

NO LAW FOR HATE

THE CASE FOR EXPANDING PENNSYLVANIA'S ETHNIC INTIMIDATION STATUTE

ISSUED BY THE PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE | [JUNE 2026](#)

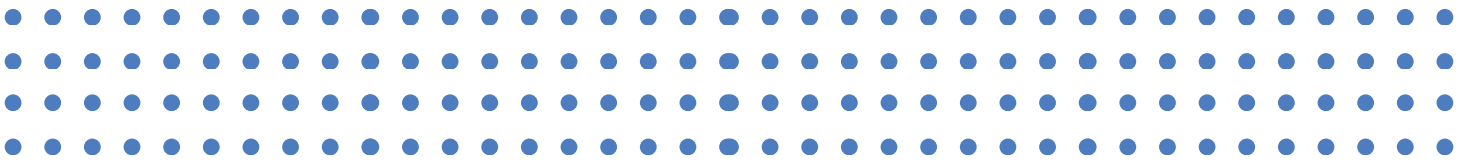
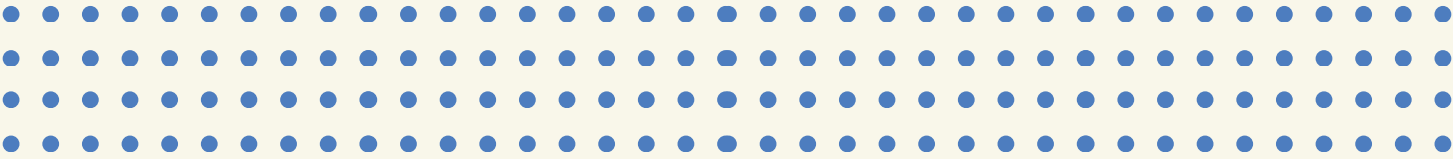


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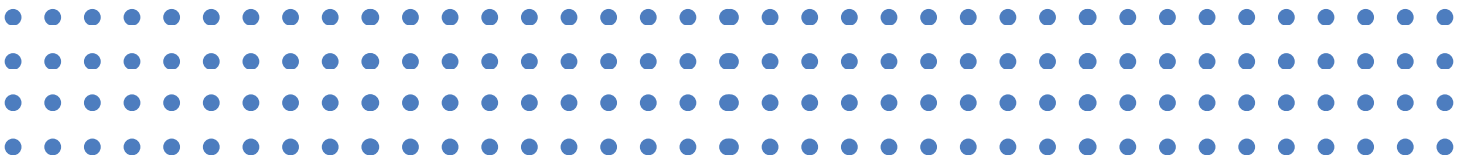
Letter from DA Larry Krasner:

The findings of this report are straightforward: Pennsylvania does not have an adequate legal framework for prosecuting hate crimes. Pennsylvania's only hate crime law, *Ethnic Intimidation* ([18 Pa.C.S. § 2710](#)), has not been updated since 1982. It covers race, color, religion, and national origin. The statute's reach stops well short of the problem.

Sexual orientation, gender, disability, ancestry--none of these factors are currently recognized under the Commonwealth's *Ethnic Intimidation* statute. Updates to the law have been struck down or failed to pass. As a result, prosecutors in this office routinely encounter bias-motivated crimes that they cannot charge as hate crimes. LGBTQ+ victims, among others, are left without legal recognition. Further, without the tools and resources to identify these cases early on, victim services staff cannot consistently direct people to the right supports. The true scope of hate-motivated crime, and its traumatic impact on victims, go unmeasured in Pennsylvania.

The Philadelphia District Attorney's Office (DAO) seeks justice for all Philadelphians, particularly historically marginalized and vulnerable populations who experience less protection under the law, including older adults, individuals with disabilities, and immigrants. The DAO has made strides in helping to better serve under-protected victims in the city such as expanding the office's Elder Justice Unit, appointing an Immigration Counsel, and establishing the office's LGBTQ+ Advisory Committee as well as the Gender and Sexuality Justice Task Force. In 2021, the DAO created an automated tool to help identify cases potentially involving LGBTQ+ individuals from arrest narratives provided by the Philadelphia Police Department. This innovative tool has allowed the DAO to better identify LGBTQ+ victims and provide them with appropriate supports earlier in case proceedings.

However, these measures are not enough. In order to truly serve victims with marginalized identities from hate-motivated crimes, we must be able to accurately and consistently identify these crimes. This requires collaboration with our law enforcement partners. It also requires a legal framework that robustly captures the full scope of hate crimes to protect the wide range of identities that have been made vulnerable. When the law does not recognize a category of victim, it sends a message to that community that protecting them against bias is unimportant to our society. It also denies prosecutors the tools to accurately document what occurred and connect victims to appropriate services.



Introduction

Hate crimes are defined by the FBI as criminal offenses against a person or property that are fully or partially motivated by an offender’s bias against race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. While statutes vary across state and federal jurisdictions, Pennsylvania’s current *Ethnic Intimidation* statute ([18 Pa.C.S. § 2710](#)) is extremely limited in scope, covering only race, color, religion, and national origin. This statute leaves significant gaps in the identification and protection of victims of hate crimes, particularly women and LGBTQ+ victims. Currently, there is no database or data marker that can be used to identify crimes motivated by hate on the basis of gender or sexual orientation in Pennsylvania.

