Legislation Details (With Text)

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Title:	A MOTION requesting the executive develop a plan for establishing a 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.		
Sponsors:	Reagan Dunn		
Indexes:	Campaign, Community Plan, Executive, Public Safety		
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Attachments:	1. 2021-0205_SR_hatecrimeshotline.docx, 2. 2021-0205_ATT2_AMD1datechanges.docx, 3. 2021-0205_ATT3_AMD2hostingagency.docx		

Date	Ver.	Action By	Action	Result
10/26/2021	2	Metropolitan King County Council	Re-referred	
9/21/2021	2	Metropolitan King County Council	Re-referred	
9/14/2021	2	Metropolitan King County Council	Deferred	
8/31/2021	1	Law and Justice Committee	Recommended Do Pass Substitute	Pass
6/1/2021	1	Metropolitan King County Council	Introduced and Referred	

A MOTION requesting the executive develop a plan for establishing a 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 prejudice 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-fueled attacks have spiked across the country over the past year, particularly against those of Asian descent, and

WHEREAS, according to data compiled by California State University's Center for the Study of Hate and Extremism, annual hate crime totals for 2019 hit their highest level in over a decade. The center's data shows that hate crime tabulated from voluntarily collected complaint reports submitted by law enforcement agencies across the country represents the third consecutive year of an elevated number of reports where the 2019 increases in hate crime were far more precipitous: among the most violent offenses homicides and assaults; among those directed toward certain target groups, such as Jews and Latinos; and in some of the nation's largest cities. The center also noted that there were one hundred twenty-two incidents of anti-Asian-American hate crimes in sixteen of the country's most populous cities in 2020, an increase of almost one hundred fifty percent over the previous year, and

WHEREAS, a separate group, Stop AAPI Hate, catalogued nearly three thousand eight hundred hateful incidents, which are not limited to crimes, during the first year of the pandemic and noted that most of those hateful incidents targeted women, and

WHEREAS, the King County prosecutor's office has reported a troubling rise in hate crimes perpetrated in King County, from thirty cases in 2018 to fifty-nine cases in 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 has established the Hate and Bias Response Survey to counter potentially skewed data caused by the under-reporting of hate crimes, even in time of increased hate crime activity, 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 for establishing a community-based countywide Stop Hate Hotline for persons experiencing hate crimes and hate incidents to report the hate crimes and hate incidents and to provide community assistance to address the impacts of the hate crimes or incidents on victims and survivors.

B. The executive is requested to convene a workgroup to develop a plan to establish a community-

based Stop Hate Hotline to include telephone and web-based online portals for reporting hate crimes and hate incidents. In addition, the plan should also include both incident reporting requirements for data collection purposes and an attendant public awareness campaign. Also, the plan shall also include a recommendation regarding the identification of the hosting agency and implementation of the public awareness campaign for the hotline. The workgroup shall be convened by January 31, 2022. The workgroup shall include staff from the department of community and human services, public health - Seattle & King County, the prosecutor's office, the sheriff's office and representatives from community-based organizations that represent populations that have been affected by hate crimes or hate incidents, including, but not limited to, members of coalitions.

C. The Stop Hate Hotline shall have three goals:

1. To provide a means for victims and survivors of hate crimes or incidents to report the crimes or incidents to community-based service providers who would then help 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 the incident is reported to law enforcement; and

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 to collect and report countywide data on hate crimes and incidents.

D. The workgroup shall 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 shall work with the federal Department of Justice to create reporting systems requirements that meet the federal standards to be established pursuant to Pub. L. 117-13, the COVID-19 Hate Crimes Act, and to explore how the county can obtain federal technical assistance and grant funding for these programs.

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

1. Identification of populations to be served;

2. Services 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 shall explore partnership opportunities with existing services providers who already work with communities that have been subject to hate crimes and incidents. In addition, the workgroup shall 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 shall be accessible in multiple languages.

I. The executive is requested to transmit to the council by June 30, 2022, a plan for the establishment of the hotline and public awareness campaign, 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 community, health and housing services committee or its successor.

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