



May 3, 2020

The Honorable John Lesch, Chair  
The Honorable Kelly Moller, Vice Chair  
Judiciary Finance and Civil Law Division Committee  
Minnesota House of Representatives  
563 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Chair Lesch, Vice Chair Moller, Representative Scott, and Members of the House Judiciary Finance and Civil Law Division Committee:

On behalf of ADL (the Anti-Defamation League), I write in support of House File 3837, 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, national origin, gender, sexual orientation, gender identity, or disability, it harms not only that person, but also the group of people who share that characteristic and the community at large. HF 3837 would strengthen Minnesota's response to bias-motivated-crime in important ways.

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. HF 3837 would enhance those requirements by, among other things, a) increasing the frequency of course-material reviews; b) specifying that in-service training requirements must include training regarding bias-motivated crimes; and c) requiring law enforcement agencies to have written, detailed policies regarding identifying and responding to bias-motivated crimes, consistent with a newly established statewide model policy.

Enhance 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 create solutions regarding 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 law enforcement to report bias-motivated crime, experts widely agree that hate crimes are drastically underreported to law enforcement, nationwide. HF 3837 would make hate crimes data collection in the state more inclusive.

By involving communities and requiring state officials to solicit information from community organizations, the bill is designed to help address the issue of underreporting. Many victims of hate crimes – particularly those in marginalized

communities – face significant barriers to reporting hate crimes to law enforcement. Those barriers range greatly, but include issues such as fear of law enforcement, fear of retribution, fear of deportation, language barriers, embarrassment, cultural barriers, concern about making an aspect of the person’s identity public, disability-related barriers, and many others. In fact, research reflects that some of the most likely targets of hate crimes are the least likely to report those crimes to the police. Broadening the state’s hate crimes reporting mechanisms to include community-based sources is an important step toward addressing this.

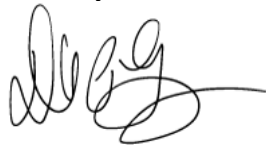
Author Amendment A1 critically important: We urge you to support Amendment A1. Amendment A1 makes critical modifications that will help ensure that the sections of the bill relating to “criminal damage to property” hate crimes do not inadvertently extend the reach of hate crime laws to other types of crimes, such as ones in which the actor did not even intend to target a community or person because of a protected characteristic. This amendment is necessary to limit such overbreadth, and it improves the bill. In addition, we recommend reinserting the word “intentionally” on page 3, line 24 – we assume that its removal was inadvertent.

We also strongly urge you to reject Amendment A2, which would remove gender identity from the bill. Violence targeting transgender individuals – particularly transgender women of color – continues to be prevalent. In fact, according to the FBI data, the number of reported gender-identity-based hate crimes quintupled between 2013 and 2018. Best practices on hate crime laws, response, and training therefore include gender identity. For example, the International Association of Chiefs of Police specifically includes gender identity in its model policy for hate crimes investigations. Amendment A2 and any other effort to remove gender identity from HF 3837 should be soundly rejected.

We, therefore, encourage you to support HF 3837, with the author’s Amendment A1, and reject any attempts like Amendment A2 to remove gender identity from the bill.

Please do not hesitate to contact me at [dgoldenberg@adl.org](mailto:dgoldenberg@adl.org) or 312-533-3910 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Goldenberg".

David Goldenberg  
Regional Director  
ADL Midwest