



THE COUNCIL AGAINST HATE
RESEARCH & DATA AND PUBLIC POLICY ACTION TEAMS PRESENT

HATE CRIME & DISCRIMINATION IN CHATTANOOGA

*A PRELIMINARY ASSESSMENT OF DATA
AND A PROPOSED COMMUNITY RESPONSE*

This policy brief describes the mission of the Council Against Hate, the strategies that the Council's action teams are using to achieve that mission, and the need for a community review of data and challenges specific to Chattanooga. The brief defines hate, describe national and local measurements - and lack thereof - for hate and discrimination, and conduct an assessment of data in Chattanooga. The brief then explores two promising, nationally recognized practices to assist communities in responding to hate crimes and discrimination.

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COUNCIL AGAINST HATE
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INTRODUCTION

“A city of creators will find new ways to combat hatred, especially when it leads to violence and tears apart the social fabric of our community. After July 16, 2015, our city was held up as a model of how to respond to terrorism. We can also be a model of how to stop the hate that inspires it in the first place.”

With those words in his April 2018 State of the City speech, Mayor Andy Berke announced the creation of the Council Against Hate.

The mission of the Council is to understand the factors leading to the spread of violent extremism and intolerance in Chattanooga and to advise the public and private sectors on policies and strategies that will create a more civil, safe, and welcoming community for all people. Its vision is for the greater Chattanooga area to be known as the most civil, safe, and welcoming community in the country that honors freedom of expression, protects marginalized populations, and regards the diversity of faiths, ethnicities, genders, and viewpoints as an essential strength.

Since April 2019, the Council Against Hate has hosted three public events with an average attendance of 80 Chattanoogaans. At the Council’s first public meeting, the Steering Committee unveiled a report of their research which included the creation of seven action teams to create and implement strategies to achieve the vision set by Mayor Berke. Following the April meeting, dozens of Chattanoogaans have participated as active members of Action Teams that were created.

This report is the work of two of those Action Teams – one focused on Data and Research and the other focused on Public Policy. Combined, these two Action Teams have met seven times since April with more than 50 Chattanoogaans participating in those meetings. Beginning in October 2019, the two Action Teams began to meet together – reflecting the important relationship between policy and data and research.

Over the next four months, up to the second anniversary of the Mayor’s announcement of the Council Against Hate, the two Action Teams will issue a series of reports on the State of Hate and Discrimination in Chattanooga and promising public policies and other actions that the community can take to prevent and respond to hateful acts. The practices were identified through research by members of the Action Teams and the sharing of their own experiences in the community.

In this first report, we seek to set out both how we are defining hate and measuring its impact on the community. Then we outline two promising practices that the City – and the community – can consider in response to acts of hate. In subsequent reports, the two action teams will address the law enforcement response to hate crime, how to prevent acts of hate and how to sustain efforts focused at reducing hate.

DEFINING HATE

What do we mean when we say that we are against hate?

We may understand hatred in a typical sense as an emotional response where one demonstrates an intense dislike. It can be based on many different things – some rational – and while it can be nothing more than a feeling or it can result in an expression or an act.

Our focus is on hatred that goes beyond mere emotion and goes to a specific type of hatred that is the result of bias or prejudice. In other words, those cases where hate is based on who a person is rather than what they may have done.

Federal, state and local law have all recognized that this type of hatred – when it results in specific acts – is illegal. For example, under federal law, certain criminal offenses are subject to greater scrutiny or punishment when the crime is motivated by the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. And a long list of anti-discrimination laws protect against discrimination in housing, employment, accommodation and other areas based on some of these same factors.

Not all acts based on hatred, however, are criminal -- and not all acts based on hatred are even illegal. If an individual does not like a particular individual because they are a member of a protected class (defined by the victim's identity) and because of that they assault someone, that is a hate crime. (1) If someone decides not to hire someone because they are a member of a protected class, that may be illegal. But if someone voices their views about a protected class – on their front lawn or as part of a march with hundreds of others who share their opinion -- that may not only be legal, it may be constitutionally protected free speech or free assembly.

There is, of course, a case to be made that hateful speech and events that focus on discrimination are harmful to a community. Free speech, however offensive, cannot be regulated out of existence in American life, nor should it be. In fact, efforts that curtail civil liberties may augur only more offensive and harmful actions by those who feel (or at least claim to feel) persecuted. If we cannot make hate speech illegal, we can still discourage it by affirming social and cultural norms around acceptable discourse. Communities that proactively communicate values of diversity, inclusion, peace, and openness will find that other voices simply cannot find traction.

