

---

# **Hate Crime and Discrimination against Religious Institutions in Illinois**

---

A Report of the  
Illinois State Advisory Committee to the  
U.S. Commission on Civil Rights  
May 2015

## **State Advisory Committees to the U.S. Commission on Civil Rights**

By law, the U.S. Commission on Civil Rights has established an Advisory Committee in each of the 50 states and the District of Columbia. The Committees are composed of state citizens who serve without compensation. The Committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

## **State Advisory Committee Reports**

This report is the work of the Illinois State Advisory Committee to the U.S. Commission on Civil Rights. State Advisory Committee Reports may cite studies and data generated by third parties, which are not subject to a separate review by Commission staff. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the Illinois State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the United States Government.

## Letter of Transmittal

### Illinois Advisory Committee to the U.S. Commission on Civil Rights

#### Members of the Commission

Martin R. Castro (Chairman)  
Patricia Timmons-Goodson (Vice-Chair)     David Kladney  
Roberta Achtenberg     Karen K. Narasaki  
Gail Heriot     Michael Yaki  
Peter N. Kirsanow

The Illinois State Advisory Committee to the U.S. Commission on Civil Rights submits this report, “Hate Crime and Discrimination Against Religious Institutions in Illinois,” as part of its responsibility to examine and report on civil rights issues in Illinois under the jurisdiction of the Commission. This report is the result of numerous working group sessions, extensive research, and a public hearing held in August 2014. The report was approved by the Committee on May 18, 2015.

At the start of this project, we realized that hate crime and discrimination against religious institutions were one part of an ongoing pattern of violence which disproportionately impacts vulnerable communities in Illinois. We discovered, through research and testimony presented at a public hearing conducted on this topic, that disturbing deficiencies in the collected data on hate crime hamper the ability of policy makers to adequately address these concerns. Without reliable data to work from, it is virtually impossible to sufficiently monitor and analyze the efficiency of government efforts to address the serious civil rights concerns which arise in connection with this issue. This report presents the current legal framework concerning hate crime and discrimination against religious institutions in Illinois, describes in detail the landscape regarding the data, and offers specific solutions to help policymakers better ensure that the civil rights of all of the residents of Illinois are appropriately protected.

The Illinois State Advisory Committee acknowledges the members of its Subcommittee for this project, Cynthia Shawamreh and His Grace Bishop Demetrios of Mokissos, *Co-Chairs*, Betsy Shuman-Moore and Rick Garcia for their work in developing and directing this project to completion. The Committee also gratefully acknowledges the contributions to this project of the USCCR’s student volunteers Changho Kim, Mrinalini Ramesh Penumaka, and Katherine K. Youssouf as well as their professors and USCCR liaisons Brian Citro, Sital Kalantry, and Caroline Bettinger-Lopez from the International Human Rights Clinic of the University of Chicago Law School. The Committee also thanks each of the panelists and other participants who presented their testimony and comments to the Committee during the public hearing.

Respectfully,

Barbara Abrajano, *Chair*  
Illinois Advisory Committee to the U.S. Commission on Civil Rights

**Illinois State Advisory Committee to the U.S. Commission on Civil Rights**

Barbara Abrajano, *Illinois Advisory Committee Chair*, Chicago

Cynthia Shawamreh, *Subcommittee Co-Chair*, Chicago

His Grace Bishop Demetrios of Mokissos, *Subcommittee Co-Chair*, Chicago

Betsy Shuman-Moore, *Subcommittee Member*, Chicago

Richard Garcia, *Subcommittee Member*, Chicago

Nancy Andrade, Chicago

Jonathan Bean, Carterville

James Botana, Chicago

Lisa Bernstein, Chicago

Trevor Copeland, Chicago

William Howard, Chicago

Reverend Herbert Martin, Chicago

Malik Nevels, Chicago

Darlene Oliver, Chicago

Gordon Quinn, Chicago

Ennedy Rivera, Waukegan

Anthony Sisneros, Springfield

Farhan Younus, Downers Grove

# Table of Contents

INTRODUCTION.....	1
<b><u>PART I: HATE CRIME LEGAL FRAMEWORK</u></b> .....	<b>5</b>
I.    INTERNATIONAL LAW .....	5
A. <i>International Covenant on Civil and Political Rights</i> .....	5
B. <i>International Convention on the Elimination of all Forms of Racial Discrimination</i> .....	6
II.   FEDERAL LAW .....	7
A. <i>Civil Rights Act of 1968</i> .....	7
B. <i>Hate Crime Statistics Act of 1990</i> .....	8
C. <i>Hate Crime Sentencing Enhancement Act of 1994</i> .....	8
D. <i>Violence Against Women Act of 1994</i> .....	8
E. <i>Church Arson Prevention Act of 1996</i> .....	9
F. <i>Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) of 1998</i> .....	9
G. <i>Hate Crimes Prevention Act of 2009</i> .....	9
III.  ILLINOIS STATE LAW .....	10
A. <i>Illinois Hate Crime Statute</i> .....	10
B. <i>Institutional Vandalism Statute</i> .....	11
C. <i>Illinois Sentencing Statute</i> .....	12
D. <i>Illinois Hate Crime Statistics Act</i> .....	12
E. <i>Commission on Discrimination and Hate Crimes</i> .....	12
IV.   LOCAL REGULATIONS .....	13
<b><u>PART II: HATE CRIME STATISTICS</u></b> .....	<b>15</b>
I.    MECHANISM OF HATE CRIME DATA COLLECTION .....	15
A. <i>Federal Hate Crime Data Collection</i> .....	15
B. <i>Illinois Hate Crime Data Collection</i> .....	18
II.   HATE CRIME DATA IN ILLINOIS.....	22
A. <i>Hate Crime Data in Illinois from 1997 to 2013</i> .....	22
B. <i>Geographic Distribution of Hate Crime Incidents in Illinois</i> .....	27
C. <i>Discrepancies between Hate Crimes Data Reported by IL-UCR and Federal UCR</i> .....	29
<b><u>PART III: SUMMARY OF PANEL TESTIMONY ON HATE CRIME IN ILLINOIS</u></b> .....	<b>33</b>
I.    DATA DISCREPANCY.....	33
A. <i>Difference in Offense Definitions</i> .....	33
B. <i>ISP Collects Data on Offenses Not Reported to FBI</i> .....	34
C. <i>Differences in Publication Due Dates</i> .....	35
II.   DATA DEFICIT .....	36
A. <i>Law Enforcement Disincentives</i> .....	36
B. <i>Victim Inhibitors</i> .....	38
III.  TREND ANALYSIS.....	39
<b><u>PART IV: SPECIAL CONCERNS PRESENTED BY RELIGIOUSLY MOTIVATED HATE CRIME AND DISCRIMINATION AGAINST RELIGIOUS INSTITUTIONS, INCLUDING VIOLENCE, VANDALISM AND ZONING DISCRIMINATION</u></b> .....	<b>42</b>

<b>I. RELIGIOUSLY MOTIVATED HATE CRIME AND VANDALISM AGAINST RELIGIOUS INSTITUTIONS</b>	
	42
<b>II. CONCERNS ABOUT ANTI-MUSLIM BIASED TRAINING FOR LAW ENFORCEMENT OFFICERS</b>	.. 44
<b>III. ZONING DISCRIMINATION</b>	..... 46
<b>A. <i>Legal Analysis</i></b>	..... 46
<b>B. <i>Religious Zoning Concerns Presented in the Public Hearing</i></b>	..... 49
<b>C. <i>Recommendations from the Public Hearing</i></b>	..... 53
<b><u>PART V: CONCLUSION AND RECOMMENDATIONS</u></b>	... <b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>APPENDIX A: PANEL AGENDA</b>	..... <b>56</b>
<b>APPENDIX B: EXCERPTS OF THE MATTHEW SHEPARD AND JAMES BYRD, JR., HATE CRIMES PREVENTION ACT OF 2009</b>	..... <b>61</b>
<b>APPENDIX C: ILLINOIS HATE CRIME STATUTE</b>	..... <b>66</b>
<b>APPENDIX D: ILLINOIS INSTITUTIONAL VANDALISM STATUTE</b>	..... <b>68</b>
<b>APPENDIX E: ILLINOIS SENTENCING STATUTE</b>	..... <b>69</b>
<b>APPENDIX F: ILLINOIS STATE POLICE HATE CRIME INCIDENT REPORT FORM 2013</b>	.. <b>70</b>
<b>APPENDIX G: ILLINOIS STATE POLICE HATE CRIME INCIDENT REPORT FORM 2014</b>	. <b>71</b>
<b>APPENDIX H: ILLINOIS STATE POLICE HATE CRIME INCIDENT REPORT FORM 2015</b>	. <b>73</b>

## Introduction

In October of 2014, a 26-year-old white man stabbed a 79-year-old African-American woman four times in the back and neck with a five-inch steak knife at a grocery store in Homewood, Illinois. The assailant told police following his arrest that he had attacked this senior citizen as she went about the ordinary tasks of her daily life because she was black and an "easy target." The attacker was charged with attempted first-degree murder and a hate crime.<sup>1</sup>

The Federal Bureau of Investigation (FBI) defines a hate crime as “a traditional offense like murder, arson, or vandalism with an added element of bias.”<sup>2</sup> Congress has defined a hate crime as a criminal offense motivated in whole or in part by an offender’s bias against a race, gender, gender identity, religion, disability, ethnic origin or sexual orientation.<sup>3</sup> Hate crimes affect not only the specific victim, but also those who share his or her characteristics, creating a climate of fear and intimidation that negatively impacts the broader community.<sup>4</sup> According to the White House, there has been an almost 50% increase in hate crimes and related charges and convictions by the U.S. Department of Justice during the past five years (2009-2013) as compared to the previous five years.<sup>5</sup>

Illinois has experienced a variety of hate crimes in recent months and years. According to the Illinois State Police (ISP) a total of 147 hate crimes were reported in 2013.<sup>6</sup>

Examples of incidents reported in 2014 in Illinois include the following:

- In February, a middle school student tackled and repeatedly struck another student, sending the victim to the hospital. The victim’s mother is from Puerto Rico and his father is from Iran. The attacker shouted “Hey, Persian” to the victim just prior to the attack. The attacker was charged with aggravated battery and a hate crime.<sup>7</sup>

---

<sup>1</sup> *Man charged with attempted murder, hate crime for Homewood stabbing*, CHI. SUN TIMES (Oct. 11, 2014), <http://chicago.suntimes.com/crime/7/71/145093/man-charged-with-attempted-murder-hate-crime-for-homewood-stabbing>.

<sup>2</sup> FED. BUREAU OF INVESTIGATION, *Hate Crime*, CIVIL RIGHTS, [http://www.fbi.gov/about-us/investigate/civilrights/hate\\_crimes/overview](http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview) (last visited Feb. 28, 2015).

<sup>3</sup> *Id.* The operationalization of hate crime varies across jurisdictions’ criminal codes. *See, e.g., Anti-Defamation League State Hate Crime Statutory Provisions*, ANTI DEFAMATION LEAGUE, <http://www.adl.org/assets/pdf/combating-hate/2014-adl-updated-state-hate-crime-statutes.pdf> (last visited Feb. 28, 2015).

<sup>4</sup> THE AM. PROSECUTOR’S RESEARCH INST., A LOCAL PROSECUTOR’S GUIDE FOR RESPONDING TO HATE CRIMES at 1 (2000), available at [http://www.ndaa.org/pdf/hate\\_crimes.pdf](http://www.ndaa.org/pdf/hate_crimes.pdf).

<sup>5</sup> Cecilia Muñoz, *Commemorating the Fifth Anniversary of the Shepard-Byrd Hate Crimes Act*, WHITE HOUSE BLOG (Nov. 6, 2014), <http://www.whitehouse.gov/blog/2014/11/06/commemorating-fifth-anniversary-shepard-byrd-hate-crimes-act>.

<sup>6</sup> ILL. STATE POLICE, *Hate Crime, CRIME IN ILLINOIS 2013* (2013), available at [http://www.isp.state.il.us/docs/cii/cii13/cii13\\_SectionIII\\_Pg199\\_to\\_205.pdf](http://www.isp.state.il.us/docs/cii/cii13/cii13_SectionIII_Pg199_to_205.pdf).

<sup>7</sup> *Suburban Chicago middle school student charged with hate crime*, ILL. REVIEW (Feb. 12, 2014), <http://illinoisreview.typepad.com/illinoisreview/2014/02/suburban-chicago-middle-school-student-charged-with-hate-crime.html>. Hate crime charges were dropped later during plea bargaining. *See* DUAA ELDEIB, *Teen pleads*

- In March, a white man pushed a black man on the street, shouted racial slurs, and struck the victim several times in the chest. The assault led to the victim's death, due to his poor health. The attacker was charged with first-degree murder and a hate crime.<sup>8</sup>
- In August, three white male teens shouted racial slurs at three college students that appeared to be of Arab descent. The teens called the students "Osama-looking" and "dirty Arabs." The victims reported that one of the teens had what appeared to be a knife in his hand during the encounter. The teens were charged with a hate crime.<sup>9</sup>

Several religiously motivated hate crimes and acts of vandalism against religious institutions also occurred in Illinois in 2014. Examples of these incidents include the following:

- In February, a woman spray-painted at least 10 houses of worship in Gurnee and Waukegan. The woman was charged with 10 counts of institutional vandalism, 10 counts of criminal defacement, and two counts of criminal damage to property.<sup>10</sup>
- In March, a single shot was fired through the dome of a mosque in Orland Park during a Friday prayer service. The origins of the bullet that struck the mosque are still unknown.<sup>11</sup>
- In October, a man smashed the windows of synagogue in Lombard, wrote anti-Semitic graffiti on its walls, and drove recklessly on its property. He was charged with a hate crime, criminal damage to property, possession of a firearm, and institutional vandalism.<sup>12</sup>

In recent years, religious institutions in Illinois have also reported instances of discrimination or the imposition of burdens on religious exercise by municipal and zoning authorities. Examples include the following:

- In 2011, the Liberty Temple Full Gospel Church purchased property in Village of Bolingbrook to build a church. Their application for a building permit was rejected

---

*guilty in attack, hate crime charge dropped*, CHI. TRIBUNE (Apr. 29, 2014), available at <http://www.chicagotribune.com/suburbs/chi-teen-pleads-guilty-in-hate-crime-attack-20140429-story.html>

<sup>8</sup> *Joseph Firek Charged With Murder, Hate Crime in Rogers Park Assault*, ABC (Mar. 21, 2014), <http://abc7chicago.com/archive/9474821/>.

<sup>9</sup> Mary Schenk, *Champaign teens charged with hate crime*, NEWS-GAZETTE (Aug. 21, 2014), <http://www.news-gazette.com/news/local/2014-08-21/champaign-teens-charged-hate-crime.html>.

<sup>10</sup> *Woman Charged With Vandalizing Suburban Houses Of Worship*, CBS CHI. (Feb. 28, 2014), <http://chicago.cbslocal.com/2014/02/28/woman-charged-with-vandalizing-suburban-houses-of-worship/>. The woman pleaded guilty to a misdemeanor count of criminal damage to property, and other charges were dropped. See Lee Filas, *Plea deal reached for Gurnee church vandal*, DAILY HERALD (July 2, 2014), <http://www.dailyherald.com/article/20140702/news/140709564/>.

<sup>11</sup> *Bullet Fired At Orland Park Mosque During Prayer Service*, CBS LOCAL (Mar. 25, 2014), <http://chicago.cbslocal.com/2014/03/25/bullet-fired-at-orland-park-mosque-during-prayer-service/>.

<sup>12</sup> *Illinois man charged with hate crime for allegedly vandalizing synagogue*, JTA (Oct. 26, 2014), <http://www.jta.org/2014/10/26/news-opinion/united-states/illinois-man-charged-with-hate-crime-for-allegedly-vandalizing-synagogue#ixzz3KRSDpJD0>.

several times between January 2011 and March 2011. In March 2011, the Church sued the Village in federal district court. In April 2012, the district court denied the Village's motion for summary judgment.<sup>13</sup> In December 2012, the Village and the Church settled out of court, allowing the Church to use the property to build a church.<sup>14</sup>

- In 2008, the Irshad Learning Center, a group of mostly Iranian-born Muslims, proposed to build a school and a mosque on a three-acre lot in DuPage County. The Center filed a conditional use application for use of the property as a learning center, but the application was denied by the County Board and the County Zoning Board of Appeals. The Center filed a lawsuit in federal district court in April 2010. In March 2013, the federal district court held that the Board's denial substantially burdened the Center's right to free exercise of religion.<sup>15</sup> The Center and the County settled after the court's ruling, allowing the Center to use the property as a learning center.<sup>16</sup>
- In 2010, the Sikh Religious Society Temple proposed to construct an addition to its temple. In conjunction with the addition, the Society proposed the construction of a new dome, at a height of 46 feet. The Zoning Ordinance of the Village prohibits structures in the area the temple is located from exceeding 40 feet in height. The Temple sought a variance, or exception to the height restriction. The Village zoning board of appeals denied the Temple's request for a variance. The Temple subsequently redesigned a dome in line with the 40-foot village limit.<sup>17</sup>

The Illinois State Advisory Committee (the Committee) established a Subcommittee to consider the civil rights implications of hate crime and discrimination against religious institutions in Illinois. The Subcommittee prepared a project proposal that was approved by the Committee on June 12, 2014. The methodology approved in the project proposal included a public hearing and research from the U.S. Commission on Civil Rights student volunteers supervised by faculty at the University of Chicago Law School.

In accordance with the project proposal, the Committee held a public hearing on August 21, 2014 (see Appendix A). The public hearing incorporated formal testimony from government officials and representatives, federal and state law enforcement officers, academics, attorneys, community activists, and representatives from a variety of religious communities, along with comments from the public.

The research and fact-finding undertaken by this project revealed serious civil rights concerns related to hate crime and discrimination against religious institutions in Illinois. The disturbing

---

<sup>13</sup> *Liberty Temple Full Gospel Church, Inc. v. Vill. of Bolingbrook*, 868 F. Supp. 2d 765 (N.D. Ill. 2012).

<sup>14</sup> Agreed Permanent Inj., *Liberty Temple Full Gospel Church, Inc. v. Vill. of Bolingbrook*, (N.D. Ill. 2012).

<sup>15</sup> *Irshad Learning Ctr. v. Cnty. of DuPage*, 804 F. Supp. 2d 697 (N.D. Ill. 2011).

<sup>16</sup> Entry of Permanent Inj., *Irshad Learning Ctr. v. Cnty. of DuPage*, 804 F. Supp. 2d 697 (N.D. Ill. 2013)

<sup>17</sup> JEFF BORGARDT, *Neighbors Balk at Sikhs' Plans for 40-foot Dome*, CHI. TRIBUNE (Sept. 24, 2010), available at [http://articles.chicagotribune.com/2010-09-24/news/ct-x-n-palatine-sikh-temple-20100916\\_1\\_sikh-religious-society-dome-temple-officials](http://articles.chicagotribune.com/2010-09-24/news/ct-x-n-palatine-sikh-temple-20100916_1_sikh-religious-society-dome-temple-officials).

data discrepancy between the ISP and the FBI, for the years reviewed in this report, requires the development of a coordinated method for ongoing reconciliation. The data deficit, caused by chronic underreporting of hate crimes by vulnerable communities, necessitates increased outreach and victim support. Law enforcement also requires better support and training to accurately identify incidents involving hate crimes and to work with vulnerable communities in the implementation of the law. Development of a thorough and consistent methodology for ongoing data trend analysis of hate crimes would be useful for evaluating the extent and nature of the problem, as well as the effectiveness of protections implemented in Illinois over time.

Local governments require training and assistance to work effectively with various religious communities and to comply with applicable law. A lasting commitment is needed at the highest levels of government to consistently monitor and effectively address the civil rights concerns arising from hate crime and discrimination against religious institutions in Illinois.

This report is structured as follows: Part I describes the applicable legal framework for hate crime in Illinois through summaries of relevant international, federal, state and selected local law. Part II presents statistical data for hate crime in Illinois, as collected by the ISP and the FBI. Part III describes certain aspects of the public hearing testimony, including testimony addressing the discrepancy between the ISP and FBI data, and the underreporting of hate crimes. Part IV addresses religiously motivated hate crime and discrimination against religious institutions, especially in the area of land use. Part V includes the recommendations of the Committee based on the findings presented in Part I through Part IV.

## **Part I: Hate Crime Legal Framework**

This part outlines the basic laws that govern hate crime in Illinois. It provides a brief description of international, federal, state and select local laws and regulations related to hate crime.<sup>18</sup>

### **I. International Law**

The United States has ratified two international treaties that establish obligations related to the prevention of hate crime: the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all Forms of Racial Discrimination. Each treaty is binding as a matter of international law.<sup>19</sup> The United States must adjust its laws and institutions as may be necessary to give effect to the provisions in each treaty.<sup>20</sup> The treaties address the issue of hate crime indirectly through broad-based prohibitions on discrimination. They create positive obligations to take steps, through the legislature and otherwise, to eliminate discrimination in both the public and private spheres.

#### **A. International Covenant on Civil and Political Rights**

The United States ratified the International Covenant on Civil and Political Rights in 1992. The treaty reaches discrimination both in law and in practice by public and private actors.<sup>21</sup> Article 20(2) directs state parties to prohibit by law “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”<sup>22</sup> This provision is understood by experts to require the United States to adopt laws that prevent hate crimes committed on the basis of race, religion and nationality.<sup>23</sup> Hate crimes committed on biases other than race, religion and

---

<sup>18</sup> This report is the work of the Illinois Advisory Committee to the U. S. Commission on Civil Rights (Commission). The Commission’s statutory authority is limited to federal jurisdiction, which includes the Constitution, as well as laws and policies of the Federal Government (*42 U.S.C. Section 1975a*). The Commission’s Office of General Counsel conducted a legal sufficiency review of federal authorities, as well as state legal items related to federal authorities in this report, to ensure the accurate interpretation and citation of legal materials and compliance with statutory requirements. The report also contains items that are not within the Commission’s statutory authority including but not limited to international, state (items not related to federal authorities), and local authorities. Since these items are not within the Commission’s statutory jurisdiction, they were not included as part of the legal sufficiency review. Accordingly, the Illinois State Advisory Committee is solely responsible for the legal sufficiency review of items outside the Commission statutory authority. Therefore, the Commission’s staff, its individual members, or the U.S. Government is not responsible for items that are not within the Commission’s statutory authority cited in this report, including but not limited to international, state (items not related to federal authorities), and local authorities.

<sup>19</sup> See RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW § 321 (1987).

<sup>20</sup> See RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW § 111 (1987). The treaties, however, are non-self-executing, and require federal legislation to have legal effect in domestic U.S. courts. See 138 CONG. REC. S4781-01, III. (1) (daily ed. Apr. 2, 1992); 140 CONG. REC. S7634-02, III (daily ed. June 24, 1994).

<sup>21</sup> U.N. Human Rights Comm., *General Comment No. 18: Non-Discrimination*, ¶9, 12, 37th Sess., U.N. Doc. HRI/GEN/1/Rev.1 at 26 (Oct. 11, 1989) [hereinafter *General Comment No. 18*].

<sup>22</sup> United States has made a reservation that “article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.” See 138 CONG. REC. S4781-01.

<sup>23</sup> SARAH JOSEPH, JENNY SCHULTZ & MELISSA CASTAN, *THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: CASES, MATERIALS, AND COMMENTARY* 628 (3rd ed. 2013).

nationality are addressed by Article 2 and Article 26.<sup>24</sup> Under the Article 2, state parties must ensure respect for the rights in the treaty “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Article 26 requires state parties to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The principles of equality and nondiscrimination established by Articles 2 and 26 require state parties to “take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination.”<sup>25</sup> This includes an obligation to take affirmative steps to prevent hate crime and to protect the victims of hate crimes.<sup>26</sup> The U.N. Human Rights Committee, which monitors compliance with the treaty, has confirmed this obligation with respect to crimes committed on the basis of the victim’s sexual orientation in the United States. In 2006, the U.N. Human Rights Committee noted with concern “allegations of widespread incidence of violent crime perpetrated against persons of minority sexual orientation.”<sup>27</sup> It further noted the United States’ “failure to address such crime in legislation on hate crime at the federal level and in many states.”<sup>28</sup> The U.N. Human Rights Committee directed the United States to “ensure that federal and state law address sexual orientation-related violence in its hate crime legislation.”<sup>29</sup>

## **B. International Convention on the Elimination of all Forms of Racial Discrimination**

The United States ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1994. Article 2 prohibits state parties from engaging in any act or practice of racial discrimination and requires them “to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.” It further requires state parties to “prohibit and bring to an end, by all appropriate means, including legislation . . . , racial discrimination by any persons, group or organization.” Article 4(a) requires State parties to penalize “acts of violence against any race or group of persons of another colour or ethnic origin.”<sup>30</sup>

---

<sup>24</sup> *Id.*

<sup>25</sup> *General Comment No. 18, supra* note 20.