In order to set a foundation on which to build better protections for Pennsylvania’s victims of hate crimes, the Philadelphia District Attorney’s Transparency Analytics (DATA) Lab researched the history of relevant legislation in Pennsylvania, conducted interviews with DAO staff, and analyzed limited existing data. **This report describes existing state law and reform efforts, quantifies recent cases brought under the state’s *Ethnic Intimidation* statute, explores the mechanisms limiting effective prosecution, and offers a look at innovative data tools that could potentially help identify LGBTQ+ victims of hate crimes.**

This report draws on state- and city-level arrest and court data from 2014 to 2025, as well as data gathered using the Philadelphia District Attorney’s Office’s (DAO’s) automated LGBTQ+ case identification tool. This tool automatically flags cases potentially involving LGBTQ+ people and aims to create a concrete measure of a group that remains largely uncounted and unprotected under Pennsylvania’s current statutes and reporting practices. This report also utilizes interviews conducted with key staff in the DAO to better understand the current use of the *Ethnic Intimidation* statute and ways that the office supports victims of hate crimes broadly.

Findings from this report show significant challenges in prosecuting hate crimes in Pennsylvania and suggest implications for charging practices, data quality, and crime victim experience. Overall counts of *Ethnic Intimidation* cases and those with LGBTQ+ victims identified by the automated tool are likely a severe undercounting of hate-motivated crimes occurring in Pennsylvania. This is reinforced by DAO staff interviews highlighting the difficulties of identifying, charging, and prosecuting hate crimes effectively. Interviews also demonstrate how the law prevents DAO staff from adequately supporting victims of bias-motivated crimes, especially LGBTQ+ victims. Taken together, findings underscore the difficulty of measuring and appropriately responding to hate crimes that fall outside of ethnicity-based categories under current Pennsylvania law. This report’s findings also create a strong argument for current efforts at reform.



No Law for Hate in PA

Pennsylvania adopted its only hate crime-related law in 1982 to conform with the minimum level of protections set forth at the federal level. Other states, including Delaware, New Jersey, and New York¹, have expanded their suite of laws targeting hate crimes, allowing them to file charges in a broader swath of bias-motivated crimes. Despite reform efforts, Pennsylvania's law has not been updated since its adoption, and lags far behind that of other states in terms of protecting victims.

1982: Pennsylvania's *Ethnic Intimidation Statute*


Pennsylvania passed the first codified hate crime protections in 1982 with the passage of Act 154, which established the offense of *Ethnic Intimidation* under [18 Pa.C.S. § 2710](#):

A person commits the offense of ethnic intimidation if, with malicious intention toward the race, color, religion or national origin of another individual or group of individuals, he commits an offense under any other provision of this article or...

This statute remains the only provision exclusively addressing hate crimes in Pennsylvania. While useful for prosecuting racially-motivated hate crimes, it fails to address the breadth of offenses encountered by Philadelphia district attorneys and the victims that they serve. Neither sex, gender, gender identity/expression, sexual orientation, nor disability of an individual or group of individuals are included in the current statute.

In Philadelphia, police submit arrests and recommend charges to the District Attorney's Office for consideration. ADAs then determine the appropriate charges for each case based on investigation summaries and evidence made available in the hours following arrest. The DAO has the ability to add or remove charges as the case unfolds and the law enforcement investigation continues.

Criminal charges are accompanied by grades, a method of categorizing offenses by severity. In Pennsylvania, the least serious charge is a summary offense (S). This is akin to a citation and typically results in a fine. Misdemeanor offenses (graded M3, M2, or M1) are more serious than summary offenses. Felony offenses (graded F3, F2, or F1) constitute the most severe category. Generally, an M1 is a more serious misdemeanor than an M2 or M3, and an F1 is more serious than an F2 or F3. For example, [18 Pa.C.S. § 2709](#), Harassment, is graded as a summary offense (S), while [18 Pa.C.S. § 2701](#), Simple Assault, is graded as a misdemeanor of the second degree (M2).



Pennsylvania's *Ethnic Intimidation* statute does not carry a fixed grade. Rather, its grade is determined by reference to the underlying offense with which it is paired. An *Ethnic Intimidation* charge is graded one degree higher while the underlying offense retains its own statutory grade regardless of whether *Ethnic Intimidation* is also charged. For example, *Simple Assault* is graded as an M2. Where an individual commits a *Simple Assault* motivated by racial bias, the assault charge remains graded as an M2. The accompanying *Ethnic Intimidation* charge, however, is graded one degree higher, resulting in a grade of M1. Although many hate-motivated incidents cannot be charged as hate crimes, prosecutors retain the ability to charge the underlying offense. *Simple Assault*, for instance, may be charged on its own in response to a hate crime.

2002: Reform Efforts Begin

In 2002, the Pennsylvania General Assembly passed [Act 143](#), which significantly expanded the existing *Ethnic Intimidation* statute's reach. The amended version extended protections to ancestry, mental or physical disability, sexual orientation, gender, and gender identity, and added "actual or perceived" language to the bias motivation standard. This represented a meaningful shift that brought Pennsylvania closer to broader hate crime frameworks. However, the new statute lasted barely five years. In 2007, the Commonwealth Court of Pennsylvania (one of two statewide intermediate appellate courts) struck down Act 143 as unconstitutional in *Marcavage v. Rendell*.