Thus, for the purposes of this discussion, we are defining hate as conduct that indicates dislike of individuals based on bias or prejudice as to who they are, not what they have done. Our effort is focused on reducing the amount of hate in the community. In some cases, that may mean a need to change or better enforce legal prohibitions. In other cases, where such conduct is constitutionally protected, it means establishing norms not laws.

(1) <https://www.fbi.gov/investigate/civil-rights/hate-crimes>

MEASURING HATE AND DISCRIMINATION

In Chattanooga and nationally, there is a lack of data to measure the level of hateful activity. There are a number of reasons for this.

As noted above, many acts of hate are not illegal. As a result, there really is no mechanism for reporting or measuring the level of activity for acts such as hate speech. There is, however, some information based on survey data. A 2017 national survey by the Robert Wood Johnson Foundation, National Public Radio and Harvard T.H. Chan School of Public Health found that 57% of LGBTQ respondents, 51% of Black Americans, 37% of Latinx, 35% of Native Americans, 32% of Asian Americans and 23% of White Americans had personally experienced slurs about their identity. (2)

The City of Chattanooga has recently taken some steps to mitigate this problem by encouraging residents to report hate speech and hateful rhetoric to a global online database through a partnership with Hatebase -- a digital portal that allows members of the public to submit instances of abusive or hateful language that they see online or hear in public. Even so, the City's partnership with Hatebase is just the first step in creating a baseline of information and is not yet a reliable measure of hate speech in Chattanooga.

For those acts of hatred that are illegal, there is some reporting and some data: in the next section of this report, we will review two data sets -- one focused on hate crimes and the other focused on housing discrimination.

Even where this is reported, however, we know that both hate crimes and discrimination are frequently underreported.

For example, in the case of hate crimes, data from the National Crime Victimization Survey suggest that for the period 2004 to 2015, there were an average of just under 240,000 hate crime victims annually: in more than 50% of all cases, the crime was not reported to the police. (3) Victims reported that the main reasons for not reporting included that it was handled in another way (40.7%), it was not important enough (19.4%) and police would not help or could not do anything (22.6%).

(2) Discrimination in America: Final Summary, 2018 at <https://www.rwjf.org/en/library/research/2017/10/discrimination-in-america--experiences-and-views.html>

(3) U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Hate Crime Victimization, 2004 – 2015, June 2017.

MEASURING HATE AND DISCRIMINATION

Survey data also suggests that other illegal incidents of discrimination, bias and prejudice – many of which may rise to the level of hateful activity – are similarly underreported.

The 2017 national survey by the Robert Wood Johnson Foundation, National Public Radio and Harvard T.H. Chan School of Public Health included findings that:

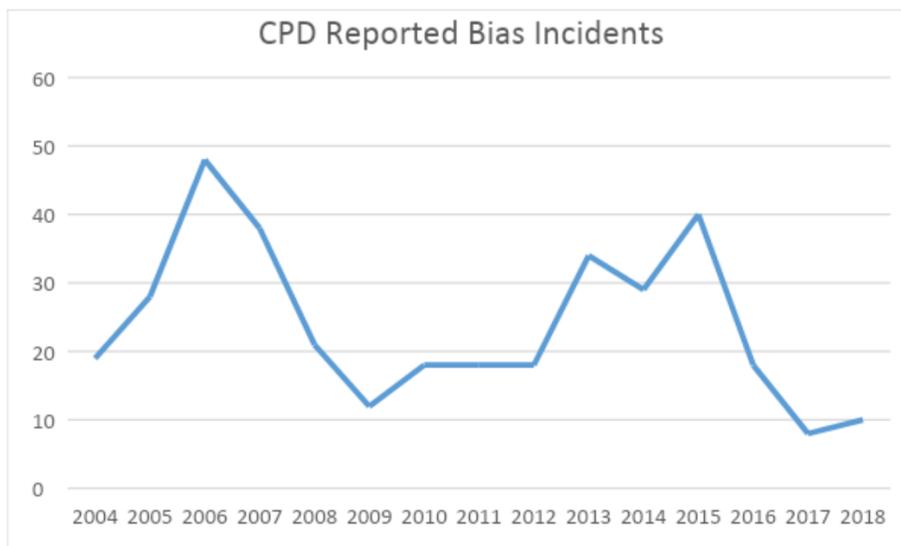
- *Black Americans are more than four times more likely than White Americans to report racial discrimination when it comes to being paid equally or considered for promotions (57% of Black Americans vs. 13% of White Americans), and nearly three times more likely to report racial discrimination when applying for jobs (56% vs. 19%)*
- *Women are more than twice as likely as men to report gender discrimination when it comes to equal pay or consideration for promotion (41% women vs. 18% men), and nearly twice as likely as men to report gender discrimination when applying for jobs (31% women vs. 18% men). Among LGBTQ people, 22% report personally experiencing discrimination because of their LGBTQ identity when it comes to being paid equally or considered for promotions (and when seeking housing), and 20% report discrimination when applying for jobs*
- *Nearly half (45%) of Black Americans, 31% of Latinos, and 25% of Asian Americans say they have personally experienced racial or ethnic discrimination when trying to rent a room, apartment or buy a house.*