<sup>26</sup> JOSEPH, SCHULTZ & CASTAN, *supra* note 22, at 628.

<sup>27</sup> U.N. Human Rights Comm., *Concluding Observations on the United States*, ¶ 25, U.N. Doc

CCPR/C/USA/CO/3/Rev.1 (2006); The Human Rights Committee is a body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties. It is not to be confused with the Human Rights Council, which is an inter-governmental body comprised of 47 States responsible for the promotion and protection of all human rights around the globe.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> The United States has made the following reservation related to article 4: “[T]he United States does not accept any obligation under this Convention . . . to restrict [the freedoms of speech, expression and association] through the

In 2014, the Committee on the Elimination of Racial Discrimination, which monitors compliance with the treaty, directly addressed the issue of hate crime in the United States. The Committee on the Elimination of Racial Discrimination noted with concern both the underreporting of hate crimes by victims to the police and the underreporting by law enforcement officials to the FBI, due to the voluntary nature of the FBI's request for hate crime statistics.<sup>31</sup> The Committee on the Elimination of Racial Discrimination recommended that the United States:

- “Improve its data collection system for statistics on complaints of hate crimes, including by officially requiring all law enforcement agencies to record and transmit all such instances to the FBI, disaggregated by factors such as race, ethnicity, age and religion, and regularly publicize such information;
- Ensure that all law enforcement officials and all new recruits are provided with initial and ongoing in-service training on the investigation and reporting of complaints of hate crimes.”<sup>32</sup>

## **II. Federal Law**

There are several federal laws that implicate the prevention, prosecution and sentencing of hate crime in Illinois. Below is a brief overview of the development of federal hate crime regulation.

### **A. Civil Rights Act of 1968**

Congress passed the Civil Rights Act of 1968 to, among other things, address racial violence against African-Americans and civil rights workers.<sup>33</sup> Section 245 of Title 18 of the United States Code, enacted as part of the Act, penalizes any person who interferes with another person's participation in federally protected activities by use of force or threat of force because of the person's race, color, religion or national origin.<sup>34</sup> The federally protected activities under the statute include: enrolling in or attending a public school or college; participating in or enjoying a service, program, facility, or activity provided or administered by any state or local government; applying for or enjoying employment; serving in a state court as a grand or petit juror; traveling in or using a facility of interstate commerce; enjoying the goods and services of certain places of public accommodation.<sup>35</sup>

Title VIII of the Civil Rights Act is referred to as the Fair Housing Act of 1968. Section 3631 of Title 42 of the Act prohibits any person from interfering with another person's housing related activities by use of force or threat of force because of the person's race, color, religion or

---

adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.” 140 CONG. REC. S7634-02.

<sup>31</sup> U.N. Human Rights Comm., *Concluding Observations on the United States*, ¶ 9, U.N. Doc CERD/C/USA/CO/7-9, (2014).

<sup>32</sup> *Id.*

<sup>33</sup> ZACHARY J. WOLFE, HATE CRIMES LAW 157 (2014).

<sup>34</sup> 18 U.S.C.A § 245(b) (1996).

<sup>35</sup> *Id.*

national origin.<sup>36</sup> The Fair Housing Act has been amended to expand the protected categories to include sex, handicap, and familial status.<sup>37</sup>

### **B. Hate Crime Statistics Act of 1990**

In response to a surge in the incidence of hate crimes in the 1980s, Congress enacted the Federal Hate Crime Statistics Act in 1990.<sup>38</sup> The Act requires the Attorney General to collect data on crimes motivated by “prejudice based on race, religion, sexual orientation, or ethnicity” and to publish an annual summary of the findings.<sup>39</sup> The categories of bias expanded to include disability and gender identity in 1994 and 2009 respectively.<sup>40</sup> The Act also requires the Attorney General to “establish guidelines for the collection of such data including the necessary evidence and criteria . . . for a finding of manifested prejudice.”<sup>41</sup> The Attorney General has delegated the duty for compiling hate crime statistics to the Federal Bureau of Investigation (FBI) as part of the Uniform Crime Reporting (UCR) program.<sup>42</sup>

### **C. Hate Crime Sentencing Enhancement Act of 1994**

Congress passed the Hate Crime Sentencing Enhancement Act (HCSEA) in 1994 as part of the Violent Crime Control and Law Enforcement Act. HCSEA mandated a revision of the United States Sentencing Guidelines to provide sentencing enhancements for perpetrators of hate crimes.<sup>43</sup> HCSEA includes as hate crimes those crimes motivated by “the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.”<sup>44</sup> The United States Sentencing Commission amended the Federal Sentencing Guidelines to include enhanced punishment for hate crimes.<sup>45</sup> If a court determines beyond a reasonable doubt that a defendant committed a crime because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of the victim, the sentence is automatically increased by three levels.<sup>46</sup>

### **D. Violence Against Women Act of 1994**

---

<sup>36</sup> Civil Rights Act of 1968, Pub. L. No. 90-284, § 901, 82 Stat. 89.

<sup>37</sup> Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, 102 Stat. 1619; Act of Aug. 22, 1974, Pub. L. No. 93-383, § 808(b)(4), 88 Stat. 729.

<sup>38</sup> Daniel Aisaka & Rachel Clune, *Hate Crime Regulation and Challenges*, 14 GEO. J. GENDER & L. 469, 471 (2013).

<sup>39</sup> Hate Crime Statistics Act, Pub. L. No. 101-275, 104 Stat. 140 (1990).

<sup>40</sup> Act of Sept. 13, 1994, Pub. L. No. 103-322, § 320926, 108 Stat. 2131; Act of Oct. 28, 2009, Pub. L. No. 111-84, § 4708, 123 Stat. 2841.

<sup>41</sup> 28 U.S.C.A. § 534 (2011).

<sup>42</sup> U.S. DEP’T OF JUSTICE, HATE CRIME DATA COLLECTION GUIDELINES AND TRAINING MANUAL 1.0 (2012).

<sup>43</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, § 280003, 108 Stat. 1796, 2096.

<sup>44</sup> *Id.*

<sup>45</sup> U.S. SENTENCING COMM’N, 2011 FEDERAL SENTENCING GUIDELINES MANUAL, *available at* <http://www.ussc.gov/guidelines-manual/2011/2011-3a11>.

<sup>46</sup> The Federal Sentencing Guidelines provide 43 levels of offense seriousness. The more serious the crime, the higher the offense level and longer the sentence. *Id.*

Congress passed the Violence Against Women Act of 1994 as part of the Violent Crime Control and Law Enforcement Act.<sup>47</sup> The Act does not explicitly address hate crime, but rather aims to address violence against women, including domestic violence and sexual assault, through improvement of criminal justice and community-based responses.

#### **E. Church Arson Prevention Act of 1996**

In response to a series of church burnings in the 1990s, Congress passed the Church Arson Prevention Act of 1996.<sup>48</sup> The Act enhanced an earlier statute that provided federal jurisdiction for cases involving religious vandalism, but only those in which the damage exceeded \$10,000. The Act eliminated the minimum damage requirement and prohibits the “intentional defacement, damage, or destruction of any religious real property, because of the religious, racial, or ethnic characteristics of that property.”<sup>49</sup> It further prohibits the “intentional obstruction by force or threat of force, or attempts to obstruct any person in the enjoyment of that person's free exercise of religious beliefs.”<sup>50</sup>

#### **F. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) of 1998<sup>51</sup>**

In 1990, Congress enacted the Crime Awareness and Campus Security Act. The Act required institutions of higher education receiving federal aid to report annual campus crime statistics.<sup>52</sup> The Act was amended in 1998 and renamed the Clery Act. The Act was again amended in 2000 to require institutions to report certain category of crimes the victims of which are “intentionally selected because of [their] actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.”<sup>53</sup> In 2013, the Act was amended to include data collection of crimes motivated by gender identity and national origin.<sup>54</sup>

#### **G. Hate Crimes Prevention Act of 2009**

The Civil Rights Act of 1968 applies only to hate crimes committed against those in pursuit of one of the statutorily protected activities, and it does not cover crimes motivated by bias against the victim's gender, sexual orientation or disability.<sup>55</sup> In order to address these deficiencies, Congress passed the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 (see Appendix B).<sup>56</sup> The Act expanded the federally protected classes to include gender, gender identity, sexual orientation and disability.<sup>57</sup> It also extended the federal government's

---

<sup>47</sup> Violence Against Women Act of 1994, Pub. L. No. 103-322, § 40302, 108 Stat. 1902.

<sup>48</sup> Church Arson Prevention Act of 1996, Pub. L. No. 104-155, § 3, 110 Stat. 1392.

<sup>49</sup> 18 U.S.C.A § 247 (2002).

<sup>50</sup> *Id.*

<sup>51</sup> The Clery Act was originally known as the Crime Awareness and Campus Security Act.

<sup>52</sup> 20 U.S.C.A. § 1092(f).

<sup>53</sup> Act of Oct. 28, 2000, Pub. L. No. 106-386,, § 1601(c)(1), 114 Stat. 1537.

<sup>54</sup> Act of Mar. 7, 2013, Pub. L. No. 113-4, 127 Stat. 54.

<sup>55</sup> Aisaka et al., *supra* note 37 at 472.

<sup>56</sup> Hate Crimes Prevention Act, Pub. L. No. 111-84, §§ 4701–4713, 123 Stat. 2835, 2835-2845 (2009).

<sup>57</sup> 18 U.S.C.A. § 249 (2009).

prosecutorial authority to include hate crimes committed against persons not involved in the pursuit of federally protected activities.<sup>58</sup>

The Act provides federal aid and technical assistance to state, local and tribal jurisdictions to assist in the investigation, prosecution and prevention of hate crimes.<sup>59</sup> In particular, it permits the Attorney General to provide “technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution” of any crime that is a “crime of violence” or a felony under state law and is motivated by prejudice based on the victim’s “race, color, religion, national origin, gender, sexual orientation, gender identity or disability.”<sup>60</sup> The Act further allows the Attorney General to “award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.”<sup>61</sup>

### **III. Illinois State Law**

Illinois has passed several laws addressing hate crime. The dual sovereignty rule allows hate crimes to be prosecuted under both state and federal law;<sup>62</sup> however, most prosecutions occur at the state, rather than federal level.<sup>63</sup>

#### **A. Illinois Hate Crime Statute**

Laws addressing hate crime and related issues in Illinois grew out of earlier laws referred to as ethnic intimidation and institutional vandalism statutes.<sup>64</sup> The ethnic intimidation statute, enacted in 1983, defined “ethnic intimidation” as assault, criminal trespass or mob action committed “by reason of [the] race, color, creed, religion, or national origin” of the victim.<sup>65</sup> In 1991, Illinois passed a statute explicitly addressing hate crime, thus changing the name of the offense from “ethnic intimidation” to “hate crime.”<sup>66</sup> The statute also provided stiffer penalties, and increased the number of protected classes to include ancestry, gender, sexual orientation, and physical and mental disability.<sup>67</sup>

The current Illinois hate crime statute applies when a person commits certain crimes “by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors” (see Appendix C).<sup>68</sup> The

---

<sup>58</sup> *Id.*

<sup>59</sup> 42 U.S.C.A. § 3716 (2009).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> WOLFE, *supra* note 32, at 42.

<sup>63</sup> JEANNINE BELL, HATE THY NEIGHBOR, MOVE-IN VIOLENCE AND THE PERSISTENCE OF RACIAL SEGREGATION IN AMERICAN HOUSING 176 (2013).

<sup>64</sup> COOK CNTY. STATE’S ATTORNEY OFFICE, A PROSECUTOR’S GUIDE TO HATE CRIME II-1 (1994).

<sup>65</sup> Institutional Vandalism, Ill. Legis. Serv. P.A. 82-995 (1983).

<sup>66</sup> Hate Crime, Ill. Legis. Serv. P.A. 86-1418 (1990).

<sup>67</sup> *Id.*

<sup>68</sup> Criminal Code of 2012, 720 ILL. COMP. STAT. ANN. 5/ § 12-7.1(a) (West 2013).

crimes covered under the law are: assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, and harassment through electronic communications.<sup>69</sup> The law does not explicitly cover crimes committed on the basis of the victim’s gender identity, such as crimes committed against transgender persons; however, these offenses may be prosecuted as hate crimes based on gender or sexual orientation.<sup>70</sup>

In order to constitute a hate crime, one of listed biases must be a motivating factor for the commission of the crime. However, it need not be the sole factor. Illinois appellate courts have held on multiple occasions that a hate crime may result from a mix of discriminatory and non-discriminatory motives.<sup>71</sup> In response to these decisions, the law was amended in 2003 and the phrase “regardless of the existence of any other motivating factor or factors” was included in the text.<sup>72</sup>

The Illinois Hate Crime Act has faced several federal constitutional challenges. In each case, the Illinois appellate courts have upheld the law as constitutionally valid.<sup>73</sup> For example, in *In re Vladimir P.*, the Court held that the Illinois Hate Crime Act does not violate the First Amendment to the U.S. Constitution.<sup>74</sup> The Court reasoned that the law does not punish an individual for “merely thinking hateful thoughts or expressing bigoted beliefs,” but rather punishes “criminal conduct in choosing a victim by reason of those beliefs or hatred, and then committing one of the criminal acts included in [the relevant] section.”<sup>75</sup>

## **B. Institutional Vandalism Statute**

The Illinois Institutional Vandalism Act applies when a person, “by reason of the actual or perceived race, color, creed, religion or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors,”<sup>76</sup> knowingly inflicts damage to one of the following properties:<sup>77</sup>

- (1) “A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose;
- (2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

---

<sup>69</sup> *Id.*

<sup>70</sup> *Hate Crimes & Violence*, EQUALITY ILL, <http://www.equalityillinois.us/issue/hate-crimes-violence/> (last visited Feb. 28, 2015).

<sup>71</sup> *See People v. Nitz*, 674 N.E.2d 802 (Ill. App. Ct. 1996); *In re Vladimir P.*, 670 N.E.2d 839 (Ill. App. Ct. 1996).

<sup>72</sup> Criminal Code of 2012, 720 ILL. COMP. STAT. ANN. 5 / § 12-7.1 (West, 2003).

<sup>73</sup> *See Nitz*, 674 N.E.2d; *People v. Rokicki*, 718 N.E.2d 333 (Ill. App. Ct. 1999).

<sup>74</sup> *In re Vladimir P.*, 670 N.E.2d. 839.

<sup>75</sup> *Id.*

<sup>76</sup> Criminal Code of 2012, 5 / § 21-1.2. This statute does not apply to vandalism committed based on biases against sexual orientation, gender, gender identity, or disability of individuals or groups of individuals.

<sup>77</sup> *See infra* app. D.

- (3) A school, educational facility or community center;
- (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) . . . ; or
- (5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3).<sup>78</sup>

This statute does not apply to a vandalism based on biases against sexual orientation, gender, gender identity, or disability.

### **C. Illinois Sentencing Statute**

The Illinois Sentencing Statute, amended in 1991, allows courts to impose more severe sentences for crimes when certain factors are present.<sup>79</sup> A more severe sentence may be imposed when a crime is committed against the person or property of an individual, or the individual’s associate, “by reason of [the] individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin” (see Appendix E).<sup>80</sup> A sentence may also be enhanced if the crime “took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services.”<sup>81</sup>

### **D. Illinois Hate Crime Statistics Act**

The Illinois Hate Crime Statistics Act enacted in 1991 requires all law enforcement agencies in Illinois to report monthly to the Illinois State Police (ISP) on the incidence of bias motivated offenses.<sup>82</sup> The information collected is compiled by the ISP and disseminated upon request to local law enforcement agencies, units of local government, or state agencies.<sup>83</sup> Dissemination of this data is subject to confidentiality requirements imposed by law.<sup>84</sup> Under the Act, the ISP is also required to provide training for state police officers to “identify, respond to and report all hate crimes.”<sup>85</sup> We note that there are no consequences identified for failure to comply with the reporting requirement.

### **E. Commission on Discrimination and Hate Crimes**

The Illinois General Assembly enacted a law in 1999 that established a Commission on Discrimination and Hate Crimes.<sup>86</sup> The law states: “The manifestation of discrimination in the

---

<sup>78</sup> Criminal Code of 2012, 5 / § 21-1.2(a)(1)-(5).

<sup>79</sup> Unified Code of Corrections, 730 ILL. COMP. STAT. ANN. 5 / § 5-5-3.2(a) (West 2013).

<sup>80</sup> Unified Code of Corrections, § 5-5-3.2(a)(10).

<sup>81</sup> Unified Code of Corrections, § 5-5-3.2(a)(11).

<sup>82</sup> Civil Administration Code of Illinois, 20 ILL. COMP. STAT. ANN. 2605 / § 2605-390.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> Commission on Discrimination and Hate Crimes Act, 20 ILL. COMP. STAT. ANN. 4070 / § 10 (West, 2007).

form of violence has a negative impact not only on the victim, but also his or her community, and can have a lasting adverse effect on our society.”<sup>87</sup> The purpose of the Illinois Commission on Discrimination and Hate Crimes is, among other things, to “ensure that [Illinois’s] laws addressing discrimination and hate-related violence are widely known and applied correctly to help eradicate and prevent crimes based on discrimination and intolerance.”<sup>88</sup> The Illinois Commission on Discrimination and Hate Crimes is also meant to “work with local governments, law enforcement officials and prosecutors, educators, and community organizations by assisting with the development of resources, training, and information that allow for a swift and efficient response to hate-motivated crimes and incidents.”<sup>89</sup> However, as of the date of the publication of this report, there are no members of the Commission on Discrimination and Hate Crimes.<sup>90</sup>

#### IV. Local Regulations

The five most populous counties and cities in Illinois include Cook, DuPage, Lake, Will and Kane counties, and the cities of Chicago, Aurora, Rockford, Joliet and Naperville. Among them, only the City of Chicago has a local ordinance specifically addressing hate crime. Municipal Code of Chicago § 8-4-085 requires that “no person shall [commit certain crimes],<sup>91</sup> by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the actual or perceived race, color, sex, religion, national origin, age, ancestry, sexual orientation or mental or physical disability of another individual or group of individuals.”<sup>92</sup>

The City of Chicago’s Commission on Human Relations Enabling Ordinance describes the process by which the Chicago Police Department and the Commission on Human Relations are meant to coordinate to address hate crimes committed in the city.<sup>93</sup> The Commission on Human Relations, in conjunction with the Civil Rights Unit of the Chicago Police Department and the Cook County State’s Attorney’s Office, is authorized to provide various kinds of support to victims of hate crimes. Commission staff and concerned community volunteers are available to assist hate crime victims, to accompany them to court hearings and to provide referrals for important support services.<sup>94</sup> Support services include the assistance of the State’s Attorney’s Office to prosecute hate crime offenders in criminal court and pro bono legal assistance from volunteer private attorneys to sue hate crime offenders in civil court for damages for psychological and physical injuries.<sup>95</sup> The Commission on Human Relations is also authorized to

---

<sup>87</sup> Commission on Discrimination and Hate Crimes Act, § 5(3).

<sup>88</sup> Commission on Discrimination and Hate Crimes Act, § 15(4).

<sup>89</sup> Commission on Discrimination and Hate Crimes Act, § 15(2).

<sup>90</sup> STATE OF ILL., *Boards and Commissions Detail*, ILLINOIS.GOV, <http://appointments.illinois.gov/appointmentsDetail.cfm?id=47> (last visited Feb. 28, 2015).

<sup>91</sup> The crimes are as follows: (1) commit assault, (2) deface, mar, injure, destroy or remove property, (3) commit trespass, (4) commit vandalism, (5) disturb a place of worship, or (6) engage in harassment by telephone. Chicago, Illinois, Municipal Code § 8-4-085.

<sup>92</sup> *Id.*

<sup>93</sup> Chicago, Illinois, Enabling Ordinance, § 2-120-518 (2012).

<sup>94</sup> COMM’N ON HUMAN RELATIONS, *Inter-Group Relations (IGR): Community Tensions and Hate Crimes*, CITY CHICAGO, [http://www.cityofchicago.org/city/en/depts/cchr/provdrs/hate\\_crimes.html](http://www.cityofchicago.org/city/en/depts/cchr/provdrs/hate_crimes.html) (last visited Feb. 28, 2015).

<sup>95</sup> *Id.*

“develop and initiate educational and other programs designed to reduce hate-based tensions and the incidence of hate crimes” and to conduct hearings on “perceived patterns of hate crimes or hate-based tensions” in the city.<sup>96</sup> At the public hearing, Mona Noriega, the Commissioner of the City of Chicago’s Commission on Human Relations, described the impact of reductions in funding on this work.<sup>97</sup>

In addition, the Cook County State’s Attorney’s Office established the Hate Crime Prosecution Council in 1989.<sup>98</sup> The Council brought together representatives from the State’s Attorney’s Office, law enforcement and the community to collaborate on approaches and strategies for addressing hate crimes. Specifically, the Council was designed as a tool for organizing the community response to legislative and policy issues associated with the prosecution of hate crimes.<sup>99</sup> In March 2015, the State’s Attorney formed a new Hate Crimes Advisory and Prosecutions Council in an effort to raise awareness and improve responses to hate crime in communities throughout Cook County.<sup>100</sup> A chief focus of the council will be to create and maintain proactive partnerships with communities typically targeted by hate crimes.<sup>101</sup> Members of the new council include: Roey Gilad, Consul General of Israel; Joshua Rose, President of the NAACP’s Chicago South Side Branch; Itedal Shalabi, Co-Founder and Executive Director of the Arab American Family Services; Emily Sweet, Executive Director of the Jewish Community Relations Council; Rev. Helen Sinclair, of the Rainbow Push Coalition; and Lonnie Nasatir, Regional Director of the Anti-Defamation League. The council also includes representatives from the U.S. Attorney’s Office, the FBI, the Chicago Police Department, the City of Chicago’s Commission on Human Relations, and the Cook County Department of Homeland Security.<sup>102</sup>

---

<sup>96</sup> Chicago, Illinois, Enabling Ordinance, § 2-120-518(f)-(g).

<sup>97</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 145 (Ill. 2014) (statement of Mona Noriega, Chi. Comm’r on Human Relations).

<sup>98</sup> COOK CNTY. STATE’S ATTORNEY’S OFFICE, *A Prosecutor’s Guide to Hate Crime*, VII-4 (1998).

<sup>99</sup> *Id.*

<sup>100</sup> COOK CNTY. STATE’S ATTORNEY’S OFFICE, *State’s Attorney Alvarez Stepping Up Efforts to Address Hate Crimes*, available at [http://www.statesattorney.org/press\\_AddressingHateCrimes.html](http://www.statesattorney.org/press_AddressingHateCrimes.html) (last visited April. 1, 2015).

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

## **Part II: Hate Crime Statistics**

### **I. Mechanism of Hate Crime Data Collection**

As discussed in Part I above, the Hate Crime Statistics Act of 1990 mandates hate crime data collection at the federal level, and the Illinois Hate Crime Statistics Act mandates hate crime data collection in Illinois. This section examines the collection of hate crime data under the federal program and Illinois programs.