2007: Marcavage v. Rendell—Striking Act 143


In [Marcavage v. Rendell](#), Christian protesters in Philadelphia were arrested and charged under the *Ethnic Intimidation* statute while evangelizing against participants at a gay rights event. Although their criminal charges were eventually dismissed, they successfully challenged the law's constitutionality on procedural grounds. The *Marcavage* defendants argued that the legislative process used to enact Act 143 violated Sections 1 through 4 of Article III of the Pennsylvania Constitution. Article III states that no bill can stray from its originally intended purpose as it moves through both chambers of the PA legislature. However, the original purpose of HB 1493, the bill that originated Act 143, was concerning agricultural crop destruction. This, as well as several other procedural errors during the passage of HB 1493 and subsequently Act 143, resulted in the court striking down the entire law as unconstitutional and void.

After this successful challenge to and striking of Act 143, the *Ethnic Intimidation* statute reverted back to its original language from 1982 and, as of June 2026, remains in that original form. Currently, bias-motivated crimes targeting victims on the basis of sexual orientation, gender identity, or disability cannot be charged as hate crimes under Commonwealth law.

2023: Anti-Hate Crimes Package Introduced

More than 15 years later, in 2023, Pennsylvania saw a renewed interest in enacting hate crimes laws. The following bills were proposed:

- [HB 1024](#), proposed hate crime training for law enforcement.

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- [HB 1025](#) required that educational institutions provide anonymous hate crime reporting options for students and employees.
 - [HB 1027](#) once again attempted to expand the definition of a hate crime to include “ethnicity, ancestry, sex, gender, gender identity, gender expression, sexual orientation, disability, age, or autism spectrum disorder.”

All three bills passed the House in fall 2023, but did not receive a floor vote in the Republican-controlled Senate and thus did not pass into legislation.

2025-2026: Renewed Attempts at Reform

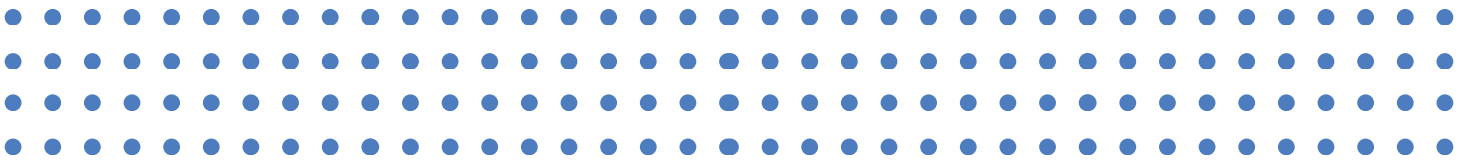
In the 2025-2026 legislative session, Pennsylvania lawmakers reintroduced the effort to expand the definition of hate crimes and require training for law enforcement through two companion bills, HBs 1902 and 1905. [HB 1905](#) aims to amend the existing *Ethnic Intimidation* statute by renaming the offense and expanding the scope of protected groups:

(a) Offense defined.--A person commits the offense of [ethnic] hate-based intimidation if, with malicious intention toward the race, color, religion [or], national origin, ethnicity, ancestry, sex, gender, gender identity, gender expression, sexual orientation or disability of another individual [or], group of individuals, he commits an offense...

[HB 1902](#) also aims to amend the current *Ethnic Intimidation* statute in the same way described above, as well as require training for police.

Section 4. Title 53 is amended by adding a section to read: § 2173. Annual officer training on hate-based intimidation. (a) Training.--The commission and the Pennsylvania State Police shall consult with and incorporate feedback from relevant community-based and faith-based stakeholders and groups, as well as racial justice and legal stakeholders and groups, to develop training under this section. After the consultation, the commission and the Pennsylvania State Police shall, in consultation with the Pennsylvania Human Relations Commission and the Attorney General, develop, implement and provide annual training on hate-based intimidation to officers.

HB 1902 specifies that the police training should include, but not be limited to the following elements: 1) Identification of hate-based intimidation, 2) Methods to address hate-based intimidation, 3) Reporting of hate-based intimidation, 4) Hate-based intimidation recordkeeping, and 5) Any instruction deemed necessary in recognizing enforcement-related bias. The inclusion of recordkeeping and reporting of hate-based intimidation crimes would significantly improve the data gaps for Pennsylvania hate crimes. Both bills passed the House Judiciary Committee on March 10, 2026 by a 14-12 vote and, as of June 2026, are awaiting a full House floor vote.



Methodology & Limitations

Because Pennsylvania does not criminalize hate crimes broadly (only limited cases are covered under the *Ethnic Intimidation* statute) and maintains no comprehensive datasets or databases of hate-motivated crimes, it is impossible to truly quantify the extent to which hate crimes occur in the Commonwealth. The case counts identified in this report should be viewed as an extreme undercounting, and a representation of underserved victims of crime.