Many, if not most, of these acts are illegal. Yet, actual complaints to agencies with responsibility for enforcing laws related to employment and housing discrimination reflect nowhere near this level of bias.

DATA ON HATE AND DISCRIMINATION IN CHATTANOOGA

Here is what we do know about hate and discrimination in Chattanooga from official data. Between 2004 and 2018, the Chattanooga Police Department (CPD) received 359 complaints that it classified as bias incidents: these were incidents that were reviewed to determine whether they were hate crimes and each involved an act based on bias or prejudice. Over that 15 year period, there was an average of just fewer than 24 reported bias incidents per year. However, the chart below demonstrates, the number of bias incidents reported annually varies considerably by year.

The peak number of complaints occurred in 2006 – with 48 incidents: while there was then a steady decline from 2007 to 2012, the number of incidents increased again in 2013 to 2015, reaching a new peak of 41 incidents. The last two years, 2017 and 2018, had the fewest incidents per year over the entire 15 year period.



The number of bias incidents were relatively spread across the three neighborhood policing sectors by which the city of Chattanooga is divided, with 135 incidents in the Adam Sector (4), 109 in the Baker sector (5) and 113 in Charlie sector (6).

(4) Consists of North Chattanooga, Riverview, Mountain Creek, Signal Mountain Road area, Hixson and Middle Valley, South Chattanooga, St. Elmo, Alton Park, Tiftonia, Lookout Valley, Coolidge Park, Renaissance Park, the North Shore (and the entire Waterfront), the downtown area, MLK Boulevard and Main Street areas, Lincoln Park, and the Westside Community.

(5) Consists of Youngstown Road from Bonny Oaks Drive to Lightfoot Mill Road on the North, North Crest Road on the East, McCallie Avenue on the South and the river on the West, Ridgedale, Highland Park and Eastlake. I-24 East and West is included in Baker South. This zone also borders with Baker North, Adam Central and Charlie.

(6) Consists of the Chattanooga Metropolitan Airport, Eastgate Town Center, and the I-75, I-24 split, Highway 58, East Brainerd, and the Ooltewah area. I-75 and Hwy 153 are also included in Charlie North.

DATA ON HATE AND DISCRIMINATION IN CHATTANOOGA

Over the entire 15 year period, the most frequent bias stated as part of the complaint was related to race: 138 bias incidents were race related, including 72 cases involving bias against Blacks and 55 cases involving bias against Whites. (7) (8)

Bias category	Incidents
Disability	86
Race - Black	72
Race - White	55
Sexual Orientation	49
Religion	46
Ethnicity - Latino	11

The number of incidents involving bias based on disability, race (involving Blacks) and sexual orientation all seem disproportionate to the relative size of the population. For example, data from the American Community Survey (ACS) indicates that White residents account for 57% of the city's population and Black residents for 33%: ACS data suggest that persons with disabilities make up 15.2% of Chattanooga's population and estimates from the UCLA Williams Institute suggest that the LGBT population in Tennessee is just 3.5% of the statewide total. (9)

As already noted, the number of bias incident complaints has varied by year over time: the nature of those complaints has changed. Of the 26 incidents reported from 2016 to 2018, anti-religious bias accounted for eight reported incidents, six incidents involved racial bias reported against Black residents, four incidents involved racial bias reported against White residents, four incidents involved bias based on sexual orientation, two incidents were based on ethnicity, one was based on disability and one was based on gender identity.