#### **A. Federal Hate Crime Data Collection**

The Hate Crime Statistics Act mandates that the Attorney General establish guidelines and collect hate crime statistics. The Attorney General has delegated the responsibility for developing and implementing the procedures for collecting and managing hate crime data to the Director of the Federal Bureau of Investigation (FBI). The Director of the FBI, in turn, assigned the tasks to the Federal Universal Crime Reporting (UCR) Program.<sup>103</sup> Although participation in the Federal UCR Program is not mandatory, 47 states, including Illinois, have their own state UCR programs that collect state level data from local law enforcement agencies<sup>104</sup> and forward it to the FBI.<sup>105</sup>

State UCR programs must operate under the following standards:

“A UCR Program must conform to the FBI UCR Program’s submission standards, definitions, specifications, and required deadlines;

A UCR Program must establish data integrity procedures and have personnel assigned to assist contributing agencies in quality assurance practices and crime reporting procedures. Data integrity procedures should include crime trend assessments, offense classification verification, and technical specification validation; and,

A UCR Program’s submissions must cover more than 50 percent of the law enforcement agencies within its established reporting domain and be willing to cover any and all UCR-contributing agencies that wish to use the UCR Program from within its domain. (An agency wishing to become a UCR Program must be willing to report for all of the agencies within the state.)”<sup>106</sup>

In Illinois, the Illinois State Police (ISP) compiles hate crime data collected under the Illinois

---

<sup>103</sup> FED. BUREAU OF INVESTIGATION, HATE CRIME DATA COLLECTION GUIDELINES AND TRAINING MANUAL 1 (2012).

<sup>104</sup> FED. BUREAU OF INVESTIGATION, *State Uniform Crime Reporting (UCR) Program Contacts*, UNIFORM CRIME REPORTS, <http://www.fbi.gov/about-us/cjis/ucr/state-ucr-program-contacts-1> (last visited Feb. 28, 2015). Establishment of a UCR Program is not limited to state governments Territorial, tribal and federal agencies may also institute UCR Programs. See FED. BUREAU OF INVESTIGATION, *About UCR*, UNIFORM CRIME REPORTS <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/about-ucr> (last visited Feb. 28, 2015) [hereinafter *About UCR*].

<sup>105</sup> Local agencies in those states that do not have a state program submit crime statistics directly to the FBI. *About UCR*, *supra* note 103.

<sup>106</sup> U.S. DEP’T OF JUSTICE, *Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program National Incident-Based Reporting System (NIBRS) User Manual* (Jan. 17, 2013), <http://www.fbi.gov/about-us/cjis/ucr/nibrs/nibrs-user-manual>.

UCR Program (IL-UCR Program), and submits it to the FBI.<sup>107</sup> After receiving data from a state UCR Program, the FBI edits and reviews individual agency reports for both completeness and quality. Federal UCR Program staff also contact local law enforcement agencies in connection with crime-reporting matters. Based on these statistics, the FBI releases its “Hate Crime Statistics” report annually.<sup>108</sup>

For data collection purposes, the FBI defines a hate crime as “a committed criminal offense that is motivated, in whole or in part, by the offender’s bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”<sup>109</sup> In the 2013 annual hate crime statistics report, the FBI reports an offender’s bias motivation associated with 13 offense types reported to the Federal UCR Program:<sup>110</sup>

- Murder and non-negligent manslaughter
- Rape
- Aggravated assault
- Simple assault
- Intimidation
- Robbery
- Burglary
- Larceny-theft
- Motor vehicle theft
- Arson
- Destruction/damage/vandalism
- Human trafficking commercial sex acts
- Human trafficking involuntary servitude

The specific types of biases reported by the FBI in 2013 are shown here:<sup>111</sup>

<u>Race</u>	<u>Religion</u>
<ul style="list-style-type: none"> <li>• Anti-White</li> <li>• Anti-Black or African American</li> <li>• Anti-American Indian or Alaska Native</li> <li>• Anti-Asian</li> <li>• Anti-Native Hawaiian or Other Pacific Islander</li> <li>• Anti-Multiple Races, Group</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-Jewish</li> <li>• Anti-Catholic</li> <li>• Anti-Protestant</li> <li>• Anti-Islamic (Muslim)</li> <li>• Anti-Other Religion</li> <li>• Anti-Multiple Religions, Group</li> <li>• Anti-Atheism/Agnosticism/etc.</li> </ul>

<sup>107</sup> ILL. STATE POLICE, *supra* note 6.

<sup>108</sup> FED. BUREAU OF INVESTIGATION, *Hate Crime Statistics*, UNIFORM CRIME REPORTS, [http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/resource-pages/hate-crime/hatecrimholder\\_final](http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/resource-pages/hate-crime/hatecrimholder_final) (last visited Feb. 28, 2015).

<sup>109</sup> FED. BUREAU OF INVESTIGATION, *supra* note 102 at 8.

<sup>110</sup> FED. BUREAU OF INVESTIGATION, *supra* note 103.

<sup>111</sup> From 2013, the Federal UCR program began permitting law enforcement agencies to report four additional bias types per offense instead of one. *See* Fed. Bureau of Investigation, *Hate Crime Statistics Methodology*, UNIFORM CRIME REPORTS, [http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/resource-pages/methodology/methodology\\_final](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/resource-pages/methodology/methodology_final) (last visited Feb. 28, 2015).

<p style="text-align: center;"><u>Sexual Orientation</u></p> <ul style="list-style-type: none"> <li>• Anti-Gay (Male)</li> <li>• Anti-Lesbian</li> <li>• Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)</li> <li>• Anti-Heterosexual</li> <li>• Anti-Bisexual</li> </ul>	<p style="text-align: center;"><u>Ethnicity</u></p> <ul style="list-style-type: none"> <li>• Anti-Hispanic or Latino</li> <li>• Anti-Not Hispanic or Latino</li> </ul>
<p style="text-align: center;"><u>Disability</u></p> <ul style="list-style-type: none"> <li>• Anti-Physical</li> <li>• Anti-Mental</li> </ul>	<p style="text-align: center;"><u>Gender</u></p> <ul style="list-style-type: none"> <li>• Anti-Male</li> <li>• Anti-Female</li> </ul>
<p style="text-align: center;"><u>Gender Identity</u></p> <ul style="list-style-type: none"> <li>• Anti-Transgender</li> <li>• Anti-Gender Non-Conforming</li> </ul>	

Starting in 2015, in addition to the current religious bias categories, local law enforcement agencies can also report on the following categories:<sup>112</sup>

- Anti-Mormon
- Anti-Jehovah’s Witness
- Anti-Eastern Orthodox (Greek, Russian, etc.)
- Anti-Other Christian
- Anti-Buddhist
- Anti-Hindu
- Anti-Sikh

Also starting 2015, the Federal UCR Program has begun collecting race and ethnicity biases in a revised Race/Ethnicity/Ancestry category. The new category includes the following biases:<sup>113</sup>

- Anti-White
- Anti-Black or African American
- Anti-American Indian or Alaska Native
- Anti-Asian
- Anti-Multiple Race, Group
- Anti-Native Hawaiian or Other Pacific Islander
- Anti-Arab
- Anti-Hispanic or Latino

<sup>112</sup> U.S. DEP’T OF JUSTICE, HATE CRIME DATA COLLECTION GUIDELINES AND TRAINING MANUAL 2.0 (2015), available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime-data-collection-guidelines-and-training-manual.pdf>.

<sup>113</sup> *Id.*

- Anti-Other Race/Ethnicity/Ancestry

## **B. Illinois Hate Crime Data Collection**

Illinois law mandates the reporting of hate crimes in Illinois by all law enforcement agencies to the ISP.<sup>114</sup> Reporting of hate crimes is conducted as a part of the IL-UCR Program.<sup>115</sup> All law enforcement agencies in Illinois are required to report monthly to the ISP on hate crimes in the form prescribed by the ISP (see Appendix F for the form used in 2013). The ISP publishes its “Crime in Illinois” report annually, documenting reported crimes under the IL-UCR Program. The annual report includes a section on hate crime that reveals the number of hate crime incidents within each bias category. Aggregate data is also available indicating where the crimes occurred, the demographics of the offenders and victims, and the categories of bias motivation. More granular data can be retrieved from municipal law enforcement databases, such as reports published by the Chicago Police Department.<sup>116</sup>

In 2013, law enforcement agencies in Illinois reported an offender’s bias motivation associated with the following offenses reported to the IL-UCR Program (see Appendix F):

- |                           |                       |
|---------------------------|-----------------------|
| • Criminal homicide       | • Burglary            |
| • Criminal sexual assault | • Theft               |
| • Robbery                 | • Motor vehicle theft |
| • Aggravated battery      | • Arson               |
| • Battery                 | • Criminal trespass   |
| • Aggravated assault      | • Disorderly conduct  |
| • Assault                 | • Harassment          |
|                           | • Mob action          |

In order to mirror more closely the offenses reported as outlined in the Federal UCR Program reporting guidelines, the ISP will discontinue collecting the offenses of criminal trespass, disorderly conduct, mob action, and harassment. Starting in 2014, the ISP began collecting data on the following offenses (see Appendix G):

---

<sup>114</sup> Civil Administration Code of Illinois, 20 ILL. COMP. STAT. ANN. 2605 / § 2605-390 (West, 2013).

<sup>115</sup> *Id.*

<sup>116</sup> See CHI. POLICE DEPT., *Hate Crime Reports*, available at

<https://portal.chicagopolice.org/portal/page/portal/ClearPath/News/Statistical%20Reports/Hate%20Crime%20Reports> (last visited Feb. 28, 2015).

- Homicide
- Rape
- Armed robbery/robbery
- Aggravated battery/aggravated assault
- Burglary
- Theft
- Motor vehicle theft
- Arson
- Battery
- Assault
- Criminal damage to property

Starting in 2015, in addition to these offenses, the ISP has begun collecting data on human trafficking commercial sex acts and human trafficking involuntary servitude, as reported by the Federal UCR Program (see Appendix H).

The specific types of bias reported by the ISP in 2013 are shown here:<sup>117</sup>

<u>Race</u>	<u>Religion</u>
<ul style="list-style-type: none"> <li>• Anti-White</li> <li>• Anti-Black</li> <li>• Anti-American Indian or Alaska Native</li> <li>• Anti-Asian or Pacific Islander</li> <li>• Anti-Multiple Racial Group</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-Jewish</li> <li>• Anti-Catholic</li> <li>• Anti-Protestant</li> <li>• Anti-Islamic (Moslem)</li> <li>• Anti-Other Religion</li> <li>• Anti-Multiple Religious Group</li> <li>• Anti-Atheism or Agnosticism etc.</li> </ul>
<u>Sexual Orientation</u>	<u>Ethnicity</u>
<ul style="list-style-type: none"> <li>• Anti-Male Homosexual (Gay)</li> <li>• Anti-Female Homosexual (Lesbian)</li> <li>• Anti-Homosexual (Gay and Lesbian)</li> <li>• Anti-Heterosexual</li> <li>• Anti-Bisexual</li> </ul>	<ul style="list-style-type: none"> <li>• Anti – Hispanic</li> <li>• Anti - Other Ethnicity/National Origin</li> </ul>
<u>Disability</u>	<u>Gender</u>
<ul style="list-style-type: none"> <li>• Anti-Physical</li> <li>• Anti-Mental</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-Male</li> <li>• Anti-Female</li> </ul>

The ISP revised its hate crime incident report in 2014 to mirror the change in the Federal UCR Program and to allow local law enforcement agencies to report the following gender identity biases (see Appendix G):

<sup>117</sup> Until 2013, the ISP incident report allowed for only one bias motivation per report. From 2014, up to five bias motivations can be entered for each offense. *See infra* app. F & G.

- Anti-Transgender
- Anti-Gender Non-Conforming

The ISP has further revised its hate crime incident report in 2015 to allow for the collection of data on the revised Race/Ethnicity/Ancestry bias category under the IL-UCR Program. Notably, the new category includes an Anti-Arab bias. The category will include the following biases (see Appendix H):

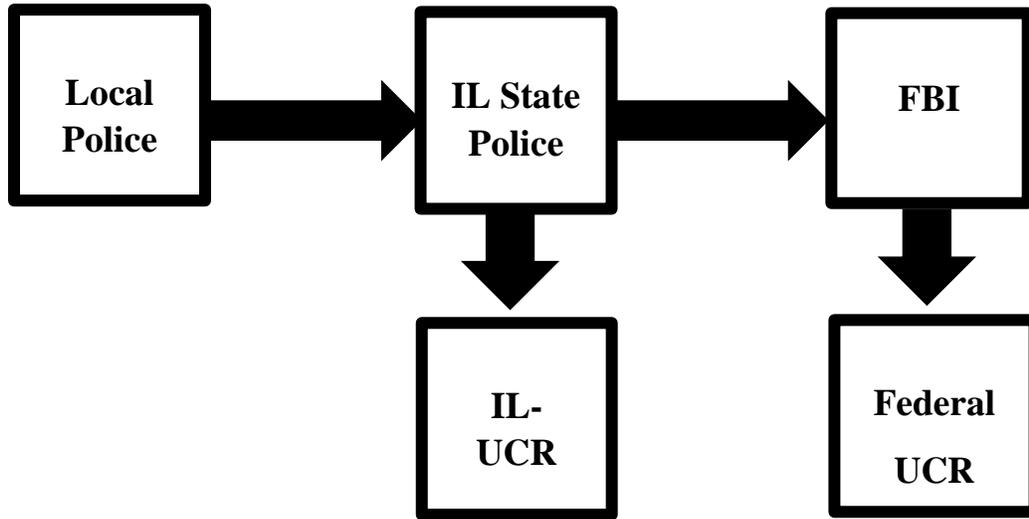
- Anti-White
- Anti-Black or African American
- Anti-American Indian or Alaska Native
- Anti-Asian
- Anti-Multiple Race, Group
- Anti-Native Hawaiian or Other Pacific Islander
- Anti-Arab
- Anti-Hispanic or Latino

Also, starting in 2015, in addition to the current religious bias categories, ISP can also report on the following categories (see Appendix H):

- Anti-Mormon
- Anti-Jehovah's Witness
- Anti-Eastern Orthodox (Greek, Russian, etc.)
- Anti-Other Christian
- Anti-Buddhist
- Anti-Hindu
- Anti-Sikh

As described above, hate crime data collected under the IL-UCR Program is forwarded to the FBI. The FBI reviews and edits, as necessary, the data, which is used to represent Illinois in the annual FBI "Hate Crime Statistics" report. Figure 1.1 below illustrates the flow of data and the relationship between the IL-UCR and Federal UCR Programs.

**Figure 1.0** Hate Crime Reporting Mechanism

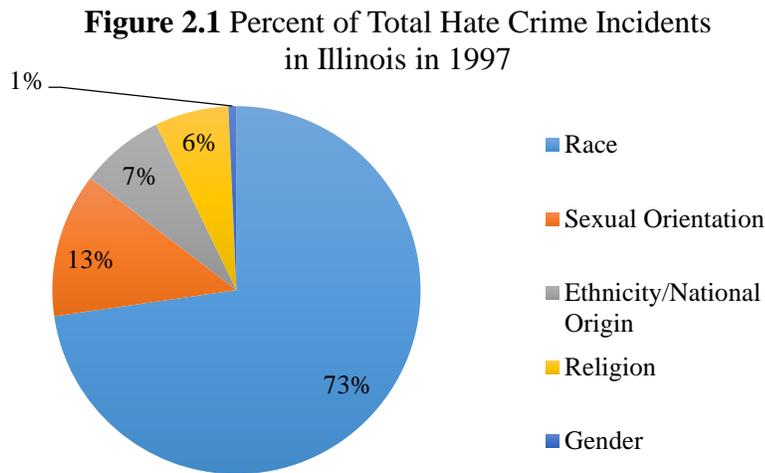


Prepared by the International Human Rights Clinic at the University of Chicago Law School.

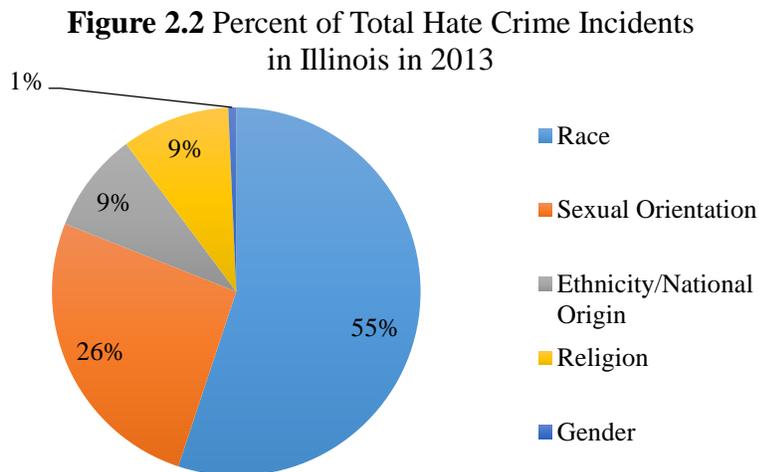
## II. Hate Crime Data in Illinois

### A. Hate Crime Data in Illinois from 1997 to 2013

According to the ISP, 147 hate crime incidents were reported in Illinois in 2013.<sup>118</sup> Among these, racially motivated crimes ranked the highest (81 incidents). The other incidents were as follows: sexual orientation (38 incidents), religion (14 incidents), ethnicity (13 incidents), and gender (1 incident). Figures 2.1 and 2.2 below illustrate the relative proportion of each bias category in the total number of hate crime incidents in Illinois in 1997 and 2013.



Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from the 1997 ISP report.



Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from the 2013 ISP report.

<sup>118</sup> This number represents the total number of hate crime incidents by bias types. Unlike the Federal UCR program, the IL-UCR Program does not report a raw number of hate crimes by offense types. Given that multiple offenses can be reported and only one bias can be marked in an incident report, there is a possibility that the total number of hate crimes counted by offense types is greater than the number of hate crime incidents reported by bias.

Compared with hate crime data in the 1997 ISP report, the number of reported hate crime incidents in Illinois fell by nearly 70%, from 448 in 1997 to 147 in 2013 (see Tables 1.1 and 1.2). The number of incidents decreased steadily from 1997 to 2013, except during years 2001, 2007, 2010 and 2012 (see Figure 3.1).

**Table 1.1** Total IL Statewide Hate Crime Incidents Separated by Bias Motivation for 1997

Bias	Total # of Offenses	% of Total Offenses	Bias Subgroup	# of Offenses per subgroup	% of Total Offenses
Race	326	72.8%	Anti-Black	195	43.5%
			Anti- White	106	23.7%
			Anti-Asian/Pacific Islander	9	2.0%
			Anti-Multi-Racial Group	16	3.6%
Sexual Orientation	57	12.7%	Anti-Male Homosexual	39	8.7%
			Anti-Female Homosexual	6	1.3%
			Anti-Homosexual	10	2.2%
			Anti-Heterosexual	2	0.4%
Ethnicity/ National Origin	33	7.4%	Anti-Hispanic	13	2.9%
			Anti-Arab	8	1.8%
			Anti -Other Etn./National Origin	12	2.7%
Religion	29	6.5%	Anti-Atheism/Agnosticism	1	0.2%
			Anti-Jewish	22	4.9%
			Anti-Islamic (Muslim)	2	0.4%
			Anti-Protestant	1	0.2%
			Anti-Other Religion	3	0.7%
Gender/Age/ Handicap	3	0.7%	Anti-Female	1	0.2%
			Anti-Elderly	1	0.2%
			Anti-Physical	1	0.2%
<b>TOTAL 448</b>					

Prepared by the International Human Rights Clinic at the University of Chicago Law School using data taken from the 1997 ISP report.

Note: Bias groups and bias subgroups are taken from the ISP report.

Note: ISP notes that, due to rounding calculations, not all percentages may add up to 100%.

**Table 1.2** Total IL Statewide Hate Crime Incidents by Bias Motivation for 2013

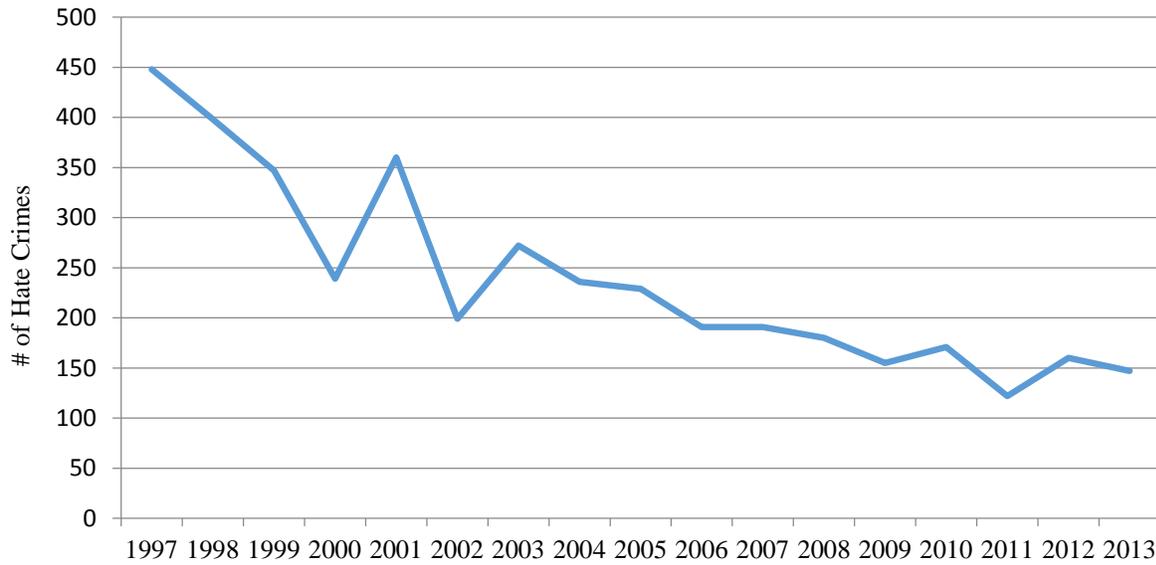
Bias	Total # of Offenses	% of Total Offenses	Bias Subgroup	# of Offenses per Subgroup	% of Total Offenses
Race	81	55.1%	Anti-Asian/Pacific Islander	5	3.4%
			Anti-Black	57	38.8%
			Anti-Multi-Racial Group	3	2.0%
			Anti-White	16	10.9%
Sexual Orientation	38	25.9%	Anti-Bisexual	2	1.4%
			Anti-Female Homosexual (Lesbian)	7	4.8%
			Anti-Homosexual (Gay & Lesbian)	5	3.4%
			Anti-Male Homosexual (Gay)	24	16.3%
Ethnicity/ National Origin	13	8.8%	Anti-Hispanic	9	6.1%
			Anti- Other Etn./National Origin	4	2.7%
Religion	14	9.5%	Anti-Islamic (Muslim)	3	2.0%
			Anti-Jewish	10	6.8%
			Anti-Multi-Religious Group	0	0.0%
			Anti-Other Religion	1	0.7%
Gender	1	0.7%	Anti-Female	1	0.7%
<b>TOTAL 147</b>					

Prepared by the International Human Rights Clinic at the University of Chicago Law School using data taken from the 2013 ISP report.

Note: Bias groups and bias subgroups are taken from the ISP report.