Research Methodology

Using court and arrest data, the DATA Lab identified all cases from 2014-2025 in Pennsylvania which included a charge of *Ethnic Intimidation*. Cases were also aggregated by defendant characteristics, co-charges, and case outcomes. Metrics were compared at state- and city-levels, comparing Philadelphia to Pennsylvania more broadly.

To identify potential bias-motivated crimes against LGBTQ+ Philadelphians, we used the Philadelphia District Attorney's Office's (DAO's) automated LGBTQ+ case identification tool. This tool automatically flags cases potentially involving LGBTQ+ people using key words from arrest narratives provided by the Philadelphia Police Department (PPD). Cases are then reviewed by DAO staff to confirm that victims and/or defendants associated with cases are identified as LGBTQ+. The analysis in this report includes cases in which a victim was identified as LGBTQ+ and the defendant was not. The tool currently does not capture a count of cases that appear hate-motivated.

To illuminate the application, strengths, and limitations of the current *Ethnic Intimidation* statute, interviews were conducted with key staff from the DAO. A set of standardized questions guided these interviews, focusing on how the DAO supports victims of hate crimes, how prosecution is impacted by the existing *Ethnic Intimidation* statute, and how victim service specialists support LGBTQ+ victims of bias-motivated crimes without a formal hate crimes statute. Key themes from these interviews were then identified, and quotes were selected to highlight in this report.

Data Addendum

To encourage independent research, we have published a data addendum alongside this report that aggregates deidentified case information on *Ethnic Intimidation* charges in Pennsylvania from 2014-2025. The data addendum can be accessed on the Research page at data.philadao.com/Research.



Data Limitations

Because of the narrow scope of Pennsylvania’s *Ethnic Intimidation* statute, counts of cases charging this crime are low in both Philadelphia and the rest of the state. It is unclear what proportion of hate-motivated crimes is captured here, but it is clear that these counts are just the tip of the iceberg. The true magnitude of hate-motivated criminal behavior in Pennsylvania lurks, unknown, below.

Several other factors also limited the scope and time frame of this report. State-level court data with complete annual counts of the *Ethnic Intimidation* statute only stretches back to 2014. Further, available data did not include Hispanic/Latinx ethnicity (only race), and records only binary sex categories (not gender)². Therefore it is unknown whether any Latinx defendants were charged with *Ethnic Intimidation* in this time period. It is also unknown whether there were any defendants who identified as something other than male or female. A significant proportion of state-level data on defendant age was missing, and therefore not included in this report.

There is currently no statewide or citywide database that captures hate-motivated crimes. This is largely due to the limitations in the state law—without an overarching legal framework, it is extremely difficult to identify hate crimes individually. While data collection and aggregation has improved significantly in Philadelphia in the past decade, it is impossible to obtain a count of cases motivated by bias in the city.

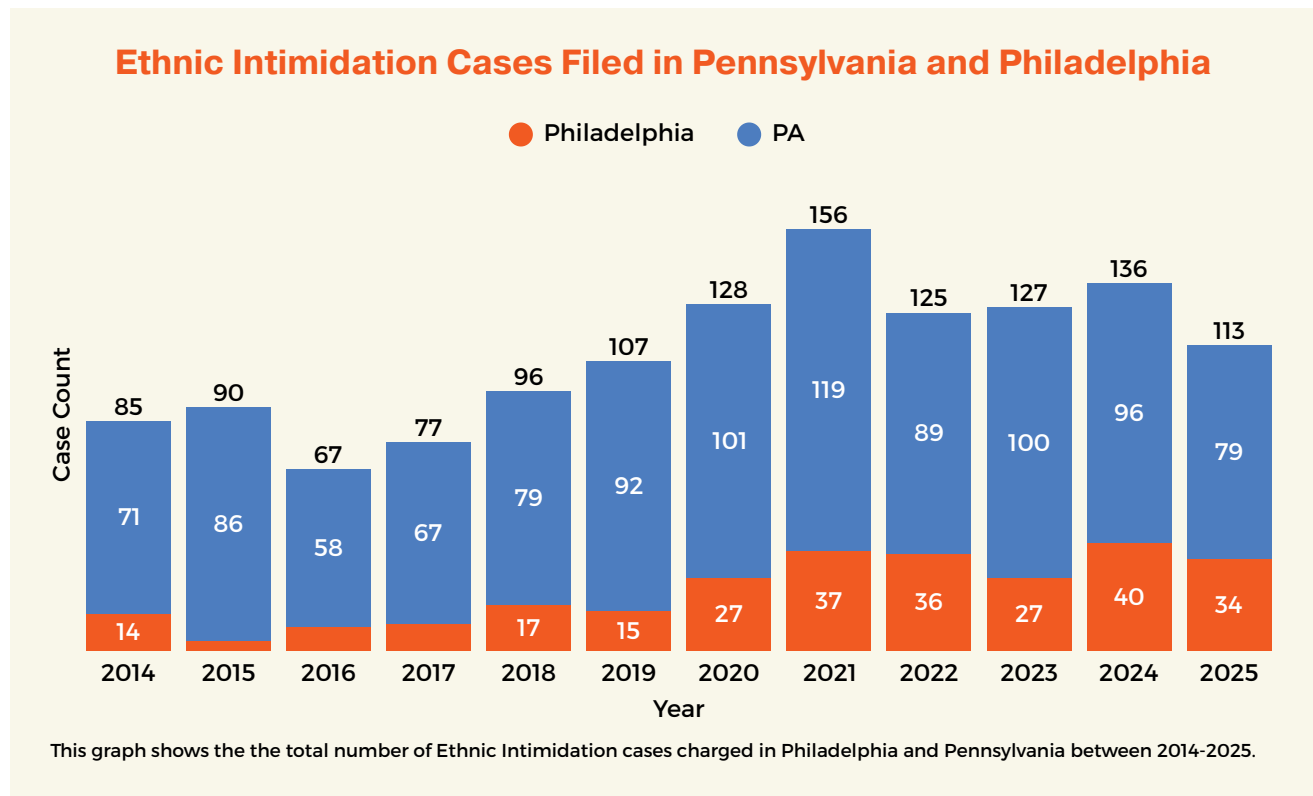
The DAO’s automated LGBTQ+ case identification tool is one innovative yet limited way to estimate the number of criminal cases in Philadelphia involving LGBTQ+ victims and defendants. The following analysis of the data rests on the assumption that an LGBTQ+ -identified person would not likely commit a hate-motivated crime against another LGBTQ+ person on the basis of sexual orientation. There are numerous issues with this assumption, the main one being that an LGBTQ+ person could commit a hate-motivated crime against another LGBTQ+ person on the basis of race, gender, disability, etc. It is also possible that victims and defendants are misidentified by police. Because of the small number of cases identified by this tool, only overall counts of cases by year are presented. Because this tool is based on arrest narratives written by the PPD, only data for Philadelphia is available.