To assess other types of discrimination in Chattanooga, the Action Teams sought and received data on housing discrimination complaints from the U.S. Department of Housing and Urban Development (HUD). The Fair Housing Act prohibits housing discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability: it does not, however, protect against discrimination based on sexual orientation or gender identity.

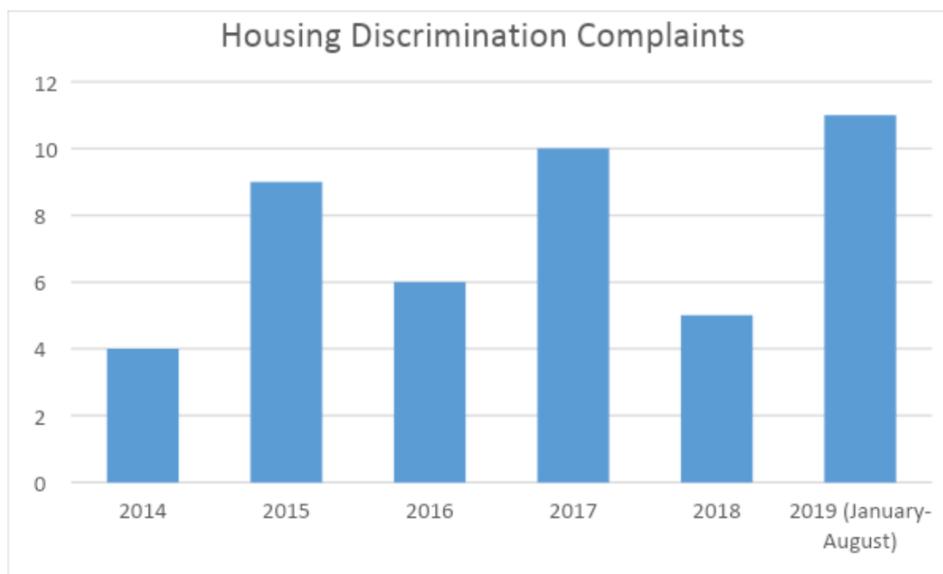
(7) Includes Hispanic

(8) For a total of 23 reported incidents, there was no information on bias type

(9) <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#density>

DATA ON HATE AND DISCRIMINATION IN CHATTANOOGA

From January 2014 to August 2019, there were 59 complaints related to housing discrimination in Hamilton County, Tennessee: in the case of 45 complaints, Chattanooga was listed as the city of violation. (10) As was the case with bias incident reporting, there is variation by year:



With eleven complaints by the end of August 2019, fair housing complaints had already set a new peak – and had more than doubled in just one year.

In a majority of complaints from 2014 to 2019 – 23 out of 45 – there was an allegation of discrimination based on disability. Discrimination based on race was alleged in 21 complaints.

Four zip code areas accounted for 29 out of the 45 complaints:

- 37421 (including East Brainerd): 10 complaints
- 37402 (including Downtown): 8 complaints
- 37415: 6 complaints
- 37411: 5 complaints

(10) Additional complaints may have occurred in Chattanooga: HUD data is sorted based on county and zip code, thus some complaints associated with Hixson may have been in Chattanooga.

PROMISING PRACTICES IN RESPONSE TO HATE CRIMES AND DISCRIMINATION

In subsequent reports, the Action Teams will report on promising practices focused on how the Police Department can encourage reporting of hate crimes and how it can work to effectively reduce hate crime activity; how non-law enforcement City agencies can work to prevent hate crime and discrimination through education and community based interventions; and how the entire community can work together to more effectively track hate crimes and discrimination in Chattanooga.

This first report focuses on how the community can respond to hate crime and discrimination, with a focus on a response other than law enforcement. As previously stated, we know that not every discriminatory or hateful act is criminal or illegal. Moreover, even when an act is illegal or criminal, it may be hard to identify a specific individual for prosecution or enforcement. We examine two promising practices – one a response to a community dealing with the after effects of hateful activity and the other a response to individuals that have been the victims of hate crimes or discrimination.

A Model for Reconciliation: Community Relations Service

When Congress enacted major new protections for civil rights in the 1960s, it recognized the need for more than just enforcement and prosecution. That's why, as part of the Civil Rights Act of 1964, Congress created the Community Relations Service (CRS).