Note: ISP notes that, due to rounding calculations, not all percentages may add up to 100%

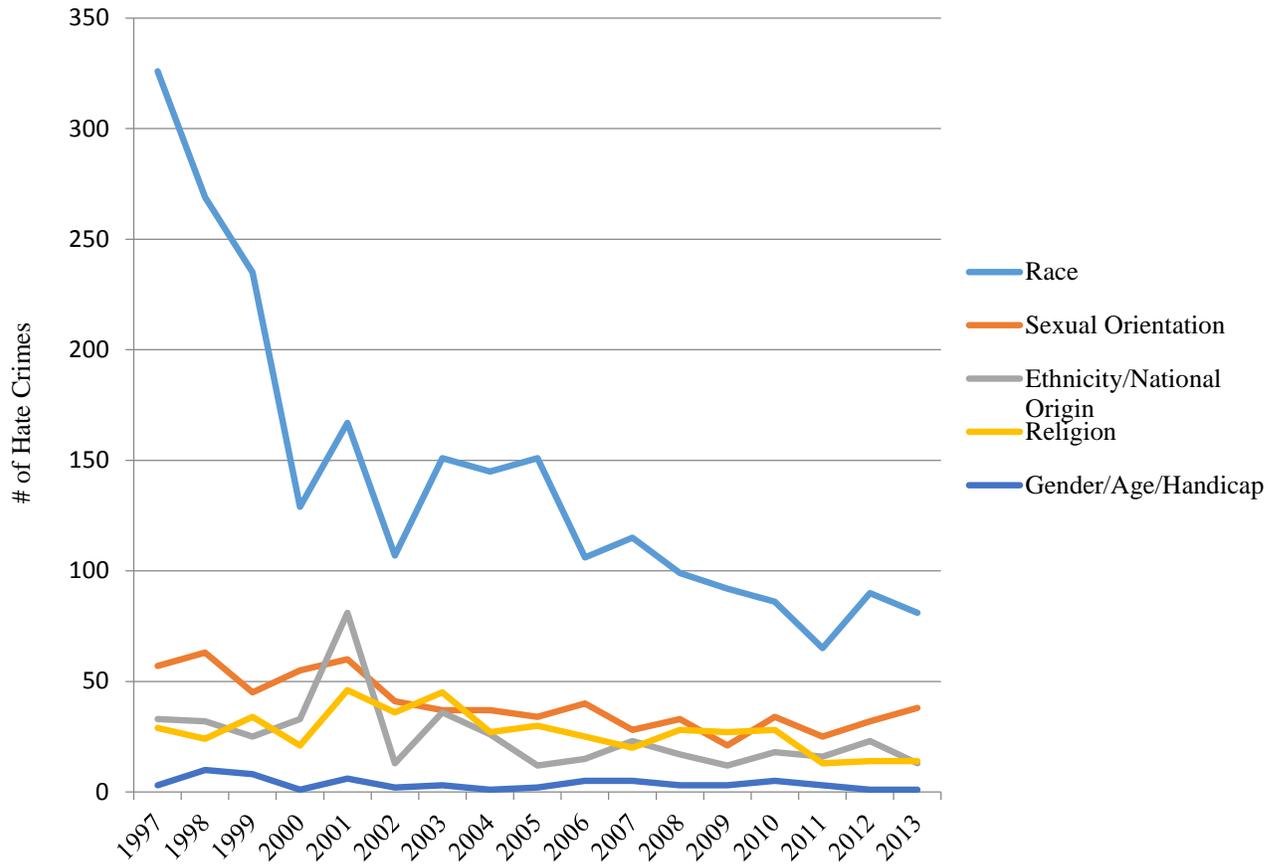
**Figure 3.1:** Total Number of Hate Crime Incidents in Illinois from 1997 to 2013



Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from 1997 to 2013 ISP reports.

The number of reported hate crime incidents has decreased for each bias type between 1997 and 2013 (see Figure 3.2). Racial bias accounts for the most hate crimes each year followed by sexual orientation, except for the years 2001, 2003, and 2009.

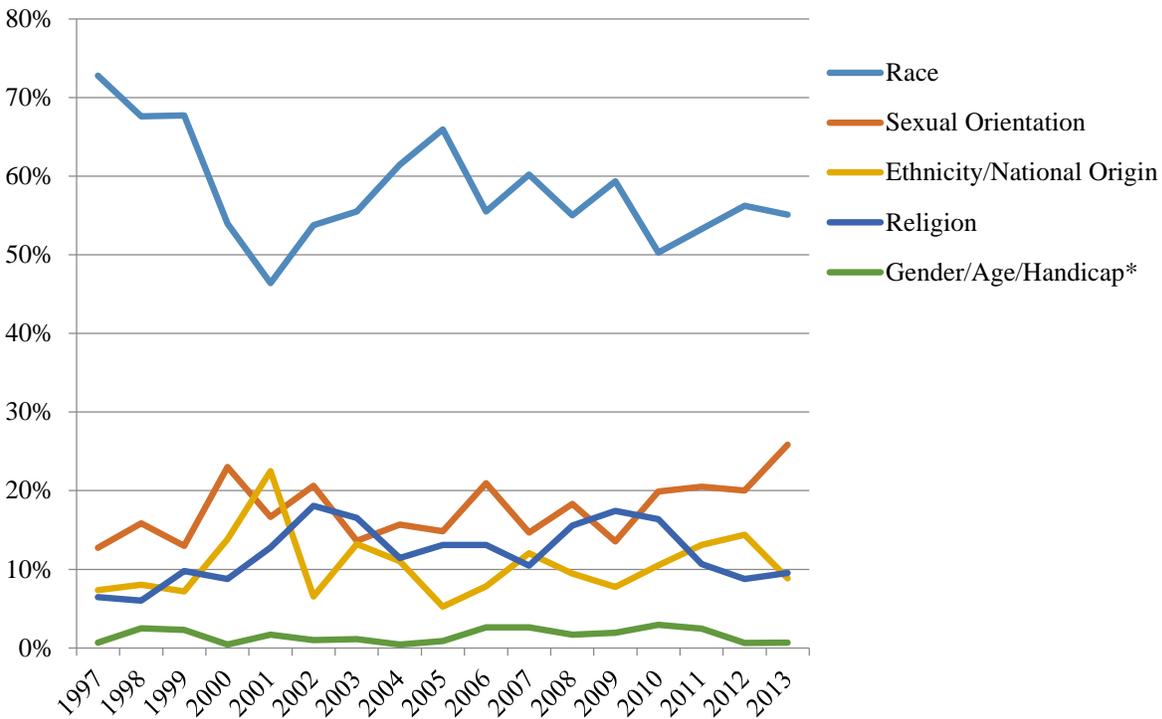
**Figure 3.2** Total Number of Hate Crime Incidents in Illinois per Bias from 1997 to 2013



Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from 1997 to 2013 ISP reports.  
 Note: Bias groups are taken from the ISP reports.

Between 1997 and 2013, the proportion of racially motivated hate crime incidents to the total number of incidents has declined from 72.8% to 55.4%. However, the proportion of incidents motivated by sexual orientation has increased from 12.7% in 1997 to 26.0% in 2013. Though the raw number of hate crime incidents based on sexual orientation has decreased from the 1990s, these incidents represent a larger proportion of the total number of hate crime incidents reported in Illinois in 2013.

**Figure 3.3** Proportion of Total Hate Crime Incidents in Illinois by Bias Motivation from 1997 to 2013

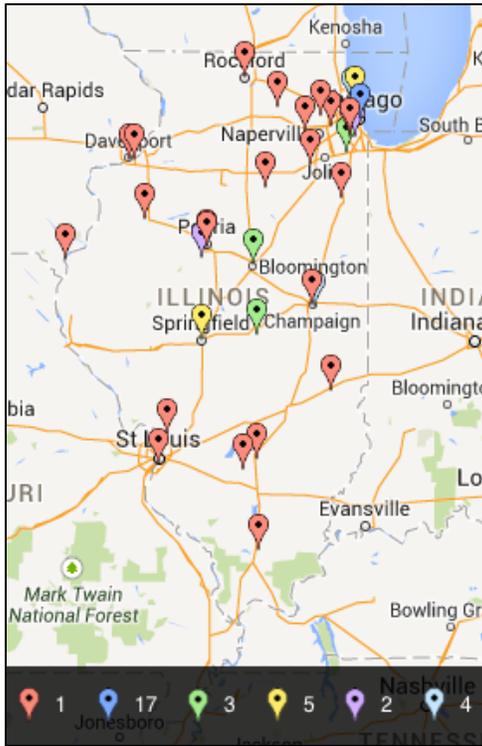


Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from the 1997 to 2013 ISP reports.  
 \*After 2008, the line representing Gender/Age/Disability only represents Gender/Disability because the ISP discontinued collecting data on gender bias motivation after that year.  
 Note: Bias groups are taken from the ISP reports.

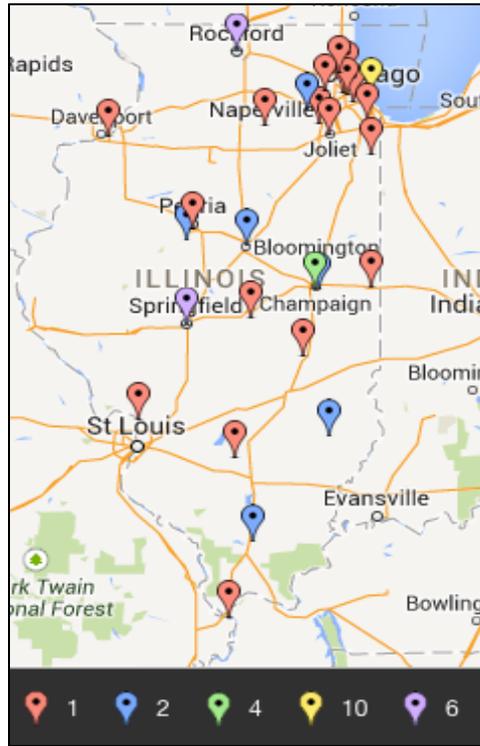
### B. Geographic Distribution of Hate Crime Incidents in Illinois

Statistics provided to the ISP by local law enforcement agencies, such as the Chicago Police Department, contribute to a collection of statewide data that illustrates the distribution of hate crime throughout Illinois. Distributional data at the state level reveals that incidence rates are higher in certain areas compared to others. The maps below provide recent illustrations of the distribution of hate crime incidents in Illinois from 2010 to 2013. Although incidents are shown to occur statewide, the data highlights that reported hate crime incidents are heavily concentrated in Chicago and surrounding areas.

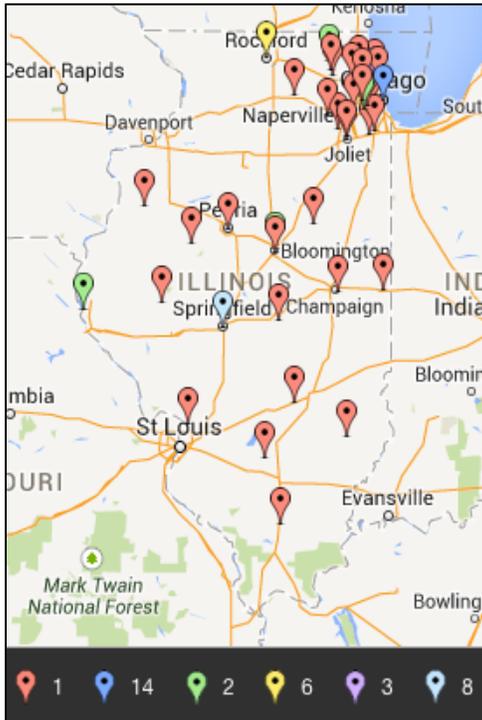
**Figure 4.1** Incidence and Distribution of Hate Crime in Illinois 2010



**Figure 4.2** Incidence and Distribution of Hate Crime in Illinois 2011



**Figure 4.3** Incidence and Distribution of Hate Crime in Illinois 2012



**Figure 4.4** Incidence and Distribution of Hate Crime in Illinois 2013



Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from the 2010 to 2013 FBI reports.

### C. Discrepancies between Hate Crimes Data Reported by IL-UCR and Federal UCR

Tables 2.1 and 2.2 present state and federal level hate crime data, provided by ISP and the FBI respectively.

**Table 2.1** ISP Hate Crime Data from 1997-2013

Bias	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Race	326	269	235	129	167	107	151	145	151	106	115	99	92	86	65	90	81
Sexual Orientation	57	63	45	55	60	41	37	37	34	40	28	33	21	34	25	32	38
Ethnicity/ National Origin	33	32	25	33	81	13	36	26	12	15	23	17	12	18	16	23	13
Religion	29	24	34	21	46	36	45	27	30	25	20	28	27	28	13	14	14
Gender	1	4	1	0	2	0	0	0	0	0	2	1	2	2	1	1	1
Age	1	1	2	0	3	2	0	1	1	5	1	_*	_*	_*	_*	_*	_*
Handicap	1	5	5	1	1	0	3	0	1	0	2	1	1	3	2	0	0
<b>TOTAL</b>	448	398	347	239	360	199	272	236	229	191	191	180	155	171	122	160	147

Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from 1997 to 2013 ISP reports.

\*IL-UCR Program discontinued reporting data on Age starting in 2008.

Note: Bias groups are taken from the ISP report.

Note: ISP reports separate data for biases of Gender, Age, and Handicap.

**Table 2.2** FBI Illinois Hate Crime Data from 1997-2013

Bias	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Race	237	166	170	95	120	82	111	109	106	90	94	66	76	45	36	48	61
Sexual Orientation	35	43	29	44	46	35	32	35	28	29	29	23	22	20	17	19	29
Ethnicity/ National Origin	19	24	18	26	71	12	29	21	10	12	21	12	11	9	9	11	8

<b>Religion</b>	23	18	27	17	44	26	34	22	23	25	21	18	20	19	6	6	7
<b>Disability</b>	1	5	3	1	1	0	2	0	1	0	2	1	0	1	1	0	0
<b>Gender Identity</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0*
<b>TOTAL</b>	315	256	247	183	282	155	208	187	168	156	167	120	129	94	69	84	105

Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from 1997 to 2013 FBI reports.

\*Raw number provided to indicate collection of data on the bias Gender Identity.

Note: Bias groups are taken from the FBI report.

Table 2.3 depicts the raw number differences between the ISP and FBI reports for each of the five biases, as well as for the total number of hate crime incidents reported between 1997 and 2013.<sup>119</sup>

**Table 2.3** Differences in Illinois Hate Crime Data between ISP and FBI reports from 1997-2013

BIAS	Race		Sexual Orientation		Ethnicity/ National Origin		Religion		Disability		Gender*		TOTAL	
	ISP	FBI	ISP	FBI	ISP	FBI	ISP	FBI	ISP	FBI	ISP	FBI	ISP	FBI
YEARS	Difference		Difference		Difference		Difference		Difference		Difference		Difference**	
1997	326	237	57	35	33	19	29	23	1	1	—	—	446	315
	89		22		14		6		0				131	
1998	269	166	63	43	32	24	24	18	5	5	—	—	393	256
	103		20		8		6		0				137	
1999	235	170	45	29	25	18	34	27	5	3	—	—	344	247
	65		16		7		7		2				97	
2000	129	95	55	44	33	26	21	17	1	1	—	—	239	183
	34		11		7		4		0				56	
2001	167	120	60	46	81	71	46	44	1	1	—	—	355	282
	47		14		10		2		0				73	
2002	107	82	41	35	13	12	36	26	0	0	—	—	197	155
	25		6		1		10		0				42	
2003	151	111	37	32	36	29	45	34	3	2	—	—	272	208
	40		5		7		11		1				64	
2004	145	109	37	35	26	21	27	22	0	0	—	—	235	187
	36		2		5		5		0				48	
2005	151	106	34	28	12	10	30	23	1	1	—	—	228	168

<sup>119</sup> For the purposes of the analysis in this report, comparative data will only include the five bias motives that are consistent between state and federal level reports. These motives are race, sexual orientation, religion, ethnicity, and disability.

	<b>45</b>		<b>6</b>		<b>2</b>		<b>7</b>		<b>0</b>				<b>60</b>	
<b>2006</b>	106	90	40	29	15	12	25	25	0	0	—	—	186	156
	<b>16</b>		<b>11</b>		<b>3</b>		<b>0</b>		<b>0</b>				<b>30</b>	
<b>2007</b>	115	94	28	29	23	21	20	21	2	2	—	—	188	167
	<b>21</b>		<b>1</b>		<b>2</b>		<b>1</b>		<b>0</b>				<b>25</b>	
<b>2008</b>	99	66	33	23	17	12	28	18	1	1	—	—	178	120
	<b>33</b>		<b>10</b>		<b>5</b>		<b>10</b>		<b>0</b>				<b>58</b>	
<b>2009</b>	92	76	21	22	12	11	27	20	1	0	—	—	153	129
	<b>16</b>		<b>1</b>		<b>1</b>		<b>7</b>		<b>1</b>				<b>26</b>	
<b>2010</b>	86	45	34	20	18	9	28	19	3	1	—	—	169	94
	<b>41</b>		<b>14</b>		<b>9</b>		<b>9</b>		<b>2</b>				<b>75</b>	
<b>2011</b>	65	36	25	17	16	9	13	6	2	1	—	—	121	69
	<b>29</b>		<b>8</b>		<b>7</b>		<b>7</b>		<b>1</b>				<b>52</b>	
<b>2012</b>	90	48	32	19	23	11	14	6	0	0	—	—	159	84
	<b>42</b>		<b>13</b>		<b>12</b>		<b>8</b>		<b>0</b>				<b>75</b>	
<b>2013</b>	81	61	38	29	13	8	14	7	0	0	0	0	146	105
	<b>20</b>		<b>9</b>		<b>5</b>		<b>7</b>		<b>0</b>		<b>0</b>		<b>41</b>	

Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from 1997 to 2013 ISP and FBI reports.

Note: Statistics on Gender and Age are excluded from the ISP totals from 1997 to 2012 because the FBI does not report crimes based on Age and only started reporting on Gender and Gender Identity in 2013.

\*Gender is added here because the FBI began collecting data on gender bias since 2013.

\*\*Difference in this column reflects the sum of differences for each bias type.

As Table 2.3 demonstrates, there are clear discrepancies between the ISP and FBI data. Discrepancies exist between the total number of hate crime incidents reported by the ISP and FBI for each of the years listed. For example, in 1997 the ISP reported a total of 446 hate crime incidents in Illinois, while the FBI reported 315. In 2013, the ISP reported a total of 147 hate crime incidents, while the FBI reported a total of 105 crimes. The data shows discrepancies not only exist between the total number of incidents reported, but also across all five biases.

Using the data in Table 2.3, the sum of the differences in total-reported hate crime incidents between the ISP and FBI reports within the 16-year period amounts to 1,078. Table 2.4 depicts the proportion of ISP data excluded from FBI data. Notably, approximately 27.0% of hate crime incidents in Illinois went unrecognized at the federal level between 1997 and 2013. Possible reasons for this discrepancy will be discussed in Part III.1.

**Table 2.4** Proportion of ISP Data Excluded from FBI Data

<b>Bias</b>	<b>Race</b>	<b>Sexual Orientation</b>	<b>Ethnicity/ National Origin</b>	<b>Religion</b>	<b>Disability</b>	<b>TOTAL</b>
<b>Year</b>	<b>% Excluded</b>	<b>% Excluded</b>	<b>% Excluded</b>	<b>% Excluded</b>	<b>% Excluded</b>	<b>% Excluded</b>
<b>1997</b>	27.3%	38.6%	42.4%	20.7%	0.0%	<b>29.4%</b>
<b>1998</b>	38.3%	31.7%	25.0%	25.0%	0.0%	<b>34.9%</b>
<b>1999</b>	27.7%	35.6%	28.0%	20.6%	40.0%	<b>28.2%</b>
<b>2000</b>	26.4%	20.0%	21.2%	19.0%	0.0%	<b>23.4%</b>
<b>2001</b>	28.1%	23.3%	12.3%	4.3%	0.0%	<b>20.6%</b>
<b>2002</b>	23.4%	14.6%	7.7%	27.8%	0.0%	<b>21.3%</b>
<b>2003</b>	26.5%	13.5%	19.4%	24.4%	33.3%	<b>23.5%</b>
<b>2004</b>	24.8%	5.4%	19.2%	18.5%	0.0%	<b>20.4%</b>
<b>2005</b>	29.8%	17.6%	16.7%	23.3%	0.0%	<b>26.3%</b>
<b>2006</b>	15.1%	27.5%	20.0%	0.0%	0.0%	<b>16.1%</b>
<b>2007</b>	18.3%	N/A*	8.7%	N/A*	0.0%	<b>11.2%</b>
<b>2008</b>	33.3%	30.3%	29.4%	35.7%	0.0%	<b>32.6%</b>
<b>2009</b>	17.4%	N/A*	8.3%	25.9%	100.0%	<b>17.0%</b>
<b>2010</b>	47.7%	41.2%	50.0%	32.1%	66.7%	<b>44.4%</b>
<b>2011</b>	44.6%	32.0%	43.8%	53.8%	50.0%	<b>43.0%</b>
<b>2012</b>	46.7%	40.6%	52.2%	57.1%	0.0%	<b>47.2%</b>
<b>2013</b>	24.7%	23.7%	38.5%	50.0%	0.0%	<b>28.1%</b>

Prepared by the International Human Rights Clinic at the University of Chicago Law School using data from 1997 to 2013 ISP reports.

\*N/A indicates there was no data excluded from the FBI report because the FBI reported a higher number than the ISP. The FBI report does not provide an explanation for these instances.

Note: Percentages are calculated as the result of the difference between ISP and FBI data, divided by the ISP total: (ISP-FBI)/ISP. Neither ISP total nor FBI total includes statistics on Gender or Age.

## **Part III: Summary of Panel Testimony on Hate Crime in Illinois**

In accordance with the project proposal, the Committee held a public hearing on August 21, 2014. The public hearing incorporated formal testimony from government representatives and officials, federal and state law enforcement officers, academics, attorneys, community activists and representatives from a variety of religious communities, along with comments from the public.

Panelists were selected to provide a diverse and balanced overview of the issues relating to hate crime and discrimination against religious institutions in Illinois (see Appendix A). The hearing was divided into four panel presentations: (1) data discrepancy and law enforcement; (2) data deficit, underreporting and community concerns; (3) trend analysis and policy overview; and (4) special concerns presented by religiously motivated hate crime and discrimination against religious institutions, including violence, vandalism and zoning discrimination. In addition to the testimony and discussion with the panelists, the Illinois State Advisory Committee heard additional comments from members of the public.

### **I. Data Discrepancy**

During the public hearing, members of the Illinois State Advisory Committee raised questions regarding the apparent discrepancy between the hate crime data reported under the Federal UCR and the IL-UCR Programs. Although the FBI representatives had been unaware of these discrepancies, Terri Hickman, Manager of the IL-UCR Program at the ISP, articulated three reasons for the discrepancies in data.<sup>120</sup> First, the ISP collected data on several hate crime offenses that were not collected or reported on by the FBI. Second, the ISP and the FBI use different terminology for certain categories of hate crime offenses. Third, the deadline for the reporting of hate crime data by local law enforcement agencies to the ISP had been later than the time at which the ISP had to submit its data to the FBI. These three reasons will be discussed in detail in this section.

#### **A. Difference in Offense Definitions**

Ms. Hickman testified that the ISP hate crime reports showed differences in the terminology of categories of offenses collected by the ISP and the FBI. Figure 3.0 below provides a comparison of the types of offenses recognized at the state and federal level.<sup>121</sup>

Federal offense definitions do not always align with the definitions of offenses contained within the Illinois Compiled Statutes (ILCS), pursuant to which the ISP is mandated to report. Differences in offense definitions may account for some of the discrepancies between the FBI and ISP data. However, if all offenses defined and reported as hate crimes under the IL-UCR

---

<sup>120</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 47 (Ill. 2014) (statement of Terri Hickman, Manager of the IL-UCR Program at the ISP).

<sup>121</sup> ILL. STATE POLICE, *supra* note 6.

Program were reported to the FBI and counted as hate crimes under the Federal UCR Program, the difference in definition should not affect the total number of reported hate crimes. Further research is required to accurately assess the impact of differences in offense definitions on the observed discrepancies between the ISP and FBI hate crime reports.

**Figure 5.0** Offenses Recognized by ISP and FBI

Illinois UCR Program		Federal UCR Program
Criminal Homicide	→	Murder
Criminal Sexual Assault	→	Rape
Robbery	→	Robbery
Aggravated Battery	→	Aggravated Assault
Battery	→	Simple Assault
Aggravated Assault	→	Aggravated Assault
Assault	→	Intimidation
Burglary	→	Burglary
Theft	→	Larceny/Theft
Motor Theft	→	Motor Vehicle Theft
Arson	→	Arson
Criminal Trespass	→	<i>Not Collected</i>
Disorderly Conduct	→	<i>Not Collected</i>
Harassment	→	<i>Not Collected</i>
Mob Action	→	<i>Not Collected</i>

Source: 2013 ISP report.