As such, the case counts from the LGBTQ+ case identification tool should not be viewed as counts of hate crimes against LGBTQ+ people in Philadelphia. They are conveyed here in the spirit of acknowledging the extreme limitations of measuring the issue, as well as acknowledging the modest advancements in data collection that have made even this rudimentary measure possible.

Ethnic Intimidation Cases in PA

Prosecutors across Pennsylvania charge *Ethnic Intimidation* under state law 18 Pa.C.S. § 2710. The following figures illustrate case counts and defendant characteristics for cases in Pennsylvania from 2014-2025 where *Ethnic Intimidation* charges were present at arraignment or case disposition. For more detailed data on *Ethnic Intimidation* cases, see data addendum.

Statewide, there were 1,307 cases with *Ethnic Intimidation* charged. Of those cases, 21% originated in Philadelphia. While the number of cases has fluctuated year-to-year, total annual cases charging *Ethnic Intimidation* increased from 2016 to 2021. In recent years, cases originating in Philadelphia have made up 25-30% of all *Ethnic Intimidation* cases charged in Pennsylvania, accounting for much of the increase. The upward trend may indicate more behavior rising to the level of *Ethnic Intimidation*, or greater attention to charging *Ethnic Intimidation* when possible.

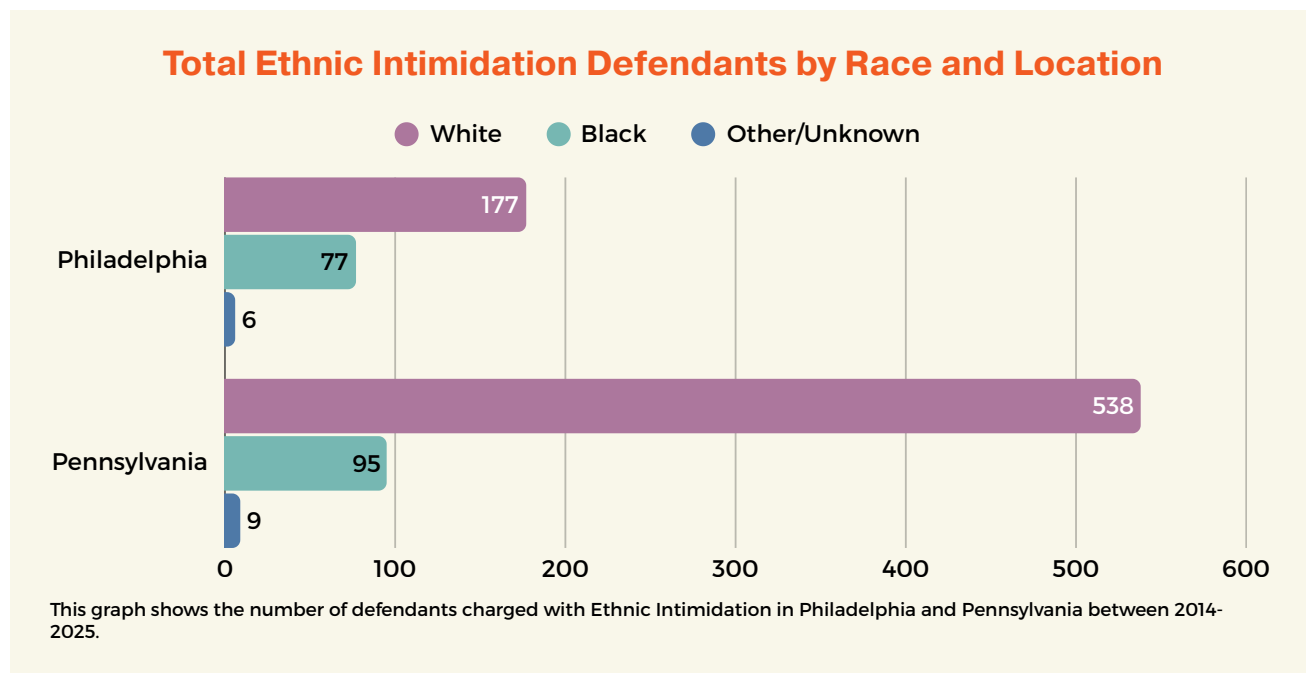


Defendant Characteristics

This section describes the race, age, and sex of defendants for cases where *Ethnic Intimidation* charges were filed in Philadelphia and Pennsylvania between 2014 and 2025. State-level data for defendant age was not readily available and is not included. Because of missing data, recharges, etc., *Ethnic Intimidation* case counts do not match defendant counts. For more detailed data on defendant demographics, see data addendum.