According to its website, "CRS is the only federal agency dedicated to working with community groups to resolve community conflicts and prevent and respond to alleged hate crimes arising from differences of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability." (11) CRS's most recent annual report notes that "CRS helps facilitate the development of viable, mutual understandings and agreements, as alternatives to coercion, violence, or litigation. Additionally, CRS conducts trainings and helps develop locally-based, long-term mechanisms that communities may use to prevent tension and violent hate crimes. CRS Conciliation Specialists are impartial and do not take sides among disputing parties. Rather, CRS aids parties in developing their own mutually agreeable solutions." (12)

This peacemaker or mediator approach to hate has helped to defuse conflicts for more than 50 years.

In a 2014 lecture, former Ohio Attorney General Nancy Rogers suggested the application of the CRS model to local governments. Rogers notes that these local offices "would not replace the vital and tough role played by law enforcement in keeping order...(but would) stop the conflict from escalating and add the critical dimension of getting people in polarized communities to deliberate about ways to solve, or at least ameliorate, the problems underlying their differences." (13)

(11) <https://www.justice.gov/crs>

(12) <https://www.justice.gov/file/1157421/download>

(13) Nancy H. Rogers, When Conflicts Polarize Communities: Designing Localized Offices That Intervene Collaboratively," Schwartz Lecture, The Ohio State Moritz College of Law, March 25, 2014.

PROMISING PRACTICES IN RESPONSE TO HATE CRIMES AND DISCRIMINATION

While Rogers envisions a new public office of what she calls “intervenor,” it might also be possible to create a local CRS through the use of coordinated and highly trained volunteers. These volunteers, with support from the City, would have the ability to go into communities in the aftermath of a hate crime or in response to a pattern of discrimination and work to address underlying sources of conflict. This would not obviate the need for enforcement actions, but it could support the work of others – local officials, community leaders, clergy – in rebuilding community or overcoming obstacles to unity.

The CRS model could be applied – and at the federal level, has been applied – to school settings as a means of achieving peaceful resolutions to conflict.

Victim Support: Anti-Violence Project

Hate crimes and discrimination can have an impact on physical health and financial stability. Hate crimes can result in physical injury and discrimination can rob individuals of opportunity.

But we know that one of the most heinous aspects of hate is the mental toll that it takes on its victims. According to the American Psychological Association (APA), “victims of crimes that are bias-motivated are more likely to experience post-traumatic stress, safety concerns, depression, anxiety and anger than victims of crimes that are not motivated by bias.” (14) Similarly, the APA reports that “[A] wealth of psychological research shows that discrimination can exacerbate stress. Moreover, discrimination-related stress is linked to mental health issues, such as anxiety and depression...” (15)

Nationally, a number of organizations have come together as part of National Coalition of Anti-Violence Programs. Primarily, these organizations work to provide source to members of the LGBTQ community who have been the subject of violence, including hate crimes. The concept is simple. In addition to community and enforcement responses, individuals who have been the victims of hate crimes need basic support.

The New York City Anti-Violence Project provides a wide range of support to victims of hate crimes including:

- Short-term, professional counseling for survivors of all forms of violence, which promotes empowerment and healing from trauma
- Advocacy and accompaniment as victims proceed through enforcement processes or seek other forms of assistance
- Support groups (16)

In Chattanooga, similar programs for hate crime victims and others who have suffered from discrimination could address the need for a response to the needs of the victim. These programs could work in concert with the newly created Victim Services Unit at the Chattanooga Police Department.

(14) See, <https://www.apa.org/advocacy/interpersonal-violence/hate-crimes>

(15) See, <https://www.apa.org/news/press/releases/stress/2015/impact>

(16) See, <https://avp.org/get-help/get-support/>

CONCLUSION

This policy brief is the first of four that will be published each month through April 2020 and will coincide with presentations at the Council Against Hate Pivot Point Policy Forums. In future reports, we will delve further into challenges of reporting bias-motivated incidents, assess data-driven approaches to preventing hate crimes, and discuss best practices that cities can implement to help engage communities especially vulnerable to crimes and discrimination.

The Council Against Hate's goal in publishing these policy briefs is to keep the community informed and engaged through education and advocacy efforts. These best practices are but two nationally recognized models that the City of Chattanooga and community partners should consider exploring to better support victims and prevent incidents from taking place in our city. Future reports will include additional levels of review of local data and promising practices and policies from across the United States.

Please visit connect.chattanooga.gov/councilagainsthate to stay informed on upcoming publications, events, and to join the work on the Council Against Hate as an action team member.