### **B. ISP Collects Data on Offenses Not Reported to FBI**

As Figure 3.0 reveals, there are four crimes which were recognized by the ISP pursuant to State law that are not recognized or collected by the FBI: criminal trespass, disorderly conduct, harassment and mob action. Since these four crimes are excluded from federal reports, the incidence of these crimes at the state level has not been reported to the FBI. Unlike the Federal

UCR Program, the ISP does not report a raw number of hate crimes by offense types; it is therefore not possible to identify the raw number of hate crimes attributed to these four offenses. According to the ISP report, the ISP collected hate crime data related to these four offenses from 2008 to 2013.<sup>122</sup> This would account for some of the discrepancy between federal and state reports during these years.<sup>123</sup> The ISP stopped collecting data on these four offenses in 2014.<sup>124</sup>

### C. Differences in Publication Due Dates

According to Ms. Hickman, differences in report publication due dates also accounted for some of the discrepancies between ISP and FBI data.<sup>125</sup> Ms. Hickman testified that the timelines for the ISP and FBI reports differed from each other.<sup>126</sup> Data required for the FBI Annual “Hate Crime Statistics” report is collected three months into the following reporting year.<sup>127</sup> Ms. Hickman noted that the FBI deadline is stringent. The deadline for the ISP, however, has historically been later than three months into the next year and has been much less rigid. Ms. Hickman testified that, as a result, up until 2011 there was a minimum of 12 months after the FBI deadline during which the ISP collected data on hate crime that was included in the annual IL-UCR report.<sup>128</sup>

For example, the ISP database for the 2010 reporting year remained open until February of 2012 in order to allow for the collection of data from a larger percentage of local law enforcement agencies, many of whom submitted their data very late.<sup>129</sup> As a result, the 2010 FBI report lacked data of many local agencies.

Ms. Hickman explained that the extended publication date was due to a transition in the law at that time. She stated: “In 2010, the IL-UCR Program transitioned to the Federal UCR Program for index or summary, your major categories of crime.”<sup>130</sup> Hickman noted that this was an exceptionally difficult transition for the IL-UCR Program. Prior to the transition, the ISP report included data from nearly 1,000 agencies that participate in the IL-UCR Program. However, due to the complex guidelines under the Federal UCR Program, the number of participating agencies declined significantly following the transition.<sup>131</sup> The 2013 ISP report itself notes that the IL-

---

<sup>122</sup> ILL. STATE POLICE, *Uniform Crime Reports, CRIME IN ILLINOIS*, available at <http://www.isp.state.il.us/crime/ucrhome.cfm> (last visited Feb. 28, 2015).

<sup>123</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 54 (Ill. 2014) (statement of Terri Hickman, Manager of the IL-UCR Program at the ISP).

<sup>124</sup> *Id.* at 55; see *infra* app. G.

<sup>125</sup> *Id.* at 49.

<sup>126</sup> *Id.*

<sup>127</sup> *Id.* at 50.

<sup>128</sup> *Id.* at 51.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.* at 49.

<sup>131</sup> *Id.* at 50.

UCR databases remained open for six months longer than the federal program in 2013, which likely contributed to the discrepancies between the state and federal reports that year.<sup>132</sup>

Ms. Hickman testified that as of 2014 the extended submission dates for ISP data would no longer exist.<sup>133</sup>

## II. Data Deficit

Various studies indicate that hate crime incidents are underreported in UCR programs.<sup>134</sup> The reasons for underreporting can be separated into two broad categories: (1) law enforcement disincentives and (2) victim inhibitors.<sup>135</sup> The process of hate crime reporting (from the incident to the documentation in UCR statistics) can be thought of as a series of seven key decision points:<sup>136</sup>

1. Victim understanding that a crime has been committed.
2. Victim recognition that hate may be a motivating factor.
3. Victim or another party solicits law enforcement intervention.
4. Victim or another party communicates with law enforcement about motivation of the crime.
5. Law enforcement recognizes the element of hate.
6. Law enforcement documents the element of hate and, as appropriate, charges suspect with civil rights or hate/bias offense.
7. Law enforcement records the incident and submits the information to the Uniform Crime Reports, Hate Crime Reporting Unit.

These events generally occur in sequence. If a breakdown occurs at any one of these decision points, the likelihood of accurate reporting diminishes.<sup>137</sup> This sequence of decision points provides a comprehensive framework for examining undercounts of hate crimes in law enforcement data. During the public hearing, several panelists indicated reasons for underreporting understood as law enforcement disincentives and victim inhibitors.

### A. Law Enforcement Disincentives

Ms. Hickman indicated a lack of incentive on the part of law enforcement agencies to allocate scarce resources to data collection and reporting on hate crime. While the reporting of hate crime to the ISP is mandated under Illinois law, the mandate is unfunded and provides for no sanctions

---

<sup>132</sup> ILL. STATE POLICE, note 6.

<sup>133</sup> *Id.* at 51.

<sup>134</sup> See, e.g., Hansdeep Singh, Jaspreet Singh & Prabhjot Singh, *A Systems Approach to Identifying Structural Discrimination Through the Lens of Hate Crimes*, 20 ASIAN AM. L.J. 107 (2013); MICHAEL SHIVELY, STUDY OF LITERATURE AND LEGISLATION ON HATE CRIME IN AMERICA (2005), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf>.

<sup>135</sup> MCDEVITT, J., BALBONI, J. & BENNETT, S., IMPROVING THE QUALITY AND ACCURACY OF BIAS CRIME STATISTICS NATIONALLY, Bureau of Justice Statistics (2000).

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

for those agencies that fail to report or fail to report on time.<sup>138</sup> Ms. Hickman stated: “You don’t have much leverage, because there is no negative repercussions if [local law enforcement agencies] fail to report.”<sup>139</sup>

The training of local law enforcement is another important factor that contributes to effective hate crime data collection and reporting procedures.<sup>140</sup> Since law enforcement officials, including municipal and state level police, are the first point of contact when a hate crime is committed, it is essential that they are adequately trained to identify a hate crime when one occurs and to appropriately report it.<sup>141</sup> Data deficiencies are less likely to occur when local law enforcement agencies are attuned to hate crime incidents and their impact on victims and neighborhoods.<sup>142</sup>

To this point, Betsy Shuman-Moore, Co-Director of Litigation and Project Director, Fair Housing Project and Project to Combat Bias Violence at the Chicago Lawyers’ Committee for Civil Rights Under Law, testified that while hate crime “curricula is out there . . . the training and resources don’t seem to have been made available for it.”<sup>143</sup> Similarly, Sergeant Lori Cooper, Commanding Officer of Special Activity Section, Chicago Police Department, stated:

“I think that officers in the State of Illinois need to be taught . . . the holistic approach of what actually is a hate crime. And what I mean by that is teaching them the empathetic approaches are the first responder’s responsibility, because you have to delve in and ask sensitive questions of a victim of a hate crime in order realize if it is a hate crime or not”.<sup>144</sup>

Jeannine Bell, Professor of Law at Indiana University Mauer School of Law, added: “There is also political pressure not to report hate crimes. There is the view from many elected officials that increase of hate crimes look bad for a particular jurisdiction.”<sup>145</sup>

On the other hand, Alan Spellberg, Supervising Prosecutor in the Criminal Appeals Division of the Cook County State’s Attorney’s Office, challenged whether disincentives at the level of law enforcement were the primary reason for the underreporting of hate crime. Prosecutor Spellberg

---

<sup>138</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 82 (Ill. 2014) (statement of Terri Hickman, Manager of the IL-UCR Program at the ISP).

<sup>139</sup> *Id.*

<sup>140</sup> BUREAU OF JUSTICE ASSISTANCE, *Addressing Hate Crimes: Six Initiatives That Are Enhancing the Efforts of Criminal Justice Practitioners* (2000), available at <https://www.ncjrs.gov/pdffiles1/bja/179559.pdf>.

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 139 (Ill. 2014) (statement of Betsy Shuman-Moore, Co-Dir. of Litig. and Project Dir., Fair Hous. Project and Project to Combat Bias Violence at the Chi. Lawyers’ Comm. for Civil Rights Under Law).

<sup>144</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 72 (Ill. 2014) (statement of Lori Cooper, Commanding Officer of Special Activity Section, Chi. Police Dep’t).

<sup>145</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 153–54 (Ill. 2014) (statement of Jeannine Bell, Professor of Law at Indiana Univ. Mauer Sch. of Law).

stated: “[I]f there is underreporting, it’s most likely coming from the victim’s side, that they are not reporting crimes, as we see in other crimes, not just hate crimes.”<sup>146</sup> Prosecutor Spellberg also pointed out that there is “a disconnect between what the community perceives is the crime, and what law enforcement is able to prosecute and what statistics are reported based on that.”<sup>147</sup> Prosecutor Spellberg stated:

“We have to have a defendant who we charged, and we have to be able to prove he’s guilty beyond a reasonable doubt for each of the elements of that offense, and for hate crimes the most important element of the events is the bias motivation. We have to prove that the defendant had that bias motivation, the actual perceived bias against the victim and the victim’s classification. We have to prove it beyond a reasonable doubt, and frequently in the absence of the defendant’s own statements or history or some other type of action, we can’t meet that very high burden. And we can’t treat hate crimes differently than every other crime in terms of what our burden of proof is.”<sup>148</sup>

## **B. Victim Inhibitors**

Several panelists discussed victim-related factors that contribute to the underreporting of hate crime in Illinois. Mona Noriega, Commissioner of the City of Chicago’s Commission on Human Relations, explained that among communities “there is a lack of knowledge regarding what the hate crime is, and how to report a hate crime.”<sup>149</sup> She continued: “Sometimes people make a choice not to report a crime to the police as it will bring unwanted attention to their sexual orientation or gender identity.”<sup>150</sup> Ms. Noriega further asserted that communities’ distrust of local law enforcement, as well as cultural or language barriers, especially within immigrant communities, likely contribute to the underreporting of hate crime.<sup>151</sup> Ms. Shuman-Moore agreed with Ms. Noriega, stating that “lack of knowledge, skepticism or fear of law enforcement,” along with cultural and language barriers, lead to underreporting.<sup>152</sup>

Ms. Noriega specifically noted the likelihood that hate crimes motivated by gender identity are underreported. She testified: “There is little understanding in the larger community or in law enforcement [about] . . . the difference . . . between sexual orientation and gender identity.”<sup>153</sup>

---

<sup>146</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 183 (Ill. 2014) (statement of Alan Spellberg, Supervising Prosecutor in the Criminal Appeals Div. of the Cook Cnty. State’s Attorney’s Office).

<sup>147</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 176 (Ill. 2014) (statement of Alan Spellberg, Supervising Prosecutor in the Criminal Appeals Div. of the Cook Cnty. State’s Attorney’s Office).

<sup>148</sup> *Id.* at 175.

<sup>149</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 95 (Ill. 2014) (statement of Mona Noriega, Chi. Comm’r on Human Relations)..

<sup>150</sup> *Id.* at 95–6.

<sup>151</sup> *Id.* at 96.

<sup>152</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 165 (Ill. 2014) (statement of Betsy Shuman-Moore, Co-Dir. of Litig. and Project Dir., Fair Hous. Project and Project to Combat Bias Violence at the Chi. Lawyers’ Comm. for Civil Rights Under Law).

<sup>153</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 97 (Ill. 2014) (statement of Mona Noriega, Chi. Comm’r on Human Relations)..

She further stated that “there is evidence from community-based studies” indicating that hate crimes suffered in the transgender community are “more severe than any of the comparable populations.”<sup>154</sup> Finally, she asserted that coupled with a lack of understanding between different biases, the trend in underreporting means that we do “not yet know what the true incidence of hate crimes [is or] if hate crimes are differently affecting any one of the protected classes.”<sup>155</sup>

Ms. Khan also testified that the lack of communication between local communities and law enforcement officers, as well as police and prosecutors, contributes to underreporting.<sup>156</sup> She recommended that vulnerable communities and local law enforcement officers increase communication with each other.<sup>157</sup> In recognition of this problem, the FBI’s field offices during the Clinton Administration, began participating in Hate Crime Working Groups (HCWGs), which combine community and law enforcement resources in order to enhance communication and develop strategies to address local hate crime problems<sup>158</sup>.

Some panelists pointed out the lack of funding and resources for organizations that provide support for communities vulnerable to hate crime. For example, resources allocated to the City of Chicago’s Commission on Human Relations have declined over the past 20 years.<sup>159</sup> Ms. Noriega stated: “I am talking about a department that has four people . . . who are committed to delivering services in the City of Chicago. But I do have to say we are all faced by similar challenges with the lack of resources.”<sup>160</sup>

### III. Trend Analysis

The number of hate crime incidents in Illinois has decreased over the past 20 years. Some panelists testified that this downward trend shows the success of strong enforcement of hate crime statutes in Illinois. Prosecutor Spellberg stated: “I rely on the FBI statistics, and what I see from the FBI statistics over the years is that there has been a decrease in crimes.”<sup>161</sup> He further asserted:

“The communities have learned, and education has worked, and that’s always the best way to prevent additional crimes. And so there [has been], over the past few years, a significant reduction in hate crimes . . . in our system and across the nation, and we are grateful for that. But we do have

---

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 104 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.).

<sup>157</sup> *Id.* at 123.

<sup>158</sup> Federal Bureau of Investigation, Civil Rights: Hate Crime Overview. Available at: [http://www.fbi.gov/about-us/investigate/civilrights/hate\\_crimes/overview](http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview) (last accessed May 18, 2015)

<sup>159</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 145 (Ill. 2014) (statement of Betsy Shuman-Moore, Co-Dir. of Litig. and Project Dir., Fair Hous. Project and Project to Combat Bias Violence at the Chi. Lawyers’ Comm. for Civil Rights Under Law).

<sup>160</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 145 (Ill. 2014) (statement of Mona Noriega, Chi. Comm’r on Human Relations).

<sup>161</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 183 (Ill. 2014) (statement of Alan Spellberg, Supervising Prosecutor in the Criminal Appeals Div. of the Cook Cnty. State’s Attorney’s Office).

strong tools available at our disposal.”<sup>162</sup>

On the other hand, Professor Bell stated that many scholars do not place a heavy reliance on hate crime statistics reported by law enforcement, because the level of enforcement affects the number of reported hate crimes.<sup>163</sup> She noted that if law enforcement aggressively pursued hate crime charges, the number of reported incidents would increase.<sup>164</sup> Instead of hate crime data collected by the FBI and ISP that tends to show stable numbers in particular geographic areas year after year, she prefers to look to local law enforcement agencies to determine whether they have strong ties to the community and are comprehensively collecting data.<sup>165</sup>

Professor Bell also pointed out that the downward trend in hate crime incidents in Chicago does not align with nation-wide trends.<sup>166</sup> She noted that between 1996 and 2008 hate crimes reported to the Chicago Police Department decreased or remained the same for 11 of 13 years, with only 2 years showing an increase in incidents.<sup>167</sup> She compared this to statistics from the rest of the country that show increases in the number of hate crime incidents during many of these years.<sup>168</sup>

There is currently no publicly available data describing the number of hate crime prosecutions. In response to a question about data on hate crime prosecutions, Prosecutor Spellberg stated:

“We have cases, we prosecute cases, and we do keep track of them. I don't believe we have independent or individualized reports. I believe right now just in terms of what we have, and I had our dedicated hate crime victim witness's list and [staff name] run the numbers, and right now we have 13 pending cases in Cook County involving hate crimes, 13 active cases.”<sup>169</sup>

Prosecutor Spellberg was further asked whether the number of hate crimes reported by law enforcement agencies is related to the number of hate crimes charged or prosecuted by Illinois prosecutors. Prosecutor Spellberg answered: “Statistics are by the police, by law enforcement directly, and they are typically based upon their determination that there has been a finding, a founded determination of a hate crime, and then they will break it down by what the bias might be, what the federal crime might be.”<sup>170</sup> Prosecutor Spellberg further clarified that prosecutors’

---

<sup>162</sup> *Id.* at 151.

<sup>163</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 152 (Ill. 2014) (statement of Jeannine Bell, Professor of Law at Indiana Univ. Mauer Sch. of Law).

<sup>164</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 152 (Ill. 2014) (statement of Jeannine Bell, Professor of Law at Indiana Univ. Mauer Sch. of Law).

<sup>165</sup> *Id.* at 169.

<sup>166</sup> *Id.* at 154.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 187 (Ill. 2014) (statement of Alan Spellberg, Supervising Prosecutor in the Criminal Appeals Div. of the Cook Cnty. State's Attorney's Office).

<sup>170</sup> *Id.* at 179.

offices do not contribute to data on hate crime in Illinois.<sup>171</sup>

A comprehensive methodology to analyze trends in hate crime data would enable policy makers to monitor these issues over time. This methodology should include, at a minimum, the ability to track over time: (1) increases or decreases in total numbers of hate crimes reported; (2) increases or decreases in total numbers of hate crime charges and prosecutions; (3) disposition of hate crimes prosecuted; (4) number of hate crime charges dropped prior to prosecution; (5) variations in geographic location of reported and prosecuted hate crimes; (6) variations in categories of bias of reported and prosecuted hate crimes; and (7) variations in categories of offenses of reported and prosecuted hate crimes.

---

<sup>171</sup> *Id.*

**Part IV: Special Concerns Presented by Religiously Motivated Hate Crime and Discrimination against Religious Institutions, Including Violence, Vandalism and Zoning Discrimination**

**I. Religiously Motivated Hate Crime and Vandalism against Religious Institutions**

In 2013, the ISP collected data for hate crimes motivated by the following seven religious biases (see Appendix F):<sup>172</sup>

- Anti-Jewish
- Anti-Catholic
- Anti-Protestant
- Anti-Islamic (Moslem)
- Anti-Other Religion
- Anti-Multi-Religious Group
- Anti-Atheism/Agnosticism/etc.

The table below describes the number of religiously motivated hate crimes in Illinois from 1997 to 2013. In 2013, fourteen religiously motivated hate crimes were reported to the ISP. Eight were based on anti-Jewish bias, two were anti-Islamic, one was based on bias against multiple religious groups, and three were motivated by “anti-other” religious group. Anti-Jewish motivation ranks the highest in each year. Anti-Islamic motivation has ranked second highest on average from 1997 to 2013.

**Table 3.0** Religiously Motivated Hate Crime in Illinois 1997-2013

Year/Bias	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Anti-Atheism/ Agnosticism/etc.	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Anti-Jewish	22	16	31	18	27	33	38	19	22	20	16	25	23	18	8	8	10
Anti-Islamic	2	1	0	0	10	3	5	7	1	4	1	1	2	8	4	2	3
Anti-Protestant	1	1	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0

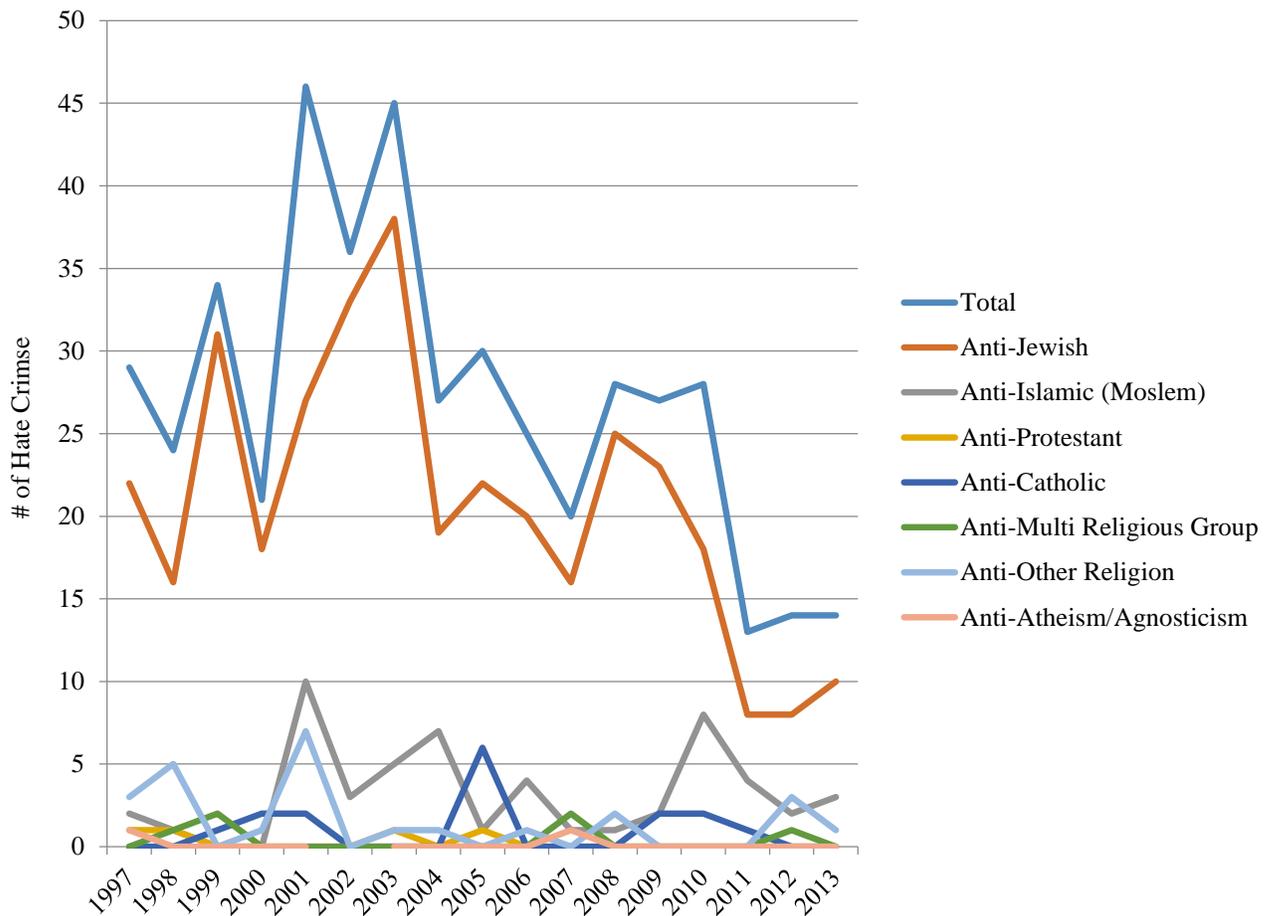
<sup>172</sup> Starting in 2015, in addition to the current religious bias categories, ISP can also report on the following categories. See *infra* app. H.

- Anti-Mormon
- Anti-Jehovah’s Witness
- Anti-Eastern Orthodox (Greek, Russian, etc.)
- Anti-Other Christian
- Anti-Buddhist
- Anti-Hindu
- Anti-Sikh

Anti-Catholic	0	0	1	2	2	0	0	0	6	0	0	0	2	2	1	0	0
Anti-Multi Religious Group	0	1	2	0	0	0	0	0	0	0	2	0	0	0	0	1	0
Anti-Other Religion	3	5	0	1	7	0	1	1	0	1	0	2	0	0	0	3	1
Total	29	24	34	21	46	36	45	27	30	25	20	28	27	28	13	14	14

Prepared by the International Human Rights Clinic at the University of Chicago Law School based on ISP reports from 1997-2013.

**Figure 6.0** Hate Crimes by Religion in Illinois 1997-2013



Prepared by the International Human Rights Clinic at the University of Chicago Law School based on ISP reports from 1997-2013.

During the public hearing, Ms. Khan provided several examples of vandalism against religious institutions. For example, in August 2012, shots were fired at the Muslim Education Center, a mosque in Morton Grove, during services for Ramadan.<sup>173</sup> The perpetrator was arrested and

<sup>173</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 99 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.).

charged with multiple felonies, including aggravated discharge of a firearm and criminal damage to property. However, he was charged with neither a hate crime nor institutional vandalism.<sup>174</sup> Ms. Khan further stated that this case was not recorded in hate crime data or other statistics collected by the police.<sup>175</sup> She emphasized that the practice of not charging certain crimes as hate crimes or institutional vandalism when they appear to be so compromises the accuracy of data on hate crime and institutional vandalism.<sup>176</sup>

Ms. Khan described three additional cases of vandalism against religious institutions where perpetrators were not arrested and the incidents were not reported as hate crimes. In August 2012, the grave of a Palestinian community leader was vandalized multiple times with hateful Islamophobic messages.<sup>177</sup> Similarly, in January 2013 a Muslim cemetery at Parkholm Cemetery in La Grange was vandalized on multiple occasions.<sup>178</sup> Finally, in March 2014, a single shot was fired through the dome of a mosque in Orland Park during the prayer service on Friday.<sup>179</sup> Ms. Khan said: “[I]n dealing with community members and with law enforcement, there is a serious gap between the police and the community, as well as with the prosecutors.”<sup>180</sup> In order to solve this problem, she suggested that local community members and law enforcement officers “sit down and have a meeting or try to identify a better [and] . . . quicker way of communicating with each other.”<sup>181</sup>

## II. Concerns about Anti-Muslim Biased Training for Law Enforcement Officers

During the public hearing, Kalia Abiade, Advocacy Director for the Center for New Community testified that a former FBI counter-terrorist official had been hired to conduct law enforcement training on counter-terrorism issues at the federal level.<sup>182</sup> Ms. Abiade said that the content of the training was biased against Muslims, and she expressed concern that this kind of training could

---

<sup>174</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 99 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.).