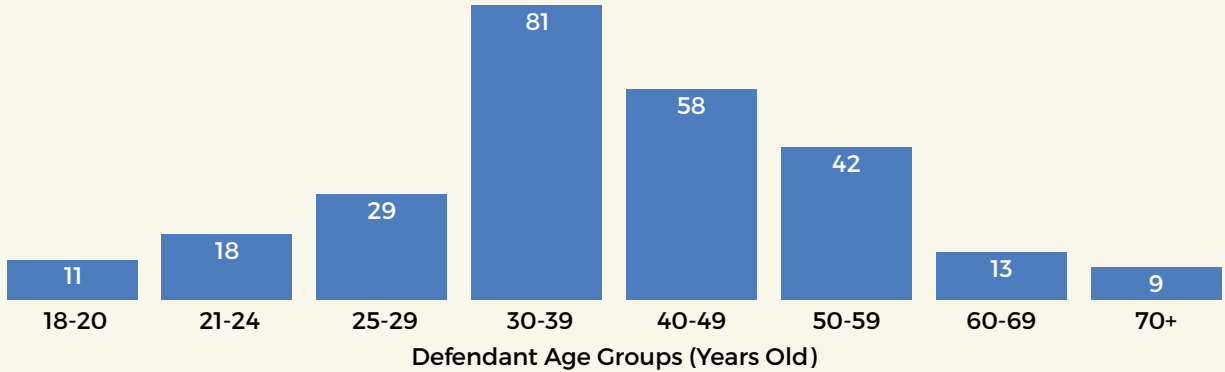
In terms of defendant sex, the majority (85%) of defendants prosecuted for cases involving *Ethnic Intimidation* in Philadelphia were male, while far fewer (15%) were female. By comparison, defendants in other Pennsylvania counties were slightly more likely to be female (20%).

The majority of defendants in *Ethnic Intimidation* cases were white. In Philadelphia, roughly two in three (68%) defendants were white, while 30% of *Ethnic Intimidation* defendants were Black. This is despite white and Black people making up similar proportions of the city's population (around 42-44%). Just five Philadelphia defendants were identified as another race, including Asian/Pacific Islander or Native American/Alaskan Native. Other counties in Pennsylvania also had a higher proportion of white defendants in *Ethnic Intimidation* cases (84%). However, this is more similar to the state's overall population trends.



Philadelphia defendants in *Ethnic Intimidation* cases skew older than the typical age-crime curve, which tends to more often portray younger defendants. The largest age group for defendants charged with *Ethnic Intimidation* was ages 30-39, representing roughly a third (31%) of defendants charged under this statute in Philadelphia. The next most common age groups were ages 40-49 (22%) and ages 50-59 (16%).

Defendants Prosecuted for Ethnic Intimidation by Age Group

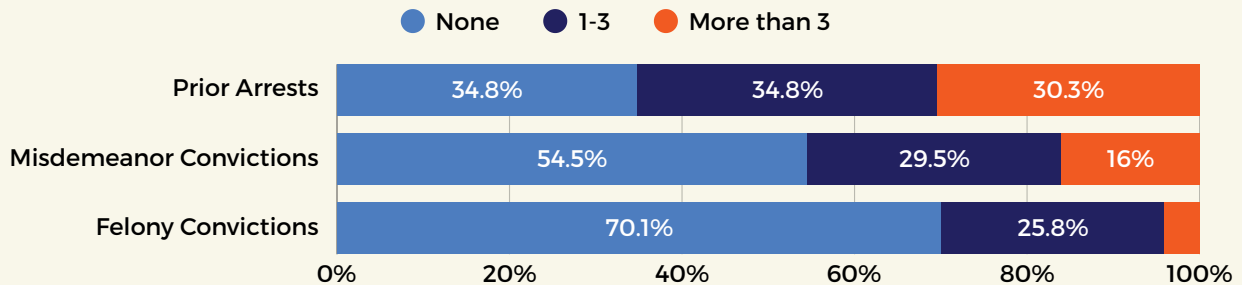


This graph shows the age distribution of defendants charged with Ethnic Intimidation in Philadelphia between 2014-2025

