

**DRAFT – FOR INTERNAL USE
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Committee on Legal and Regulatory Environment, Illinois Commission on Discrimination and Hate Crimes
Draft Proposed Recommendations from the Committee for Review

Background:

As part of its statutory mandate, the Illinois Commission on Discrimination and Hate Crimes (“Commission”) considers and recommends statutory and programmatic changes necessary to eliminate discrimination and hate-based violence in Illinois.

Between April 2021 and May 2022, the Commission hosted virtual town halls and solicited the testimony of subject matter experts and the public to evaluate the needs and desires of communities as they relate to hate crimes and bias incidents. Testimony received by the Commission revealed deficiencies in existing structures and services to prevent and respond to hate crimes and bias incidents around Illinois, which helped shape the Commission’s recommendations.

Recommendations:

The Committee on Legal and Regulatory Environment considers the following for recommendation by the Commission:

- 1) Mandate comprehensive hate crimes basic and in-service training for local law enforcement agencies with minimum standards outlined by the Illinois Law Enforcement Training Standards Board (“ILETSB”).
 - a) Appropriate necessary State funds to ensure compliance with the mandate.

Under the Illinois State Police Law (20 ILCS 2605/), the Illinois State Police (“ISP”) Division of the Academy and Training is required to provide State police officers with training “in identifying, responding to, and reporting all hate crimes.” No such mandate exists under state statute for training for local law enforcement agencies, which are subject to the Illinois Police Training Act (50 ILCS 705/). Currently, ILETSB provides curriculum on hate crimes, but “local law enforcement agencies are not required to train on it.”¹

Often, a possible hate crime or bias incident is not investigated as such by a law enforcement agency when an incident is reported by a victim or witness. This may be due to a law enforcement officer not recognizing elements of a hate crime, not asking certain questions of a victim during an interview, or not investigating an underlying motive to an incident, among other possible reasons. A mandate of comprehensive basic and in-service hate crimes training similar to that which is provided by ISP and the Chicago Police Department (“CPD”) will help victims of hate crimes and incidents receive appropriate responses, bridge data and investigatory gaps, and develop trust between communities and law enforcement agencies.

To incentivize compliance by local law enforcement agencies in a new training mandate, the State will appropriate funds to compensate agencies for the course requirement.

This recommendation requires legislative action.

¹ Illinois State Police-Illinois Commission on Discrimination and Hate Crimes Joint Testimony, United States Senate Judiciary Committee, 8 March 2022.

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- 2) Establish a hate crimes and bias incident helpline to serve victims of hate crimes and bias incidents.
 - a) Establish a grant program for community-based social service agencies to develop and deploy resources and programs to serve victims of hate crimes and bias incidents within their respective service areas.

Under the Federal Jabara-Heyer NO HATE Act from 2021, the U.S. Department of Justice was provided the authority to award grants to states to establish state-run hate crimes hotlines that would connect individuals to local support services and, if applicable, to law enforcement.

Currently, the Illinois Department of Human Rights (“IDHR”) oversees the Illinois Sexual Harassment and Discrimination Helpline under a contract with The Chicago Lighthouse Call Center. Through this helpline, a caller receives information on reporting options and assistance securing legal or counseling services, among other resources. A similar model can be applied to a statewide Hate Crimes and Bias Incident Helpline to collect anonymous or self-identified reports of hate crimes or bias incidents, connect callers with support services, and to direct callers to additional reporting options, such as a law enforcement agency. The helpline may have phone and website form reporting options.

In Illinois, individuals have multiple paths for reporting a hate crime or bias incident, including to law enforcement agencies and nonprofit organizations, such as the Anti-Defamation League and CASL. However, many individuals do not report an incident they experience or witness because they do not trust the potential response from law enforcement, or they may not know what resources are available to them, among many other reasons.

A well-advertised victim-centered statewide helpline would increase the available reporting options for Illinoisans and provide them with additional options for a follow-up response by helpline staff or other resources. Additionally, the State would have access to more data to better understand current community needs and to deploy resources to address hate crimes and bias incidents.

To ensure helpline success in supporting victims, the State may establish a new competitive grant program with an accompanying appropriation to fund organizations to develop and maintain hate crime and bias incident victim support services. As noted above, several organizations in Illinois currently provide victim support services in various capacities. A statewide grant program will allow for more organizations in more regions of the state to serve a wider population.

This recommendation requires legislative and agency action.

- 3) Establish a statewide data collection and analysis hub for hate crimes and bias incidents.

Official statistics reported to ISP by local law enforcement agencies under the Uniform Crime Reporting Act and in turn by ISP to the Federal Bureau of Investigation (FBI) do not reflect the true number of incidents. The Oregon Criminal Justice Commission data collection and reporting structure provides a model for Illinois to follow.

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Through a centralized State-managed hub separate from law enforcement agencies, Illinois should regularly collect and publicly report anonymized hate crimes and bias incident data from the following sources:

- a) Hate Crime and Bias Incident Helpline
- b) ISP
- c) County State’s Attorneys’ Offices
- d) Office of the Attorney General
- e) Administrative Office of the Illinois Courts

Improved data collection and analysis would further highlight additional community support needs and gaps in enforcement.

This recommendation requires agency action.

- 4) Amend the Illinois hate crime statute to make optional and/or allow for virtual educational programs to satisfy requirements for order of probation or conditional discharge for offenders.
 - a) Through IDHR, develop educational programs discouraging hate crimes for each protected class.

Under the current statute (720 ILCS 5/12-7.1 (b-10)), a trial court shall require that an offender enroll in an in-person “educational program discouraging hate crimes involving the protected class” that was a victim of the crime in question. However, in-person programs are not available statewide in every region of the state for every protected class. Making optional and/or allowing virtual programs would provide courts appropriate flexibility in sentencing decisions.

Additionally, the statute allows for “any other organization that provides educational programs discouraging hate crimes” to administer an educational program. IDHR should assess its capacity to develop and administer such programs.

This recommendation requires legislative and agency action.