<sup>175</sup> *Id.* at 100.

<sup>176</sup> *Id.*

<sup>177</sup> *Id.* at 102. See also RYAN HAGGERTY, *Evergreen Park Grave Site Vandalized for Sixth Time*, CHI. TRIBUNE, Aug. 17, 2012, available at [http://articles.chicagotribune.com/2012-08-17/news/chi-evergreen-park-gravesite-vandalized-for-sixth-time-police-say-20120817\\_1\\_grave-site-cemetery-employees-cemetery-spokeswoman](http://articles.chicagotribune.com/2012-08-17/news/chi-evergreen-park-gravesite-vandalized-for-sixth-time-police-say-20120817_1_grave-site-cemetery-employees-cemetery-spokeswoman).

<sup>178</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 103 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.); see also *Graffiti sprayed on Muslim cemetery sign in La Grange Park, Illinois*, CAIR-CHICAGO (Jan. 15, 2013), <http://www.cairchicago.org/2013/01/15/press-release-graffiti-sprayed-on-muslim-graves-in-la-grange-park-illinois/>.

<sup>179</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 103 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.); see also *Bullet Fired At Orland Park Mosque During Prayer Service*, CBS CHI. (Mar. 25, 2014), <http://chicago.cbslocal.com/2014/03/25/bullet-fired-at-orland-park-mosque-during-prayer-service/>.

<sup>180</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 103–04 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.).

<sup>181</sup> *Id.* at 123.

<sup>182</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 111 (Ill. 2014) (statement of Kalia Abiade, Dir. for the Ctr. for New Cmty.); see also Glenn Greenwald & Murtaza Hussain, *Meet the Muslim-American Leaders the FBI and NSA Have Been Spying On*, INTERCEPT (July 8, 2014), <https://firstlook.org/theintercept/2014/07/09/under-surveillance/>.

“be dangerous to the community.”<sup>183</sup> Ms. Abiade was not aware whether training of this nature had also been conducted in Illinois.<sup>184</sup>

At the Illinois state level, Ms. Khan mentioned a training session for law enforcement officers in Illinois that was canceled due to concern about the trainer and the content of the training. In August 2013, the Lombard, Highland, and Elmhurst Police Departments were scheduled to invite a trainer from North East Multi-Regional Training,<sup>185</sup> one of 16 taxpayer-funded regional organizations affiliated with the state training and standards board.<sup>186</sup> The course, titled “Islamic Awareness as a Counter-Terrorist Strategy” purported to teach ways to differentiate “between moderate and radical persons.”<sup>187</sup> According to the Council on American-Islamic Relations Chicago office (CAIR-Chicago), the training materials on Islam were riddled with inaccuracies, sweeping generalizations and stereotypes, and in the past had elicited disturbingly prejudiced responses from trainees.<sup>188</sup> CAIR-Chicago further claimed that the trainer was unqualified as a subject matter expert on either Islam or countering violent extremism.<sup>189</sup> CAIR-Chicago issued a press release calling for cancellation of the training.<sup>190</sup> Members of the Jewish, African-

---

<sup>183</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 111-112 (Ill. 2014) (statement of Kalia Abiade, Dir. for the Ctr. for New Cmty.). USCCR staff contacted the trainer identified in the transcript on May 04, 2015 to disclose the testimony received and offer the opportunity for the trainer to provide a response. As of June 03, 2015 the USCCR had not received a response to the cited testimony from the identified trainer.

<sup>184</sup> *Id.* at 126.

<sup>185</sup> On April 23, 2015, Phillip Brankin, Director of North East Multi-Regional Training, Inc., provided the following statement in response to the cited testimony: “*With regard to the instant case, [the trainer] is not an employee of North East Multi-Regional Training. He was and is an independent contractor who was hired by me to teach his program in the metropolitan Chicago area. After Council on American-Islamic Relations Chicago office (CAIR-Chicago) objected to the presentation making their allegations that [the trainer] was unqualified as a subject matter expert on either Islam or countering violent extremism and his training materials on Islam were riddled with inaccuracies, sweeping generalizations and stereotypes, the Illinois Law Enforcement Training Standards Board, working with the Office of the Lieutenant Governor, ordered the program to be cancelled until such time as CAIR’s allegations could be either substantiated or disproven. As far as I know, their investigation continues, and has not yet reached an appropriate finding of fact. NEMRT also worked with Mr. Kenith Bergeron, a Senior Conciliation Specialist from the Community Relations Service of the United States Department of Justice, to identify additional training opportunities for the 321 law enforcement agencies we serve.*” Furthermore, on May 08, 2015 Mr. Brankin forwarded the testimony received to the trainer identified in the transcript, also offering the trainer the opportunity to provide a response. As of June 03, 2015 the USCCR had not received a response to the cited testimony from the identified trainer.

<sup>186</sup> For a list of 16 organizations, see *Mobile Team Unit List*, TRAINING, [http://www.ptb.state.il.us/training/mtu/training\\_mtu\\_listing.htm](http://www.ptb.state.il.us/training/mtu/training_mtu_listing.htm) (last visited Feb. 28, 2015).

<sup>187</sup> See *Islamist Terrorism: Counter Terrorism Analyst*, N.E. MULTI-REGIONAL TRAINING, [http://www.nemrt.com/nemrtmembers/nemrt/view\\_catalog.asp?action=view&mc=FALL13&ac=NEMR&evt=00000217&task=show\\_new](http://www.nemrt.com/nemrtmembers/nemrt/view_catalog.asp?action=view&mc=FALL13&ac=NEMR&evt=00000217&task=show_new) (last visited Feb. 28, 2015).

<sup>188</sup> See *Illinois Police Departments Cancel Events with Anti-Muslim Trainer*, CAIR-CHICAGO (Aug. 16, 2013), <http://www.cairchicago.org/2013/08/16/good-news-alert-illinois-police-departments-cancel-events-with-anti-muslim-trainer/>.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

American and Latino communities also publicly expressed concern about the scheduled training.<sup>191</sup> As a result, the scheduled trainings were cancelled.<sup>192</sup>

### **III. Zoning Discrimination**

The Committee heard testimony at the public hearing asserting that local municipalities and zoning authorities have discriminated against religious institutions and placed excessive or unreasonable burdens on individuals' ability to exercise their faith. In some cases, the circumstances may constitute violations of the Religious Land Use and Institutional Persons Act (RLUIPA)<sup>193</sup> and the Illinois Religious Freedom Restoration Act (IRFRA).<sup>194</sup> In order to examine the seriousness of potential acts of discrimination in zoning, the Illinois State Advisory Committee invited two attorneys specializing in issues of religious zoning to testify during the public hearing—one with experience representing local governments, the other with experience representing religious institutions. The Committee also heard testimony from representatives of various religious communities throughout the state. This section provides a brief description of RLUIPA and IRFRA in relation to zoning issues, as well as a summary of related testimony.

#### **A. Legal Analysis**

##### **1. Religious Land Use and Institutional Persons Act**

Congress enacted the Religious Land Use and Institutional Persons Act (RLUIPA) in 2000. RLUIPA's land use section contains four separate provisions to protect individuals and religious institutions from zoning and land marking laws that discriminate based on religion or that unjustifiably infringe on religious freedom.<sup>195</sup>

##### **a. RLUIPA Claims**

Section (a)(1) of RLUIPA prohibits zoning and land marking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions, unless implementation of such laws is the least restrictive means of furthering a compelling governmental interest.<sup>196</sup> This prohibition applies in any case where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from

---

<sup>191</sup> See *Illinois Police Departments Cancel Events with Anti-Muslim Trainer*, CAIR-CHICAGO (Aug. 16, 2013), <http://www.cairchicago.org/2013/08/16/good-news-alert-illinois-police-departments-cancel-events-with-anti-muslim-trainer/>.

<sup>192</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 126 (Ill. 2014) (statement of Rabya Khan, Staff Attorney CAIR Chi.); see also DAN HINKEL, *Police anti-terrorism class canceled amid concerns from Muslim group*, CHI. TRIBUNE (Aug. 16, 2013), available at [http://articles.chicagotribune.com/2013-08-16/news/ct-met-muslim-police-training-20130817\\_1\\_instructor-muslim-cair](http://articles.chicagotribune.com/2013-08-16/news/ct-met-muslim-police-training-20130817_1_instructor-muslim-cair).

<sup>193</sup> 42 U.S.C.A. § 2000cc (2000).

<sup>194</sup> Religious Freedom Restoration Act, 775 ILL. COMP. STAT. ANN 35 / § 1-30 (West).

<sup>195</sup> Eric Treene, *RLUIPA and Mosques: Enforcing a Fundamental Right in Challenging Times*, 10 FIRST AMEND. L. REV. 330 (2012).

<sup>196</sup> 42 U.S.C.A. § 2000cc (a)(2).

the state or local government's formal or informal procedures for making individualized assessments of a property's uses.<sup>197</sup> In order for a burden on religious exercise to be “substantial” under RLUIPA, “it must create significant pressure on a religious institution to forgo religious precepts or to engage in religious conduct, rather than just a mere inconvenience, minor cost or incidental effect”.<sup>198</sup>

Section (b)(1) of RLUIPA provides that “no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.”<sup>199</sup> This Section applies to “ordinances that treat religious assemblies or institutions on less than equal terms on their face, as well as ordinances that, although facially neutral, are applied in a non-neutral manner.”<sup>200</sup> In order to determine if a religious assembly is treated on “less than equal terms” than a secular assembly or institution, the section requires “a comparison of how the two types of entities are treated in a zoning code and in its application.”<sup>201</sup>

Section (b)(2) of RLUIPA provides that “no government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.”<sup>202</sup>

Section (b)(3) of RLUIPA provides that “[n]o government shall impose or implement a land use regulation that (A) totally exclude religious assemblies from a jurisdiction; or (B) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.”<sup>203</sup> A claim under this provision, however, requires more than simply demonstrating that an application has been denied for a particular proposal at a specific location.<sup>204</sup> The U.S. Court of Appeals for the Seventh Circuit has observed that what is “reasonable” or “unreasonable” depends on a review of all of the facts in a particular jurisdiction, including the availability of land and the economics of religious organizations.<sup>205</sup>

---

<sup>197</sup> 42 U.S.C.A. § 2000cc (a)(2).

<sup>198</sup> Treene, *supra* note 197, at 354; *see also* *Vision Church v. Vill. of Long Grove*, 468 F.3d 975, 999 (7th Cir. 2006).

<sup>199</sup> 42 U.S.C.A. § 2000cc (b)(1).

<sup>200</sup> Treene, *supra* note 197, at 356.

<sup>201</sup> *Id.*

<sup>202</sup> 42 U.S.C.A. § 2000cc (b)(2).

<sup>203</sup> 42 U.S.C.A. § 2000cc (b)(3).

<sup>204</sup> AMERICAN BAR ASSOCIATION, GIAIMO, M. S. & LUCERO, L. A., *RLUIPA READER: RELIGIOUS LAND USES, ZONING, AND THE COURTS* 102 (2009).

<sup>205</sup> *Vision Church*, 468 F.3d at 990,

## b. Federal Investigations in Illinois under RLUIPA

RLUIPA allows aggrieved persons to bring lawsuits and also authorizes the Attorney General to bring suits against municipalities for injunctive relief.<sup>206</sup> The Attorney General has delegated this responsibility to the Civil Rights Division of the Department of Justice.<sup>207</sup> Since the enactment of RLUIPA, the Attorney General brought suits or opened investigations in the following cases in Illinois:<sup>208</sup>

- Waukegan, Illinois—The United States brought suit against the City of Waukegan, Illinois in 2008 over its exclusion of places of worship in districts that permitted clubs, lodges, meetings halls, and theaters, and its imposition of notices of violation to several small churches operating in these districts.<sup>209</sup> The United States reached a consent decree with the City in February 2008, requiring the City to treat places of worship equally with other assemblies.<sup>210</sup>
- Berkeley, Illinois—The Albanian Islamic Center in the Village of Berkeley, Illinois had operated in a former school building on a 4.5-acre parcel for more than 20 years. Between 2004 and 2007, the Center made four applications to expand on the property. The Center sought to build a 13,000 square foot addition to accommodate its congregation and to make exterior changes to give the building a more mosque-like appearance. The latter included adding a minaret. The Village denied all four of the Center’s applications. In August 2007, the Civil Rights Division opened an investigation of the Village under RLUIPA. In March 2008, as a result of the investigation, the Village agreed to allow the mosque’s project to move forward. The Civil Rights Division closed its investigation in April 2008.<sup>211</sup>
- Morton Grove, Illinois— The Muslim Community Center of the Village of Morton Grove, Illinois operates a school. In the early 2000s, the Center held daily prayer services for its students and open services on Fridays for local Muslims in the school gymnasium. In November 2002, the Center applied for a permit to expand its facilities to provide additional classrooms and to build a mosque on the site. The proposal met with heated community opposition. Some of the opposition appeared to be driven by animus against Muslims. The Village denied the Center’s permit application in April 2003. In October

---

<sup>206</sup> U.S. DEP’T OF JUSTICE, *Report on the Tenth Anniversary of the Religious Land Use and Institutionalized Persons Act* (2010), available at [http://www.justice.gov/crt/rluipa\\_report\\_092210.pdf](http://www.justice.gov/crt/rluipa_report_092210.pdf).

<sup>207</sup> *The Religious Land Use and Institutionalized Persons Act-Summary*, DEP’T JUSTICE, <http://www.justice.gov/crt/about/spl/rluipa.php> (last visited Feb. 28, 2015) [hereinafter *Religious Land Use*]. The Department of Justice has developed a policy Statement to assist individuals, religious assemblies and institution, and local officials, to understand their rights and obligations under RLUIPA, entitled Statement of the Department of Justice on the Religious Land Use and Institutionalized Persons Act (RLUIPA). *See id.*

<sup>208</sup> *Religious Land Use*, *supra* note 207.

<sup>209</sup> Compl. *United States v. City of Waukegan*, (N.D. Ill. filed Feb. 19, 2008). (No. 08-C-1013).

<sup>210</sup> Consent Order, *United States v. City of Waukegan*, (N.D. Ill. filed Feb. 19, 2008). (No. 08-C-1013).

<sup>211</sup> U.S. DEP’T OF JUSTICE, *Religious Freedom in Focus* (Mar. 2008), [http://www.justice.gov/crt/spec\\_topics/religiousdiscrimination/newsletter/focus\\_32.htm](http://www.justice.gov/crt/spec_topics/religiousdiscrimination/newsletter/focus_32.htm).

2003, the Center brought an action in federal court under RLUIPA. The Civil Rights Division also opened an investigation into whether the Center’s rights were violated. The Department of Justice Community Relations Service subsequently began mediation efforts between the Center, the Village and the Morton Grove Organization, a local neighborhood’s organization. After a series of mediation sessions, the Village reached an agreement with the Center that permitted the Center to build a mosque subject to certain conditions.<sup>212</sup>

## **2. Illinois Religious Freedom Restoration Act**

The Illinois Religious Freedom Restoration Act (IRFRA)<sup>213</sup> was enacted in 1998. Under IRFRA, the government may not “substantially burden” an individual’s exercise of religion, even if the burden is the result of a rule of general applicability, unless the application of the burden is the “least restrictive means” of furthering a “compelling governmental interest.”<sup>214</sup> This constitutes a high level of judicial review—known as a strict scrutiny test—that makes it very difficult for such burdens to be found lawful.

Federal courts in Illinois have addressed IRFRA in tandem with the RUIPA. They have applied the same guidelines in interpreting “substantial burden” as for claims brought pursuant to RLUIPA, as discussed above.<sup>215</sup> Illinois state courts have yet to issue a substantive decision regarding IRFRA, as the majority of litigation involving religious land use disputes has occurred in federal courts.<sup>216</sup> No reported cases in Illinois state court have interpreted or defined the scope of a “substantial burden on a person’s exercise of religion,” nor has IRFRA’s strict scrutiny test been interpreted in a reported decision of an Illinois state court.<sup>217</sup>

### **B. Religious Zoning Concerns Presented in the Public Hearing**

#### **1. General Concerns**

Several panelists expressed the concern that it is becoming increasingly difficult for religious institutions to build in residential districts in Illinois. For example, John Mauck, a partner in the law firm Mauck & Baker LLC, testified: “If you are going to put a church or mosque in one of those residential districts, you have got to really buy 10, 20 adjacent lots because the city’s going to require you to have set back and parking and landscaping, and lighting.”<sup>218</sup> Thus, even though a zoning ordinance may permit religious institutions to build in residential zones, it may nonetheless be virtually impossible, unless the location is in a new suburban community in rural

---

<sup>212</sup> U.S. DEP’T OF JUSTICE, *Religious Freedom in Focus* (Nov. 2004), [http://www.justice.gov/crt/spec\\_topics/religiousdiscrimination/newsletter/focus\\_8.htm](http://www.justice.gov/crt/spec_topics/religiousdiscrimination/newsletter/focus_8.htm).

<sup>213</sup> Religious Freedom Restoration Act, § 1-30.

<sup>214</sup> Religious Freedom Restoration Act, § 15.

<sup>215</sup> *Maum Meditation House of Truth v. Lake Cnty*, 2014 WL 3514989 (N.D. Ill. 2014).

<sup>216</sup> RONALD S. COPE, ET AL., “FIRST AMENDMENT AND LAND USE” LAND USE LAW (Ronald S. Cope ed., 2013).

<sup>217</sup> *Id.*

<sup>218</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 212 (Ill. 2014) (statement of John Mauck, Attorney at Mauck & Baker LLC).

areas.<sup>219</sup> Faiyaz Hussain, a volunteer attorney for Council of Islamic Organizations of Greater Chicago noted that in order to pray, Muslims often “have to drive six miles out as opposed to being able to go half a mile or walk down the street to go to a place of worship.”<sup>220</sup> Mr. Hussain further noted that local zoning boards may be influenced by the biases of their community, especially in the case of Muslims. He noted: “[W]hen you have 50 active community members or neighbors show up and holding protest signs, [zoning boards] are going to inherently be influenced by that.”<sup>221</sup>

## **2. Specific Examples of Religious Zoning Disputes Presented in the Public Hearing**

During the public hearing, representatives from various religious communities in Illinois discussed several instances of religious land use disputes in the state.

### Vision United Methodist Church v. Village of Long Grove

Reverend Stan Davis, Co-Executive Director of the Council of Religious Leaders of Metropolitan Chicago, discussed the zoning disputes between Vision United Methodist Church and the Village of Long Grove, Illinois.<sup>222</sup> In September 2000, Vision United Methodist Church purchased a vacant parcel of land in Lake County adjacent to the Village of Long Grove. Its membership consists primarily of Korean Americans. Between May 2001 and April 2002, the Village annexed the parcel and enacted a public assembly ordinance that restricted the size and capacity of buildings used for public assembly, including churches. Vision Church applied for a special use permit and a public hearing was held on the application in May 2002. The Village zoning board denied the application in July 2002. Vision Church sued the Village in federal court in August 2003. The U.S. Court of Appeals for the Seventh Circuit ruled in favor of the Village. The Court held that the controlling village ordinance was facially neutral and did not create a “substantial burden” on Vision Church’s right to the free exercise of religion.<sup>223</sup> Reverend Davis witnessed the public hearing held by the Village zoning board. He testified that bias against Koreans was apparent during the hearing: “The tone of these meetings was ugly, contentious and demanding, ranging quite far from the information needed for the application. It was clear that Korean religious expression was not welcomed in Long Grove.”<sup>224</sup>

### Irshad Learning Center v. DuPage County

---

<sup>219</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 212 (Ill. 2014) (statement of John Mauck, Attorney at Mauck & Baker LLC).

<sup>220</sup> *Id.* at 222.

<sup>221</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 254 (Ill. 2014) (statement of Faiyaz Hussain, Volunteer attorney for Council of Islamic Orgs. of Greater Chi.).

<sup>222</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 235–38 (Ill. 2014) (statement of Stan Davis, Co-Exec. Dir. of the Council of Religious Leaders of Metro. Chi.).

<sup>223</sup> *Vision Church*, 468 F.3d at 990.

<sup>224</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 236 (Ill. 2014) (statement of Stan Davis, Co-Exec. Dir. of the Council of Religious Leaders of Metro. Chi.).

Mr. Hussain discussed a zoning dispute between the Irshad Learning Center and DuPage County.<sup>225</sup> The Irshad Learning Center, a group of mostly Iranian-born Muslims, proposed to build a school and mosque on a three-acre lot in Naperville in DuPage County, Illinois. In 2008, the Center filed a conditional use application for use of the property as a learning center. There were allegations that the Irshad Learning Center had received funds from an organization reportedly under investigation by the FBI for ties to an Iranian government-run bank. During a public hearing held to consider the application, individuals from the Naperville Tea Patriots and Act! for America protested outside the hearing site.<sup>226</sup> The DuPage County Zoning Board and the Zoning Board of Appeals denied the application in June 2009 and January 2010 respectively. The Center filed a lawsuit in the U.S. District Court for the Northern District of Illinois in April 2010. In March 2013, the district court ruled in favor of the Center. The court held that the board's denial substantially burdened the Center's religious exercise, within the meaning of both RLUIPA and IRFRA.<sup>227</sup> After the ruling, the Center and DuPage County reached a settlement in July 2013, allowing the Center to use the property as a learning center.<sup>228</sup>

#### Muslim Educational Cultural Center of America's Mosque Proposal in Willowbrook, DuPage County

Dr. Muhammad Hamadeh, Board President of the Muslim Educational and Cultural Center of America (MECCA), discussed a dispute between MECCA and DuPage County.<sup>229</sup> MECCA acquired land in October 2008 in Willowbrook in DuPage County, Illinois with plans to build a new mosque to serve the local Muslim community. In May 2010, MECCA applied for a conditional use permit to build a 57,000-square-foot facility, including a mosque, gymnasium and school. The request included variations to allow a dome and minaret that exceeded the 36 foot height limit. In January 2011, the DuPage County Zoning Board of Appeals voted to advance negative recommendations to the DuPage County Development Committee.<sup>230</sup> In February 2011, after separating the conditional use requests from the variance requests, the DuPage County Board's Development Committee voted in favor of MECCA's special use permit.<sup>231</sup> In March 2011, the DuPage County Board<sup>232</sup> granted a conditional-use permit for a

---

<sup>225</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 222 (Ill. 2014) (statement of Faiyaz Hussain, Volunteer attorney for Council of Islamic Orgs. of Greater Chi.).

<sup>226</sup> *Irshad*, 804 F. Supp. 2d at 704.

<sup>227</sup> *Irshad Learning Ctr. v. Cnty. of DuPage*, 937 F. Supp. 2d 910 (N.D. Ill. 2013).

<sup>228</sup> Entry of Permanent Injunction, *Irshad Learning Ctr. v. Cnty. of DuPage* (N.D. Ill. 2013).

<sup>229</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 113 (Ill. 2014) (statement of Muhammad Hamadeh, Board President of the Muslim Educ. and Cultural Ctr. of America).

<sup>230</sup> The Zoning Board of Appeals has the authority to "hear appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of" zoning issues. DuPage County, Illinois, Zoning Ordinance 37-1403.3.

<sup>231</sup> The Development Committee has the authority to "receive and review recommendations from the Zoning Board of Appeals...on variations, conditional uses, amendments...and make their recommendations to the member of the County Board." DuPage County, Illinois, Zoning Ordinance 37-1404.3.