Defendant Criminal History

The figure below summarizes past contact with the criminal legal system for defendants charged with *Ethnic Intimidation* in Philadelphia between 2014 and 2025. The majority of defendants had experienced a previous arrest within the state, however, fewer had been convicted of a felony or a misdemeanor. While defendants from the other counties had fewer arrests than those in Philadelphia, they experienced more prior misdemeanor convictions. Prior felony convictions were similar across groups. Roughly two thirds (65%) of Philadelphia defendants had been arrested at least once in Pennsylvania prior to their case where *Ethnic Intimidation* was charged. Over half (55%) of Philadelphia defendants had no misdemeanor convictions prior to their case where *Ethnic Intimidation* was charged. Roughly a third (30%) had between one and three convictions, and just 16% had three or more misdemeanor convictions. The majority (70%) of Philadelphia defendants had no felony convictions prior to their case where *Ethnic Intimidation* was charged. For more detailed data on criminal history for defendants charged with *Ethnic Intimidation*, see data addendum.

Philadelphia Defendants by Prior Criminal History



This graph shows the PA criminal history of defendants charged with Ethnic Intimidation in Philadelphia between 2014-2025.

Ethnic Intimidation Co-Charges

The *Ethnic Intimidation* statute is almost always charged alongside other crimes, representing the underlying criminal behavior. The table below displays the top ten most common co-charges for cases in Philadelphia where *Ethnic Intimidation* was charged between 2014-2025. Cases often have multiple charges. Therefore the total percentage of cases are greater than 100%. For more detailed data on *Ethnic Intimidation* co-charges, see data addendum.

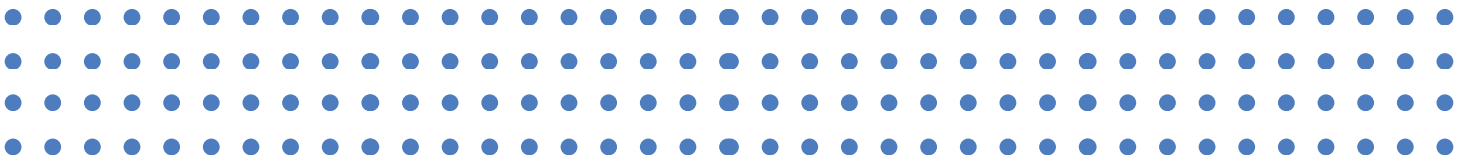
Ethnic Intimidation was most commonly charged in cases involving *Simple Assault* (70%), *Recklessly Endangering Another Person* (64%), and *Terroristic Threats with Intent to Terrorize Another* (60%). Common co-charges were similar for other counties in Pennsylvania.

Co-Charges With Ethnic Intimidation	Count of Cases	Percentage of Cases
Simple Assault	180	70%
Recklessly Endangering Another Person	163	64%
Terroristic Threats with Intent to Terrorize Another	153	60%
Possession of an Instrument of Crime	115	45%
Aggravated Assault	102	40%
Harassment	90	35%
Criminal Mischief	57	22%
Conspiracy	56	22%
Robbery	29	11%
Theft by Unlawful Taking	25	10%

This table shows the most common co-charges in cases where *Ethnic Intimidation* was also charged in Philadelphia from 2014 to 2025.

Case Outcomes

Nearly half (44%) of cases disposed with *Ethnic Intimidation* charges in Philadelphia resulted in convictions. Of these convictions roughly 75% were guilty pleas, and the rest were guilty verdicts at trial. For cases in the rest of the Commonwealth where *Ethnic Intimidation* was present at case disposition, conviction rates were roughly the same (49%), and non-conviction rates were lower. For more detailed data on *Ethnic Intimidation* case outcomes, see data addendum.



Focus on LGBTQ+ Communities

Philadelphia has a longstanding and historically significant LGBTQ+ community. Protecting members of this community is a priority of the Philadelphia DAO, a mission that is advanced by the office’s newly formed Gender and Sexuality Justice Task Force, the LGBTQ+ Advisory Committee, and specialized LGBTQ+ victim service liaisons. Expanding the *Ethnic Intimidation* statute to include discrimination against LGBTQ+ people specifically would significantly aid in carrying out this mission.

It is well established in academic literature that LGBTQ+ people in the United States, while more likely to be victims of crime, are reluctant to contact law enforcement. Therefore reports of crimes against LGBTQ+ victims are likely an undercount of incidents^{3,4,5}. Because Pennsylvania’s current *Ethnic Intimidation* statute does not include sexual orientation, gender, and gender identity/expression, hate crimes against this group are not uniformly documented in arrest and case records, nor elsewhere in administrative data. This prevents criminal legal agencies and community advocates from assessing the true scope and scale of crimes motivated by bias against LGBTQ+ individuals in Philadelphia.

In order to address this gap in the data and better support LGBTQ+ crime victims, the DATA Lab worked in partnership with DAO staff to create an automated tool to identify relevant incidents as they occur. The tool scans arrest reports for key words that may indicate LGBTQ+ involvement, then each flagged case is reviewed by staff to determine if specialized victim outreach is necessary. This innovative tool is an important step in making more visible the historically undercounted crimes against LGBTQ+ people and mobilizing victim services quickly. However, the tool does not currently capture detailed information such as criminal motivations, and data included hereafter should not be interpreted as counts of hate crimes against LGBTQ+ people in Philadelphia.

