicate those cases. A hate crime is a crime for which an individual can
25 be arrested and where bias was observed and can be proven, and

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

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

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

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

44 WHEREAS, hate crimes in the United States rose in 2020 to the highest level in
45 12 years, with a significant increase in numbers of anti-Asian and anti-Black hate crimes,
46 according to the U.S. Department of Justice, and

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

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

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

63 WHEREAS, according to data compiled by California State University's Center
64 for the Study of Hate and Extremism, anti-Asian hate crimes in 16 of America's largest
65 cities spiked in the first quarter of 2021, going from 36 incidents in the first quarter of
66 2020 to 95 in the first quarter of 2021, which is an increase of 164 percent, according to
67 the center's data. The 2021 first quarter increase follows an historic surge in anti-Asian
68 hate crime that started in 2020. In 2020, anti-Asian hate crime increased 146 percent
69 across 26 of America's largest jurisdictions that comprise over 10 percent of the nation's
70 population, according to an updated analysis of official preliminary police data by the
71 center, and

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

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

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

83 WHEREAS, researchers note that underreporting is the result of suspicion of
84 government agencies among some marginalized communities. For some communities,
85 that suspicion stems from the historically poor relationship between state agencies and

86 communities. In addition, those victims fear being subject to discrimination, and even
87 victimization, by police or other criminal-justice agency staff, and

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

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

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

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

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

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

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

127 C. The Stop Hate Hotline should have four goals:

128 1. To provide a means for victims and survivors of hate crimes or incidents to
129 report the crimes or incidents to non-law enforcement community-based service
130 providers who would then help the victims, if desired by the victims, report the crime or
131 incident to law enforcement authorities without fear of retribution or mistrust;

132 2. To provide access to services for the victim regardless of the whether or not
133 the incident is reported to law enforcement;

134 3. To raise public awareness about the nature of hate crimes and hate incidents,
135 how and where they occur locally and how to report them; and

136 4. To collect and report countywide data on hate crimes and incidents.

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

140 E. The workgroup should, to the extent possible, recommend data collection and
141 reporting systems that meet the federal standards to be established pursuant to Pub. L.
142 117-13, the COVID-19 Hate Crimes Act, and explore how the county can obtain federal
143 technical assistance and grant funding for these programs.

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

146 1. Identification of populations to be served;

147 2. Service hours;

148 3. Data recording and reporting requirements;

149 4. Systems to engage victims with law enforcement agencies in the event of a
150 crime;

151 5. Procedures to ensure victims can access appropriate services;

152 6. Language access for non- or limited-English speaking communities; and

153 7. An estimate of projected funding and other resources needed to establish a
154 hotline, web portal and reporting system.

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

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

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

167 J. To the extent the workgroup believes meeting the goals stated in section C
168 above may be better achieved through approaches different from those identified in this
169 motion, the executive is encouraged to include these recommendations in its report.

170 K. The executive is requested to provide an update on the progress of the
171 workgroup and potential recommendations by May 2, 2023, and a plan for the
172 establishment of the hotline and public awareness campaign by September 15, 2023, in
173 the form of a paper original and an electronic copy filed with the clerk of the council,
174 who shall retain the original and provide an electronic copy to all councilmembers and to
175 the lead staff of the law, justice, health and human services committee, or its successor.

176

177 **EFFECT prepared by Krista Camenzind:**

- 178 • Adds whereas clauses with additional context and data.
- 179 • Removes date by which the workgroup shall be convened.
- 180 • Asks the work group to recommend data collection systems, to the extent
- 181 possible, and removes request to work with the Department of Justice.
- 182 • Asks the workgroup to assess the distinctions between the existing Hate and
- 183 Bias Incident Response Survey and database and the countywide systems
- 184 envisioned by this motion.
- 185 • Allows for the workgroup to identify approaches other than those identified
- 186 in the motion to achieve the goals of the motion and requests the executive
- 187 include these in its report.
- 188 • Changes the deadline for the plan from May 2, 2023 to September 15, 2023
- 189 and asks for a progress report on May 2, 2023.
- 190 • Changes “shall” to “should” throughout.