<sup>232</sup> The County Board has the "final authority" on variations and conditional uses. DuPage County Zoning Ordinance 37-1405.

scaled back proposal.<sup>233</sup> On March 6, 2012, the DuPage County Development Committee denied the separate requests to allow construction of a minaret and dome based on a height restriction provision in the County’s zoning ordinance.<sup>234</sup> On March 13, 2012, the DuPage County Board also denied these requests.<sup>235</sup>

### Zoning Ordinance Amendment Relative to Places of Assembly in DuPage County

Dr. Hamadeh and Reverend Davis highlighted a problem with the amended zoning ordinance in DuPage County.<sup>236</sup> DuPage County amended its zoning ordinance on October 11, 2011.<sup>237</sup> Under the new ordinance, an existing “Place of Assembly,” which includes civic, cultural, fraternal, and religious institutions, that seeks to expand or establish itself in an incorporated area may expand only via compliance with the new regulations or by conditional use procedure.<sup>238</sup> The amended ordinance also imposes new bulk regulations,<sup>239</sup> including setbacks, height, lot area, floor area ratio and parking, on Places of Assembly. Dr. Hamadeh testified that the amended ordinance imposes harsh conditions on religious institutions looking to build in DuPage County. He stated: “It really imposes extremely harsh conditions that I don’t think any institution will build in DuPage County, including very large parcels of land, very high worshiper to parking ratio.”<sup>240</sup> Dr. Hamadeh also stated that restrictions on existing religious institutions are too harsh. He stated: “If you have an expanding worship base, and you need to expand, there is a very limited chance for any religious institution to do so.”<sup>241</sup>

---

<sup>233</sup> DuPage County, Illinois DuPage County Board Meeting Minutes (Mar. 22, 2011), available at <https://www.dupageco.org/agendas.aspx?fid=2397>.

<sup>234</sup> DuPage County, Illinois DuPage County Development Committee Meeting Minutes, available at <https://www.dupageco.org/agendas.aspx?fid=2046> (Mar. 6, 2012).

<sup>235</sup> DuPage County, Illinois DuPage County Board Meeting Minutes (Mar. 13, 2012), available at <https://www.dupageco.org/agendas.aspx?fid=2397>.

<sup>236</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 115 (Ill. 2014) (statement of Muhammad Hamadeh, Board President of the Muslim Educ. and Cultural Ctr. of America); *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 237 (Ill. 2014) (statement of Stan Davis, Co-Exec. Dir. of the Council of Religious Leaders of Metro. Chi.).

<sup>237</sup> DuPage County, Illinois, DuPage County Board Meeting Notes (Oct. 11, 2011), available at <https://www.dupageco.org/agendas.aspx?fid=2397>.

<sup>238</sup> DuPage County, Illinois, Code of DuPage County § 37-410.1, available at [https://www.municode.com/library/il/dupage\\_county/codes/code\\_of\\_ordinances?nodeId=CH37DUPACOZOOR\\_ARTIVGEPR\\_37-410.1DEPO](https://www.municode.com/library/il/dupage_county/codes/code_of_ordinances?nodeId=CH37DUPACOZOOR_ARTIVGEPR_37-410.1DEPO).

<sup>239</sup> According to DuPage County Zoning Ordinance 37-302, “bulk” is to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and includes the following: A. Size and height of buildings and structures; B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings; C. Gross floor area of buildings in relation to lot area (floor area ratio); D. All open spaces allocated to buildings; E. Amount of lot area provided per dwelling unit; F. Lot width and area.

<sup>240</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 116 (Ill. 2014) (statement of Muhammad Hamadeh, Board President of the Muslim Educ. and Cultural Ctr. of America).

<sup>241</sup> *Id.* Also, Under the Amended Zoning Ordinance, any existing place of assembly, which includes a religious institution, shall not be altered or expanded in any manner, except in compliance with the following four conditions: (i) “the alteration is a necessary and customary part of maintenance of the property, building and/or structure on the property”; (ii) “[t]he expansion or alteration does not intensify the existing use of the property, building and/or

## Height Restrictions on Sikh Religious Society Temple in Village of Palatine

Dr. Balwant Singh Hansra, Co-Founder of the Sikh Religious Society, discussed the zoning dispute involving the Sikh Religious Society Temple in the Village of Palatine, Illinois.<sup>242</sup> In July 2010, the Sikh Religious Society Temple proposed to construct an addition to its temple. In conjunction with the addition, the Society proposed the construction of a new dome, at a height of 46 feet. The Zoning Ordinance of the Village prohibits structures in the area the temple is located from exceeding 40 feet in height. The Temple sought a variance, or exception to the height restriction. The Village zoning board of appeals denied the Temple's request for a variance on August 10, 2010. The Temple subsequently redesigned a dome in line with the 40-foot village limit.<sup>243</sup>

## Height Restrictions on Greek Orthodox Church in Village of Lincolnshire

His Grace Bishop Demetrios of Mokissos, Co-Chair of the Subcommittee on Hate Crime and Discrimination Against Religious Institutions, discussed a dispute involving the Greek Orthodox Church in the Village of Lincolnshire.<sup>244</sup> The property of the Ascension of Our Lord Greek Orthodox Church was annexed into Lincolnshire in 2000. At the time of annexation, the Church obtained a special use permit to convert the existing residence into a new church and construct a sanctuary addition to the existing structure. The annexation agreement provided that future expansion of the Church required substantial conformity with the development plans contained in the agreement. In 2008, the Church sought amendments to the annexation agreement and special use permit in order to construct a new church facility, including a dome. The village zoning board reviewed the Church's proposal in 2011 and decided that revisions were necessary, including a reduction in the height of the dome. The Church submitted a revised development plan to the village board in August 2014. On August 4, 2014, the Committee of the Whole of the Village of Lincolnshire reviewed the proposal and referred it to the Village Board to conduct a public hearing.<sup>245</sup> The public hearing was held on January 20, 2015.<sup>246</sup>

### **C. Recommendations from the Public Hearing**

---

structure on the property"; (iii) "[t]he alteration or expansion meets all of the requirements of the district"; or (4) "[t]he owner of the property applies for and receives a conditional use in accordance with [the Zoning] Code, to allow an alteration or expansion of the conforming existing place of assembly use."

<sup>242</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 226 (Ill. 2014) (statement of Balwant Singh Hansra, Co-Founder of the Sikh Religious Soc'y).

<sup>243</sup> BORGARDT, *supra* note 17.

<sup>244</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 137, 250 (Ill. 2014) (statement of Bishop Demetrios of Mokissos, Co-Chair of the Subcomm. on Hate Crime and Discrimination Against Religious Institutions).

<sup>245</sup> Village of Lincolnshire, Illinois, Committee of the Whole Meeting Notes (Aug. 4, 2014), *available at* <http://www.village.lincolnshire.il.us/government/meeting-agendas-and-minutes?format=raw&task=download&fid=835>.

<sup>246</sup> Meeting notes for the public hearing are unavailable.

This section summarizes recommendations made during the public hearing related to religious land use disputes.

Dr. Hamadeh recommended providing education for municipal authorities on the relevant laws involved in religious land use disputes.<sup>247</sup> He further recommended that local municipalities be monitored to determine their compliance with these laws.<sup>248</sup> Reverend Davis also indicated that the process of zoning land use “must be monitored closely at the local, county, state and federal level.”<sup>249</sup>

Mr. Mauck recommended that “every comprehensive [land use] plan should be mandated to consider the religious land use needs of the people.”<sup>250</sup> In particular, he suggested that a “comprehensive plan should do a survey of current religious land use facilities in the community, and a survey of how they are being used, . . . being overused, or underused.”<sup>251</sup>

Mr. Mauck also recommended that RLUIPA should be amended to grant religious institutions “freely allowable use in some commercial or industrial districts.”<sup>252</sup> He further recommended that RLUIPA be amended to provide that “religious land use is presumed compatible in any land use, in any zone, unless a municipality can bear the burden of proving that it is detrimental to public health, safety and welfare.”<sup>253</sup> He recommended that RLUIPA be amended to “expand the areas where communities must freely permit, without a public discretionary hearing, religious assemblies.”<sup>254</sup>

Peter M. Friedman, a village attorney for Lake Bluff, Oak Brook and Winnetka disagreed with Mr. Mauck. Mr. Friedman testified that “[t]here are very few uses that can freely locate, that may engender more negativity, because it creates an exception and [thus an] entity that has an exception to what everybody else may have to do.”<sup>255</sup> Mr. Friedman also stated that going through a zoning process might benefit religious institutions by providing a way to educate and to gather community support. He claimed: “[Z]oning process is a chance for religious entities

---

<sup>247</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 116 (Ill. 2014) (statement of Muhammad Hamadeh, Board President of the Muslim Educ. and Cultural Ctr. of America).

<sup>248</sup> *Id.* at 117.

<sup>249</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 239 (Ill. 2014) (statement of Stan Davis, Co-Exec. Dir. of the Council of Religious Leaders of Metro. Chi.).

<sup>250</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 211 (Ill. 2014) (statement of John Mauck, Attorney at Mauck & Baker LLC).

<sup>251</sup> *Id.* at 258.

<sup>252</sup> *Id.* at 213.

<sup>253</sup> *Id.* at 214.

<sup>254</sup> *Id.* at 261.

<sup>255</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm’n on Civil Rights*, 248 (Ill. 2014) (statement of Peter M. Friedman, Attorney for Lake Bluff, Oak Brook & Winnetka).

and groups to be out in public and explain their history and explain their customs, their religions, why they need what they need or want what they want, and that's a good thing.”<sup>256</sup>

Mr. Mauck urged that zoning codes be made clearer and allow for less discretion. He asserted: “We want less discretion, because that's where bias does creep in, not necessarily hatred of a particular group, but it may be secular bias, because you are not paying taxes, maybe racial, maybe unconscious bias.”<sup>257</sup> Mr. Mauck also claimed that some zoning codes categorize institutions based purely on religious assembly. He noted, for example, that some zoning codes classify land (i) where a religious assembly is not allowed, (ii) where a religious assembly is freely permitted, or (iii) where religious assembly is permitted if it meets special use conditions.<sup>258</sup> Mr. Mauck stated that more refined categorizations of religious assembly are desirable because they will limit the scope of discretion granted to municipalities. For example, when a religious group has a large congregation of 1,000 to 1,500 people, they may belong in an industrial district, since there may not be facilities large enough in other areas to accommodate the institution. However, if a religious group has a small congregation, such as 10 people, the group may meet in a house.<sup>259</sup> Mr. Mauck suggested, for example, that religious assemblies could be categorized as up to 50, 250, or over 250, and municipalities may apply different sets of rules to each category.<sup>260</sup>

---

<sup>256</sup> *Id.*

<sup>257</sup> *Hate Crimes and Discrimination Against Religious Institutions, Hearing before the Ill. Advisory Comm. to the U.S. Comm'n on Civil Rights*, 214 (Ill. 2014) (statement of John Mauck, Attorney at Mauck & Baker LLC).

<sup>258</sup> *Id.* at 213.

<sup>259</sup> *Id.* at 213–14.

<sup>260</sup> *Id.* at 2014.

## **Part V: Findings and Recommendations**

Among their duties, advisory committees of the U.S. Commission on Civil Rights are authorized to advise the Commission (1) concerning matters related to discrimination or denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws; and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.<sup>261</sup> Based on the testimony heard and the research conducted for this report, the Committee submits the following findings and recommendations to the Commission. Our recommendations are concrete, tangible steps that can be implemented systematically to improve ongoing civil rights concerns in Illinois related to hate crimes and discrimination against religious institutions, and to ensure that the civil rights of all of the residents of Illinois are appropriately protected.

1. **Finding:** As of the writing of this report, appointments to the existing Illinois State Commission on Discrimination and Hate Crimes remain unfilled,<sup>262</sup> effectively rendering the Commission inactive. While the March 2015 establishment of the Cook County State’s Attorney Hate Crimes Advisory and Prosecutions Council is a welcomed advancement,<sup>263</sup> it is currently the only such active, coordinated effort to address hate crimes in the State, and its jurisdiction is limited to a single county.

**Recommendation:** The U.S. Department of Justice, or other appropriate federal agency, should take an inventory of all state and local hate crime commissions/councils and their activity status. Such an inventory should be used to identify gaps in hate crime monitoring efforts in each state. As part of this work, the Department should examine the implementation of existing guidelines and best practices for monitoring and responding to hate crimes, in support of state and local agencies seeking to take up this task, and improve the guidelines and practices if necessary.

2. **Finding:** Accurate and complete data regarding hate crimes and discrimination against religious institutions is critical to effectively addressing these problems. However, currently available data related to these topics is disturbingly deficient. Data deficiencies described in this report include discrepancies in collection efforts and records between state and federal agencies, widespread concern of underreporting, and the absence of a standardized method for long range trend analysis.

### **Recommendations:**

- (a) The U.S. Department of Justice, or other appropriate federal agency, such as the White House Interagency Initiative on Hate Crimes, should develop an Interagency

---

<sup>261</sup> 45 C.F.R. §703.2 (2011)

<sup>262</sup> More information at: <http://appointments.illinois.gov/appointmentsDetail.cfm?id=47> (last accessed April 08, 2015)

<sup>263</sup> More information at: [http://www.statesattorney.org/press\\_AddressHateCrimes.html](http://www.statesattorney.org/press_AddressHateCrimes.html) (last accessed April 08, 2015)

- Task Force to coordinate and reconcile hate crime data collection and reporting efforts among federal, state, and local law enforcement agencies (including county, municipal, university, and tribal authorities).
- (b) In accordance with the recommendations of the United Nations Committee on the Elimination of Racial Discrimination, such a task force should be authorized to institute the *mandatory* collection and transmission of hate crime statistics from said national, state, and local agencies, to the extent permitted by the Constitution of the United States. The task force should also be authorized to collect data on the number of hate crime charges, prosecutions, and convictions at the federal and state levels. In addition, such data should be disaggregated by factors of race, ethnicity, age, religion, and other federally protected categories; and statistics should be regularly publicized.
  - (c) The Interagency Task Force should consider, and utilize as appropriate, the model program being developed pro-bono by the International Human Rights Clinic of the University of Chicago Law School as a means of establishing a consistent method to analyze hate crime data trends on an ongoing basis.
  - (d) The U.S. Department of Justice or other appropriate federal agency should allocate, or Congress should appropriate, the necessary funding to sustain this task force, and to ensure that state and local jurisdictions have sufficient resources to collect and report on the required data.
3. **Finding:** Law enforcement training specific to identifying and responding to hate crimes varies widely across jurisdictions in Illinois, and is generally insufficient across the state. Law enforcement trainings in other parts of the country have raised concerns of inaccurate and inappropriate teachings by those affiliated with groups alleged to promote biases against certain minority groups.

**Recommendations:**

- (a) The Federal Bureau of Investigation should assess and expand its training on hate crimes and establish uniform guidelines for law enforcement agencies to adopt in their own trainings. Such guidelines should include minimum qualification and experience requirements for facilitators. In accordance with the recommendations of the United Nations Committee on the Elimination of Racial Discrimination, such training should also include best practice policies and procedures for investigating and reporting on hate crimes at the local, state, and federal levels.
- (b) The U.S. Department of Justice, or other appropriate federal agency, should consider, and utilize where appropriate, the model procurement process being developed pro-bono by the International Human Rights Clinic at the University of Chicago Law School to vet trainers of law enforcement officials regarding hate crimes.
- (c) The U.S. Department of Justice, or other appropriate federal agency, should consider, and utilize where appropriate, the training videos and materials developed by the Council of Religious Leaders of Metropolitan Chicago, in collaboration with the Chicago Police Department, regarding religious tolerance and sensitivity.
- (d) The U.S. Department of Justice or other appropriate federal agency should allocate, or Congress should appropriate, the necessary funding to ensure the availability of training and recommended training materials, with the required technical assistance, to all relevant law enforcement agencies.

4. **Finding:** Community education and victim support services are two components critical to ensuring the public cooperation necessary for law enforcement to properly identify, respond to, and report on hate crimes. While some individual jurisdictions have taken strides to address these needs, community outreach and victim support services may vary widely by district.

**Recommendations:**

- (a) The Federal Bureau of Investigation, or other appropriate federal agency, should establish uniform guidelines for providing services for victims of hate crimes. Such guidelines, along with the appropriate technical support, should be made readily available to all law enforcement agencies at the local, state, and federal levels.
  - (b) The Federal Bureau of Investigation, or other appropriate federal agency, should utilize their current Hate Crime Working Groups (HCWGs) to inventory its collaborations and public outreach efforts to identify areas where gaps may exist in these efforts. The agency should then target expansion of their outreach efforts to underserved areas, in collaboration with local law enforcement and other community groups.
  - (c) The U.S. Department of Justice or other appropriate federal agency should allocate, or Congress should appropriate, the necessary funding to ensure the availability of suitable supportive services for victims of hate crime, and to raise awareness of these services through the recommended expansion of community collaborations. The focus of such appropriations is to ensure that *all* people impacted by hate crime are able to access the necessary services, regardless of where they live, and/or where the crime occurred.
5. **Finding:** While in some areas, states have hate crime laws that offer protection above and beyond the corresponding federal laws, in other areas state protections fall short. For example, the Illinois Hate Crime Act<sup>264</sup> does not include “gender identity” as a protected category, as federal law does. Additionally, the Illinois Institutional Vandalism Act<sup>265</sup> does not protect against crimes motivated by the “gender, gender identity, sexual orientation, or physical or mental disability.” Because some bias-motivated crimes can only be prosecuted under state law, residents in states without strong hate crime protections can be left vulnerable and without recourse if they become victims of such crime.

**Recommendations:**

- (a) The U.S. Commission on Civil Rights should take up a study to better understand the vulnerabilities of victims of hate crime in states that do not have state laws matching, at a minimum, the federally protected categories.
- (b) Based on this study, the U.S. Commission on Civil rights should make recommendations to Congress and the U.S. Department of Justice, or other

---

<sup>264</sup> 720 ILCS 5/12-7.1(a)

<sup>265</sup> 720 ILCS 5/21-1.2(a)

appropriate federal agency, regarding the strengthening of federal jurisdiction to prosecute hate crimes where no adequate state law exists.

6. **Finding:** Despite federal protections prohibiting discrimination against religious institutions, such as those outlined in the Religious Land Use and Institutionalized Persons Act (RLUIPA),<sup>266</sup> municipal zoning boards are sometimes not aware of their responsibilities under such laws, or choose not to comply with them.

**Recommendations:**

- (a) The U.S. Department of Justice, Special Litigation Section, should establish uniform training materials or fact sheets, accessible to all municipal zoning boards, regarding their responsibilities under RLUIPA as it pertains to land use by religious institutions.
- (b) The U.S. Department of Justice, Special Litigation Section, should partner with local religious leaders, such as the Council of Religious Leaders of Metropolitan Chicago, to liaison between religious communities, law enforcement, and government officials, as necessary to address complaints regarding land use for religious institutions and potential RLUIPA violations. Such collaboration should involve raising public awareness among institutions on how to file a complaint if an individual's or institution's rights under RLUIPA may have been violated.

---

<sup>266</sup> More information available at: <http://www.justice.gov/crt/about/spl/documents/rluipa.php> (last accessed April 09, 2015)

# Appendix A: Panel Agenda



## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Illinois Advisory Committee for a Meeting To Hear Testimony Regarding Hate Crimes in Illinois

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Thursday, August 21, 2014, for the purpose of hearing presenters testify about hate crimes in Illinois.

Members of the public are invited and welcomed to make statements into the record at the meeting starting at 3:15 p.m. Members of the public are also entitled to submit written comments; the comments must be received in the regional office by September 21, 2014. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353-8311, or emailed to Administrative Assistant, Carolyn Allen at [callen@uscrr.gov](mailto:callen@uscrr.gov). Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Midwestern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.uscrr.gov>, or may contact the Midwestern Regional Office at the above email or street address.

#### Agenda

- 8:30-8:45 Introduction  
8:45-10:00 *Panel 1—Data Discrepancy*
- Why does the FBI data collected for Illinois between 2008 and 2011 not match the State data covering the same period? Has this problem been

resolved?

- What are federal policy recommendations?
- 10:00-10:15 Break  
10:15-11:30 *Panel 2—Data Deficit*
- NGO research shows the underreporting of hate crimes. Why is this and what can be done to improve data accuracy?
  - Is there a federal role in helping to improve accuracy?

11:30-11:45 Break

11:45-1:00 *Panel 3—Trend Analysis*

- How has the available data changed over time in distribution of crimes by demographic category?
- How has the available data changed over time in distribution of crimes by location?
- Does the available data show increases or decreases in overall crimes in Illinois?

1:00-2:00 Lunch Break

2:00-3:15 *Panel 4—Special concerns presented by religiously-motivated hate crimes and discrimination against religious institutions*

- Is federal RLUIPA adequately protecting these places of worship?
- What legal tools are currently available to vulnerable communities?

3:15 Open Session

4:00 Adjournment

**DATES:** The meeting will be held on Thursday, August 21, 2014, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Metcalfe Federal Building, Room 331, 77 W. Jackson Blvd., Chicago, IL 60604.

Dated August 4, 2014.

**David Mussatt, Chief,**

*Regional Programs Unit.*

[FR Doc. 2014-18695 Filed 8-6-14; 8:45 am]

**BILLING CODE 6335-01-P**

## COMMISSION ON CIVIL RIGHTS

### Sunshine Act Notice

**AGENCY:** United States Commission on Civil Rights.

**ACTION:** Notice of Business Meeting.

**DATE AND TIME:** Friday, August 15, 2014; 9:30 a.m. EST.

**PLACE:** 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425.

#### Business Meeting Agenda

- I. Program Planning
- Discussion and Vote on Part A & Part B of the briefing report: Increasing Compliance with Section 7 of the NVRA
- II. Management and Operations
- Staff Director's Report

III. State Advisory Committee (SAC)

- Appointments
- Indiana
- North Carolina
- Oklahoma
- Virginia

#### CONTACT PERSON FOR FURTHER

**INFORMATION:** Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376-8591.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376-8105 or at [signlanguage@uscrr.gov](mailto:signlanguage@uscrr.gov) at least seven business days before the scheduled date of the meeting.

Dated: August 4, 2014.

**David Mussatt,**

*Chief, Regional Programs Unit.*

[FR Doc. 2014-18733 Filed 8-5-14; 11:15 am]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-53-2014]

#### Foreign-Trade Zone 84—Houston, Texas; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of Houston Authority, grantee of FTZ 84, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on August 1, 2014.

FTZ 84 was approved on July 15, 1983 (Board Order 214, 48 FR 34792, 8/1/83). The zone was expanded on December 24, 1991 (Board Order 551, 57 FR 42, 1/2/92), on December 23, 1993 (Board Order 670, 59 FR 61, 1/3/94), on August 24, 2000 (Board Order 1115, 65 FR 54197, 9/7/00), on March 21, 2003 (Board Order 1271, 68 FR 15431, 3/31/03), on May 14, 2003 (Board Order 1277, 68 FR 27987, 5/22/03), on April 24, 2009 (Board Order 1611, 74 FR 27777-27778, 6/11/09), on August 23, 2013

## **Appendix B: Excerpts of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009**

### **18 U.S.C § 249**

#### **(a) In general**

##### **(1) Offenses involving actual or perceived race, color, religion, or national origin.--**

Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person--

**(A)** shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and **(B)** shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if--

**(i)** death results from the offense; or

**(ii)** the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

##### **(2) Offenses involving actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability.--**

**(A) In general.--**Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person--

**(i)** shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

**(ii)** shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if--

**(I)** death results from the offense; or

**(II)** the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

**(B) Circumstances described.--**For purposes of subparagraph (A), the circumstances described in this subparagraph are that--

**(i)** the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim--

**(I)** across a State line or national border; or

**(II)** using a channel, facility, or instrumentality of interstate or foreign commerce;

**(ii)** the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

(iv) the conduct described in subparagraph (A)--

(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

(II) otherwise affects interstate or foreign commerce.

