March 23, 2023

The Honorable Ron Latz, Chair
The Honorable Clare Oumou, Vice Chair
Judiciary and Public Safety Committee
Minnesota Senate

Dear Chair Latz, Vice Chair Oumou, Senator Limmer, and Members of the Senate Judiciary and Public Safety Committee:

On behalf of ADL (the Anti-Defamation League), I write in support of Senate File 691, a bill regarding bias-motivated crimes.

Bias-motivated crimes cause unique harm, both to individuals and to entire communities. When a person is targeted for a crime because of actual or perceived race, color, religion, ethnicity, national origin, gender, sex, sexual orientation, gender identity, gender expression, or disability, it harms not only that person, but also the group of people who share that characteristic, and the community at large. SF 691 would improve Minnesota's response to bias-motivated-crime in several important ways, including, among others, the following:

> Create a more community-based approach to reporting & data collection, as well as victim support: Because victims and communities are the ones experiencing the unique, deep harm of bias-motivated crimes, SF 691 seeks to modify Minnesota's legislative approach to focus more on those victims and communities. It does so in a number of ways, including by providing support for victims via the community-based organizations that work most closely with and provide direct services for those victims. And it does so by trying to re-center communities in reporting and data collection. Collection of data is indispensable to counteract bias-motivated crimes. As in other fields, society relies on statistics to identify patterns, analyze trends, and, ultimately, to find ways to address and prevent hate crimes – both legislative and otherwise. Data collection raises public awareness of the problem and can spark improvement in the local response to the issue. Although Minnesota's existing law requires police to report bias-motivated crimes, an approach to data collection that focuses and relies *solely* on reporting to and through police is insufficient. Experts widely agree that hate crimes are drastically underreported to police, nationwide. SF 691 would make hate crimes data collection in the state more inclusive. By involving communities, creating mechanisms for community-based reporting, and also providing an avenue for community organizations to report to the Minnesota Department of Human Rights, the bill is designed to help address the fact that the current approach and resulting data do not capture the lived experiences of so many of the people who are disproportionately impacted by hate crimes. Many victims of hate crimes – particularly those in marginalized communities – face significant barriers to reporting hate crimes to police. Those barriers range greatly, but include, for example, issues such as fear of law enforcement stemming from racist, violent, and discriminatory policing practices in the United States, and fear that any contact with law enforcement could result in deportation, detention, or other negative immigration-related actions. In fact, research reflects that some of the most likely targets of hate crimes are the least

likely to report those crimes to *police*. Broadening the state's hate crimes reporting mechanisms to include a community-based approach and alternatives to reporting to police, as SF 691 does, is a critically important step forward.

Explicitly list gender identity and expression: Violence targeting transgender, non-binary, and gender nonconforming individuals – particularly trans women of color – continues to be alarmingly prevalent. In fact, according to the FBI data, the number of reported gender-identity-based hate crimes increased elevenfold nationally between 2013 and 2021. And, because of the significant barriers to reporting referenced above, we know that even those numbers are artificially significantly lower than reality. Best practices on hate crime laws, response, and training therefore explicitly include gender identity and expression. Although Minnesota's current hate crimes laws cover gender identity (incorporating it through the definition of "sexual orientation"), they do so in a way that is both harmful and descriptively inaccurate, undermining the state's response to gender-identity-based hate crimes. Minnesota's hate crime laws currently define "sexual orientation" – including in the hate crimes context – to include gender identity. But gender identity is not a subset of sexual orientation; they are two entirely different concepts, and entirely different characteristics. In addition to the current approach's inaccuracy, it also results in under-visibility. By failing to explicitly list gender identity and expression, and merely relegating it to a component of another characteristic's definition, Minnesota's current laws erase and further marginalize transgender, non-binary, and gender nonconforming people. SF 691 would correct this issue, by updating the law and moving the placement of gender identity and expression in the law to the same enumerated list of characteristics in which every other protected characteristic exists. It is far past time for Minnesota to send the clear, visible message that gender-identity-based violence and gender-expression-based violence is unacceptable.

Enhance training requirements: In order for bias-motivated crime laws to be most effective, first responders must be trained regarding identifying, responding to, and reporting such crimes. To its credit, Minnesota already requires bias-motivated-crime training for law enforcement. SF 691 would enhance those requirements by, among other things, a) increasing the frequency of course-material reviews and b) specifying that in-service training requirements must include training regarding bias-motivated crimes.

In addition, the bill closes critical loopholes in Minnesota's hate crimes laws, including by ensuring that "associational" hate crimes are covered, along with mixed-motive hate crimes.

We therefore strongly encourage you to support SF 691.

Sincerely,

David Goldenberg
ADL Midwest Regional Director