**(3) Offenses occurring in the special maritime or territorial jurisdiction of the United States.**--Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

**(4) Guidelines.**--All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.

**(b) Certification requirement.**--

**(1) In general.**--No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that--

(A) the State does not have jurisdiction;

(B) the State has requested that the Federal Government assume jurisdiction;

(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

**(2) Rule of construction.**--Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

**(c) Definitions.**--In this section--

(1) the term "bodily injury" has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

(2) the term "explosive or incendiary device" has the meaning given such term in section 232 of this title;

(3) the term "firearm" has the meaning given such term in section 921(a) of this title;

(4) the term "gender identity" means actual or perceived gender-related characteristics; and

(5) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

**(d) Statute of limitations.**--

**(1) Offenses not resulting in death.**--Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such

offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

**(2) Death resulting offenses.**--An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.

## **42 U.S.C.A. § 3716**

### **§ 3716. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials**

(a) Assistance other than financial assistance

(1) In general

At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that--

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) Priority

In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants

(1) In general

The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) Office of Justice Programs

In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) Application

(A) In general

Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) Date for submission

Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) Requirements

A State, local, and tribal law enforcement agency applying for a grant under this subsection shall--

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) Deadline

An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) Grant amount

A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) Report

Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010, 2011, and 2012.

## Appendix C: Illinois Hate Crime Statute

### 720 Ill. Comp. Stat. Ann. 5/12-7.1

#### § 12-7.1. Hate crime.

(a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communications as these crimes are defined in Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-2, and paragraphs (a)(2) and (a)(5) of Section 26. 5-3 of this Code, respectively.

(b) Except as provided in subsection (b-5), hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(b-5) Hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed:

(1) in a church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose;

(2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

(3) in a school or other educational facility, including an administrative facility or public or private dormitory facility of or associated with the school or other educational facility;

(4) in a public park or an ethnic or religious community center;

(5) on the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5); or

(6) on a public way within 1,000 feet of the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5).

(b-10) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to \$1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender enroll in an educational program discouraging hate crimes if the offender caused criminal damage to property consisting of religious fixtures, objects, or decorations. The educational program may be administered, as determined by the court, by a university, college, community college, non-profit organization, or the Holocaust and Genocide Commission. Nothing in this subsection (b-10) prohibits courses

discouraging hate crimes from being made available online. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, of an unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection

(c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

## **Appendix D: Illinois Institutional Vandalism Statute**

### **720 Ill. Comp. Stat. Ann. 5/21-1.2**

#### **§ 21-1.2. Institutional vandalism.**

(a) A person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she knowingly and without consent inflicts damage to any of the following properties:

- (1) A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose;
- (2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;
- (3) A school, educational facility or community center;
- (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a); or
- (5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a).

(b) Sentence.

(1) Institutional vandalism is a Class 3 felony when the damage to the property does not exceed \$300. Institutional vandalism is a Class 2 felony when the damage to the property exceeds \$300. Institutional vandalism is a Class 2 felony for any second or subsequent offense.

(2) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to \$1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of institutional vandalism. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result of that prosecution, a person suffering damage to property or injury to his or her person as a result of institutional vandalism may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians of an unemancipated minor, other than guardians appointed under the Juvenile Court Act or the Juvenile Court Act of 1987, shall be liable for the amount of any judgment for actual damages rendered against the minor under this subsection in an amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

**Appendix E: Illinois Sentencing Statute**

**730 Ill. Comp. Stat. Ann. 5/5-5-3.2**

**§. 5-5-3.2. Factors in Aggravation and Extended-Term Sentencing.**

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V:

(10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality

# Appendix F: Illinois State Police Hate Crime Incident Report Form 2013

## ILLINOIS STATE POLICE ILLINOIS UNIFORM CRIME REPORTING PROGRAM

Agency Name: _____		NCIC#: IL _____					
Contact Name: _____		Phone# _____					
HATE CRIME INCIDENT REPORT							
Initial <input type="checkbox"/>	Adjustment <input type="checkbox"/>	Date of Incident _____ / _____ / _____ Month / Day / Year					
Case # _____		None Reported <input type="checkbox"/> _____/____/____ (MM/YY)					
Offense Code	# of Victims	Offense Codes (* = include attempts. See reporting guidelines for additional information.)					
Offense #1	<input type="checkbox"/>	01 Homicide*	08 Arson*				
Offense #2	<input type="checkbox"/>	02 Criminal Sexual Assault*	09 Battery				
Offense #3	<input type="checkbox"/>	03 Armed Robbery/Robbery*	10 Disorderly Conduct				
Offense #4	<input type="checkbox"/>	04 Aggravated Battery	11 Criminal Damage to Property				
Offense #5	<input type="checkbox"/>	05 Burglary	12 Assault				
Offense #6	<input type="checkbox"/>	06 Theft	16 Harassment (telephone/electronic)				
		07 Motor Vehicle Theft*	13 Aggravated Assault				
			14 Criminal Trespass (vehicle/residence/property)				
			15 Mob Action				
Location (Check Only One)							
01 <input type="checkbox"/> Air/Bus/Train Terminal	10 <input type="checkbox"/> Field/Woods	19 <input type="checkbox"/> Rental Storage Facility					
02 <input type="checkbox"/> Bank/Savings and Loan	11 <input type="checkbox"/> Government/Public Building	20 <input type="checkbox"/> Residence/Home					
03 <input type="checkbox"/> Bar/Night Club	12 <input type="checkbox"/> Grocery/Supermarket	21 <input type="checkbox"/> Restaurant					
04 <input type="checkbox"/> Church/Synagogue/Temple	13 <input type="checkbox"/> Highway/Road/Alley/Street	22 <input type="checkbox"/> School/College					
05 <input type="checkbox"/> Commercial/Office Building	14 <input type="checkbox"/> Hotel/Motel/etc.	23 <input type="checkbox"/> Service/Gas Station					
06 <input type="checkbox"/> Construction Site	15 <input type="checkbox"/> Jail/Prison	24 <input type="checkbox"/> Specialty Store (TV, Fur, etc.)					
07 <input type="checkbox"/> Convenience Store	16 <input type="checkbox"/> Lake/Waterway	25 <input type="checkbox"/> Other/Unknown					
08 <input type="checkbox"/> Department/Discount Store	17 <input type="checkbox"/> Liquor Store						
09 <input type="checkbox"/> Drug Store/Doctor's Office/Hospital	18 <input type="checkbox"/> Parking Lot/Garage						
Bias Motivation (Check Only One)							
<b>Racial</b>	<b>Religious</b>	<b>Handicapped</b>					
11 <input type="checkbox"/> Anti - White	21 <input type="checkbox"/> Anti - Jewish	51 <input type="checkbox"/> Anti - Physical					
12 <input type="checkbox"/> Anti - Black	22 <input type="checkbox"/> Anti - Catholic	52 <input type="checkbox"/> Anti - Mental					
13 <input type="checkbox"/> Anti - American Indian/Alaskan Native	23 <input type="checkbox"/> Anti - Protestant	<b>Gender</b>					
14 <input type="checkbox"/> Anti - Asian/Pacific Islander	24 <input type="checkbox"/> Anti - Islamic (Moslem)	53 <input type="checkbox"/> Anti - Male					
15 <input type="checkbox"/> Anti - Multi-Racial Group	25 <input type="checkbox"/> Anti - Other Religion	54 <input type="checkbox"/> Anti - Female					
<b>Sexual</b>	26 <input type="checkbox"/> Anti - Multi-Religious Group						
41 <input type="checkbox"/> Anti - Male Homosexual (Gay)	27 <input type="checkbox"/> Anti - Atheism/Agnosticism/etc.						
42 <input type="checkbox"/> Anti - Female Homosexual (Lesbian)	<b>Ethnicity/National Origin</b>						
43 <input type="checkbox"/> Anti - Homosexual (Gay and Lesbian)	32 <input type="checkbox"/> Anti - Hispanic						
44 <input type="checkbox"/> Anti - Heterosexual	33 <input type="checkbox"/> Anti - Other Ethnicity/National Origin						
45 <input type="checkbox"/> Anti - Bisexual							
Victim Type (For Each Offense Code Listed Above, Check Applicable Victim Types)							
	Offense #1	Offense #2	Offense #3	Offense #4	Offense #5	Offense #6	Total # Individual Victims
1 Individual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3 Financial Institution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4 Government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5 Religious Organization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6 Society/Public (For NIBRS reporting agencies only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7 Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8 Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Number of Offenders <input type="checkbox"/> <input type="checkbox"/> (USE "00" FOR "UNKNOWN")							
Suspected Offender's Race as a Group (Check Only One)							
1 <input type="checkbox"/> White	3 <input type="checkbox"/> American Indian/Alaskan Native	5 <input type="checkbox"/> Multi-Racial Group					
2 <input type="checkbox"/> Black	4 <input type="checkbox"/> Asian/Pacific Islander	6 <input type="checkbox"/> Unknown					

Please return the completed form to the address below by the 10th day of the following month:

**Illinois State Police**  
**Illinois Uniform Crime Reporting Program**  
 801 South 7th Street, 300-Main  
 P.O. Box 19461  
 Springfield, Illinois 62794  
 Fax Number 217/524-8850

Call I-UCR program staff at 217/557-6482 or 217/782-5817 if you have any questions regarding this form.

ISP 2-421A (10/08)

# Appendix G: Illinois State Police Hate Crime Incident Report Form 2014

## ILLINOIS UNIFORM CRIME REPORTING PROGRAM HATE CRIME INCIDENT FORM

	Initial
	Adjustment

Agency Name: \_\_\_\_\_ NCIC ORI: IL

Incident Case #: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

OFFENSE INFORMATION						TO REPORT
<b>Enter an offense code and the number of victims for each bias motivated offense.</b>						<b>'NO INCIDENTS'</b>
	Offense Code	# of Victims				
Offense #1			01 Homicide	07 Motor Vehicle Theft	Please check box below and include reporting month and year. <input style="width: 40px; height: 20px; margin: 5px 0;" type="checkbox"/> / (MM/YY)	
Offense #2			02 Rape	08 Arson		
Offense #3			03 Armed Robbery/Robbery	09 Battery		
Offense #4			04 Agg. Battery/Agg. Assault	10 Assault		
Offense #5			05 Burglary	11 Criminal Damage to Property		
			06 Theft			

VICTIM INFORMATION						
<b>Check all applicable victim types for each offense listed above.</b>						
		Offense #1	Offense #2	Offense #3	Offense #4	Offense #5
1 Individual						
2 Business						
3 Financial Institution						
4 Government						
5 Religious Organization						
7 Other						
8 Unknown						
						<b>Indicate the number of individuals (persons) who were victims in the incident.</b> Total number of victims <input style="width: 40px; height: 20px; margin: 5px 0;" type="text"/> Total number of victims 18 & over <input style="width: 40px; height: 20px; margin: 5px 0;" type="text"/> Total number of victims under 18 <input style="width: 40px; height: 20px; margin: 5px 0;" type="text"/>

LOCATION		
<b>Check one location for Offense #1.</b>		
01 <input type="checkbox"/> Air/Bus/Train Terminal	16 <input type="checkbox"/> Lake/Waterway	44 <input type="checkbox"/> Daycare Facility
02 <input type="checkbox"/> Bank/Savings & Loan	17 <input type="checkbox"/> Liquor Store	45 <input type="checkbox"/> Dock/Wharf/Freight/Modal Terminal
03 <input type="checkbox"/> Bar/Night Club	18 <input type="checkbox"/> Parking Lot/Garage	46 <input type="checkbox"/> Farm Facility
04 <input type="checkbox"/> Church/Synagogue/Temple/Mosque	19 <input type="checkbox"/> Rental Storage Facility	47 <input type="checkbox"/> Gambling Facility/Casino
05 <input type="checkbox"/> Commercial/Office Building	20 <input type="checkbox"/> Residence/Home	48 <input type="checkbox"/> Industrial Site
06 <input type="checkbox"/> Construction Site	21 <input type="checkbox"/> Restaurant	49 <input type="checkbox"/> Military Installation
07 <input type="checkbox"/> Convenience Store	23 <input type="checkbox"/> Service/Gas Station	50 <input type="checkbox"/> Park/Playground
08 <input type="checkbox"/> Department/Discount Store	24 <input type="checkbox"/> Specialty Store (TV,fur,etc)	51 <input type="checkbox"/> Rest Area
09 <input type="checkbox"/> Drug Store/Doctor's Office/Hospital	25 <input type="checkbox"/> Other/Unknown	52 <input type="checkbox"/> School-College/University
10 <input type="checkbox"/> Field/Woods	37 <input type="checkbox"/> Abandoned/Condemned Structure	53 <input type="checkbox"/> School-Elementary/Secondary
11 <input type="checkbox"/> Government/Public Building	38 <input type="checkbox"/> Amusement Park	54 <input type="checkbox"/> Shelter-Mission/Homeless
12 <input type="checkbox"/> Grocery/Supermarket	39 <input type="checkbox"/> Arena/Stadium/Fairgrounds/Coliseum	55 <input type="checkbox"/> Shopping Mall
13 <input type="checkbox"/> Highway/Road/Alley/Street	40 <input type="checkbox"/> ATM Separate from Bank	56 <input type="checkbox"/> Tribal Lands
14 <input type="checkbox"/> Hotel/Motel/etc.	41 <input type="checkbox"/> Auto Dealership New/Used	57 <input type="checkbox"/> Community Center
15 <input type="checkbox"/> Jail/Prison	42 <input type="checkbox"/> Camp/Campground	

**If more than one offense occurred, enter a location code for each additional offense having a different location than Offense #1**

Offense #2  Location Code  
 Offense #3  Location Code  
 Offense #4  Location Code  
 Offense #5  Location Code

**BIAS MOTIVATION INFORMATION**

Check up to five bias motivation for Offense #1.

**Race**

- 11  Anti-White
- 12  Anti-Black or African American
- 13  Anti-American Indian or Alaska Native
- 14  Anti-Asian
- 15  Anti-Multiple Races, Groups
- 16  Anti-Native Hawaiian or Other Pacific Islander

**Sexuality**

- 41  Anti-Gay (Male)
- 42  Anti-Lesbian
- 43  Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)
- 44  Anti-Heterosexual
- 45  Anti-Bisexual

**Religion**

- 21  Anti-Jewish
- 22  Anti-Catholic
- 23  Anti-Protestant
- 24  Anti-Islamic (Muslim)
- 25  Anti-Other Religion
- 26  Anti-Multiple Religions, Groups
- 27  Anti-Atheism/Agnosticism

**Disability**

- 51  Anti-Physical Disability
- 52  Anti-Mental Disability

**Gender**

- 61  Anti-Male
- 62  Anti-Female

**Ethnicity**

- 32  Anti-Hispanic or Latino
- 33  Anti-Not Hispanic or Latino

**Gender Identify**

- 71  Anti-Transgender
- 72  Anti-Gender Non-Conforming

If more than one offense occurred, enter up to five bias motivations for each additional offense having a different bias

	Bias #1	Bias #2	Bias #3	Bias #4	Bias #5
Offense #2	<input type="text"/>				
Offense #3	<input type="text"/>				
Offense #4	<input type="text"/>				
Offense #5	<input type="text"/>				

**RACE AND ETHNICITY OF OFFENDER OR OFFENDER GROUP**

**Race**

- 01  White
- 02  Black or African American
- 03  American Indian or Native American
- 04  Asian
- 05  Group of Multiple Races
- 06  Unknown
- 07  Native Hawaiian or Other Pacific Islander

**Ethnicity**

- H  Hispanic or Latino
- N  Not Hispanic or Latino
- M  Group of Multiple Ethnicities
- U  Unknown

Indicate the number of **Individuals (persons) who were offenders in the incident.**

Total number of offenders	<input type="text"/>
Total number of offenders 18 & over	<input type="text"/>
Total number of offenders under 18	<input type="text"/>

**Illinois State Police**  
**Illinois Uniform Crime Reporting**  
**801 South 7th Street, 300-South, Springfield, Illinois 62703**  
**Fax Number 217/524-8850**  
 Call I-UCR program staff at (217) 557-6482  
 if you have any questions regarding this form.

# Appendix H: Illinois State Police Hate Crime Incident Report Form 2015

## ILLINOIS UNIFORM CRIME REPORTING PROGRAM HATE CRIME INCIDENT FORM

Initial     Adjustment

Agency Name: \_\_\_\_\_ NCIC ORI: IL  
 Incident Case #: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

OFFENSE INFORMATION					To Report 'NO INCIDENTS'  Please check box below and include reporting month and year.  <input type="checkbox"/>  ____ / ____ (MM/YY)
<b>Enter an offense code and the number of victims for each bias motivated offense.</b>					
	Offense Code	# of Victims			
Offense #1	<input type="text"/>	<input type="text"/>	01 Homicide	08 Arson	
Offense #2	<input type="text"/>	<input type="text"/>	02 Rape	09 Battery	
Offense #3	<input type="text"/>	<input type="text"/>	03 Armed Robbery/Robbery	10 Assault	
Offense #4	<input type="text"/>	<input type="text"/>	04 Agg. Battery/Agg. Assault	11 Criminal Damage to Property	
Offense #5	<input type="text"/>	<input type="text"/>	05 Burglary	12 Human Trafficking Commercial Sex Acts	
			06 Theft	13 Human Trafficking Involuntary Servitude	
			07 Motor Vehicle Theft		

VICTIM INFORMATION							
<b>Check all applicable victim types for each offense listed above.</b>							
		Offense #1	Offense #2	Offense #3	Offense #4	Offense #5	
1 Individual	<input type="checkbox"/>	<input type="text"/>	<b>Indicate the number of Individuals (persons) who were victims in the incident.</b>  Total number of victims <input style="width: 40px;" type="text"/>  Total number of victims 18 & over <input style="width: 40px;" type="text"/>  Total number of victims under 18 <input style="width: 40px;" type="text"/>				
2 Business	<input type="checkbox"/>	<input type="text"/>					
3 Financial Institution	<input type="checkbox"/>	<input type="text"/>					
4 Government	<input type="checkbox"/>	<input type="text"/>					
5 Religious Organization	<input type="checkbox"/>	<input type="text"/>					
7 Other	<input type="checkbox"/>	<input type="text"/>					
8 Unknown	<input type="checkbox"/>	<input type="text"/>					

LOCATION		
<b>Check one location for Offense #1.</b>		
01 <input type="checkbox"/> Air/Bus/Train Terminal 02 <input type="checkbox"/> Bank/Savings & Loan 03 <input type="checkbox"/> Bar/Night Club 04 <input type="checkbox"/> Church/Synagogue/Temple/Mosque 05 <input type="checkbox"/> Commercial/Office Building 06 <input type="checkbox"/> Construction Site 07 <input type="checkbox"/> Convenience Store 08 <input type="checkbox"/> Department/Discount Store 09 <input type="checkbox"/> Drug Store/Doctor's Office/Hospital 10 <input type="checkbox"/> Field/Woods 11 <input type="checkbox"/> Government/Public Building 12 <input type="checkbox"/> Grocery/Supermarket 13 <input type="checkbox"/> Highway/Road/Alley/Street 14 <input type="checkbox"/> Hotel/Motel/etc. 15 <input type="checkbox"/> Jail/Prison	16 <input type="checkbox"/> Lake/Waterway 17 <input type="checkbox"/> Liquor Store 18 <input type="checkbox"/> Parking Lot/Garage 19 <input type="checkbox"/> Rental Storage Facility 20 <input type="checkbox"/> Residence/Home 21 <input type="checkbox"/> Restaurant 23 <input type="checkbox"/> Service/Gas Station 24 <input type="checkbox"/> Specialty Store (TV, fur, etc.) 25 <input type="checkbox"/> Other/Unknown 37 <input type="checkbox"/> Abandoned/Condemned Structure 38 <input type="checkbox"/> Amusement Park 39 <input type="checkbox"/> Arena/Stadium/Fairgrounds/Coliseum 40 <input type="checkbox"/> ATM Separate from Bank 41 <input type="checkbox"/> Auto Dealership New/Used 42 <input type="checkbox"/> Camp/Campground	44 <input type="checkbox"/> Daycare Facility 45 <input type="checkbox"/> Dock/Wharf/Freight/Modal Terminal 46 <input type="checkbox"/> Farm Facility 47 <input type="checkbox"/> Gambling Facility/Casino 48 <input type="checkbox"/> Industrial Site 49 <input type="checkbox"/> Military Installation 50 <input type="checkbox"/> Park/Playground 51 <input type="checkbox"/> Rest Area 52 <input type="checkbox"/> School-College/University 53 <input type="checkbox"/> School-Elementary/Secondary 54 <input type="checkbox"/> Shelter-Mission/Homeless 55 <input type="checkbox"/> Shopping Mall 56 <input type="checkbox"/> Tribal Lands 57 <input type="checkbox"/> Community Center

**If more than one offense occurred, enter a location code for each additional offense having a different location than Offense #1**

Offense #2  Location Code   
 Offense #3  Location Code   
 Offense #4  Location Code   
 Offense #5  Location Code

ISP 2-421E (1/15)

**BIAS MOTIVATION INFORMATION**

Check up to five bias motivation for Offense #1.

**Race/Ethnicity/Ancestry**

- 11  Anti-White
- 12  Anti-Black or African American
- 13  Anti-American Indian or Alaska Native
- 14  Anti-Asian
- 15  Anti-Multiple Races, Groups
- 16  Anti-Native Hawaiian or Other Pacific Islander
- 31  Anti-Arab
- 32  Anti-Hispanic or Latino
- 33  Anti-Not Hispanic or Latino

**Religion**

- 21  Anti-Jewish
- 22  Anti-Catholic
- 23  Anti-Protestant
- 24  Anti-Islamic (Muslim)
- 25  Anti-Other Religion
- 26  Anti-Multiple Religions, Groups
- 27  Anti-Atheism/Agnosticism
- 28  Anti-Mormon
- 29  Anti-Jehovah's Witness
- 81  Anti-Eastern Orthodox (Greek, Russian, etc.)
- 82  Anti-Other Christian
- 83  Anti-Buddhist
- 84  Anti-Hindu
- 85  Anti-Sikh

**Sexuality**

- 41  Anti-Gay (Male)
- 42  Anti-Lesbian
- 43  Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)
- 44  Anti-Heterosexual
- 45  Anti-Bisexual

**Disability**

- 51  Anti-Physical Disability
- 52  Anti-Mental Disability

**Gender**

- 61  Anti-Male
- 62  Anti-Female

**Gender Identify**

- 71  Anti-Transgender
- 72  Anti-Gender Non-Conforming

If more than one offense occurred, enter up to five bias motivations for each additional offense having a different bias motivation than Offense #1

	Bias #1	Bias #2	Bias #3	Bias #4	Bias #5
Offense #2	<input type="text"/>				
Offense #3	<input type="text"/>				
Offense #4	<input type="text"/>				
Offense #5	<input type="text"/>				

**RACE AND ETHNICITY OF OFFENDER OR OFFENDER GROUP**

**Race**

- 01  White
- 02  Black or African American
- 03  American Indian or Alaska Native
- 04  Asian
- 05  Group of Multiple Races
- 06  Unknown
- 07  Native Hawaiian or Other Pacific Islander

**Ethnicity**

- H  Hispanic or Latino
- N  Not Hispanic or Latino
- M  Group of Multiple Ethnicities
- U  Unknown

Indicate the number of Individuals (persons) who were offenders in the incident.

Total number of offenders	<input type="text"/>
Total number of offenders 18 & over	<input type="text"/>
Total number of offenders under 18	<input type="text"/>

**Illinois State Police**  
**Illinois Uniform Crime Reporting**  
**801 South 7th Street, 300-South, Springfield, Illinois 62703**  
**Fax Number 217/524-8850**  
 Call I-UCR program staff at (217) 557-6482  
 if you have any questions regarding this form.

## Illinois Advisory Committee to the United States Commission on Civil Rights



### U. S. Commission on Civil Rights Contact

---

USCCR Contact            David Mussatt, J.D., Ph.D.  
                                 Chief, Regional Programs Coordination Unit  
                                 U.S. Commission on Civil Rights  
                                 55 W. Monroe, Suite 410  
                                 Chicago IL, 60603  
                                 (312)353-8311

This report is the work of the Illinois Advisory Committee to the U.S. Commission on Civil Rights. The report, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. State Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. State Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government. For more information or to obtain a print copy of this report, please contact the Regional Programs Coordination Unit.