The following section presents qualitative findings from structured interviews with key informants (ADAs and victim service specialists) to illuminate the processes and challenges associated with prosecuting crimes against LGBTQ+ people, particularly hate-motivated crimes. The interviews offer concrete examples of how an expanded state law would better support victims and improve issue visibility. Also included are quantitative data from the LGBTQ+ automated tool that provides a count of cases in which the victim was identified as LGBTQ+ but the defendant was not. This rudimentary measure is currently the only available data that can be used to estimate the scope of bias-motivated crimes against LGBTQ+ people in Philadelphia.



Qualitative Findings

Research interviews with ADAs highlighted challenges in identifying LGBTQ+ victims, supporting them with appropriate services, and managing victim expectations in the absence of adequate hate crime legislation. Key quotes are selected, and together the findings support the need for an expanded statute addressing hate crimes, as well as improved data collection in this area.

Identifying & Supporting LGBTQ+ Victims

DAO staff discussed challenges identifying LGBTQ+ victims who have experienced crimes motivated by bias. Identifying these cases early allows victim service specialists to provide the appropriate services. As evidenced above, a victim's sexual orientation and gender identity are only sometimes recorded in arrest narratives. A victim's LGBTQ+ status must often be inferred by context clues within the narrative or is missing altogether. One interviewee explained:


“Our office relies on the police to gather information about our cases. I need the police to be able to identify when someone is LGBTQ+ at all. Sometimes [the victim data entered by police] is really great. Sometimes they'll identify someone as non-binary and use the correct pronouns. And sometimes you have to go on a journey to figure out if this person is trans... So, it would be helpful if the police had training on that, because then maybe they would get it right more often... I'm not necessarily going to refer someone who is LGBTQ+ identifying to the exact same counseling [services] that I am for someone who is not [LGBTQ+ identifying], right? Just like I wouldn't necessarily refer a DV survivor who is male identifying to the same place that I would refer someone who is a female identifying survivor of DV.”

This quote directly illustrates the need for enhanced police training and reporting described in proposed legislation HB 1902. Our interviewees reported that early and consistent identification of victims as LGBTQ+ would help the DAO to better support them with appropriate resources.

Prosecuting Anti-LGBTQ+ Crimes

Interviews with ADAs highlighted numerous challenges in prosecuting hate-motivated crimes against LGBTQ+ victims due to lack of adequate legal frameworks, as well as a lack of formal acknowledgment or understanding of these types of crimes. One interviewee emphasized that hate-motivated criminal behavior can be physical, verbal, and psychological, discussing a hate-driven incident against an LGBTQ+ person that took the form of harassment:

“We were just fighting to get [the case] taken seriously. We wanted bail set. We wanted [the defendant] in custody. We wanted charges that would yield a stayaway order... A lot of these crimes aren't necessarily physical, right?... These were all things that either happened in the dead of night, or they were something that was yelled. And what is that? The law says it's harassment as a summary... It shouldn't have to be that hard.”



The lack of an inclusive hate crimes statute in Pennsylvania makes it nearly impossible for ADAs to use the *Ethnic Intimidation* charge to address the severity of the incident and trigger the appropriate response from the criminal legal system (unless the discrimination is racially motivated). In the incident described above, the defendant was charged with *Harassment*, a summary charge the ADA did not feel reflected the severity of the behavior. Consequently, the law did not allow for measures that would best serve the victim (e.g., a stay away order or removal of an individual from their vicinity through detention). However, if the *Ethnic Intimidation* statute were expanded to include sexual orientation and other discriminated-against groups, the *Ethnic Intimidation* charge would have been one grade higher than the underlying summary offense, resulting in *Ethnic Intimidation* being charged as an M3. This would make a bail determination and pretrial detention possible.

Interviews also showed that the lack of a legal framework to identify and prosecute bias-motivated crimes leads to a diminished understanding and interpretation of such incidents. One interviewee emphasized that the lack of documentation about the nature of harassment incidents results in an incomplete picture of the criminal behavior.

“If someone has a summary Harassment charge, the impact on the victim is pretty severe, right? Harassment can mess up your life. If someone harasses you criminally, and it's charged as a summary, that can screw up a lot for you. Under current law [the defendant has] almost no criminal record, they don't have any felonies or misdemeanors.”

Respondents described how failing to prosecute the hate-driven motivation behind the crime deprives victims of procedural justice and fails to signal that hateful offenses against these groups is morally and legally wrong. Without a state law under which to prosecute a hate crime against an LGBTQ+ person, Philadelphia's ADAs and victim service specialists must focus on managing victim expectations as to what the criminal legal system will be able to accomplish for them.

“I try to be as honest with people as I can about what they can and can't expect out of the system... when, for instance, [an LGBTQ+ victim] asked, “can he be charged with [a hate crime]?” I was totally blunt with them, and I said “no. No, he can't. And that is because of the way that our hate crime legislation doesn't really cover cases like this.”

ADAs with experience prosecuting bias-motivated crimes against LGBTQ+ people in Philadelphia shared feelings of helplessness when they are unable to substantiate a hate crime charge in court. They further described how that contributes to a negative feedback loop of perpetuating distrust in the criminal legal system.

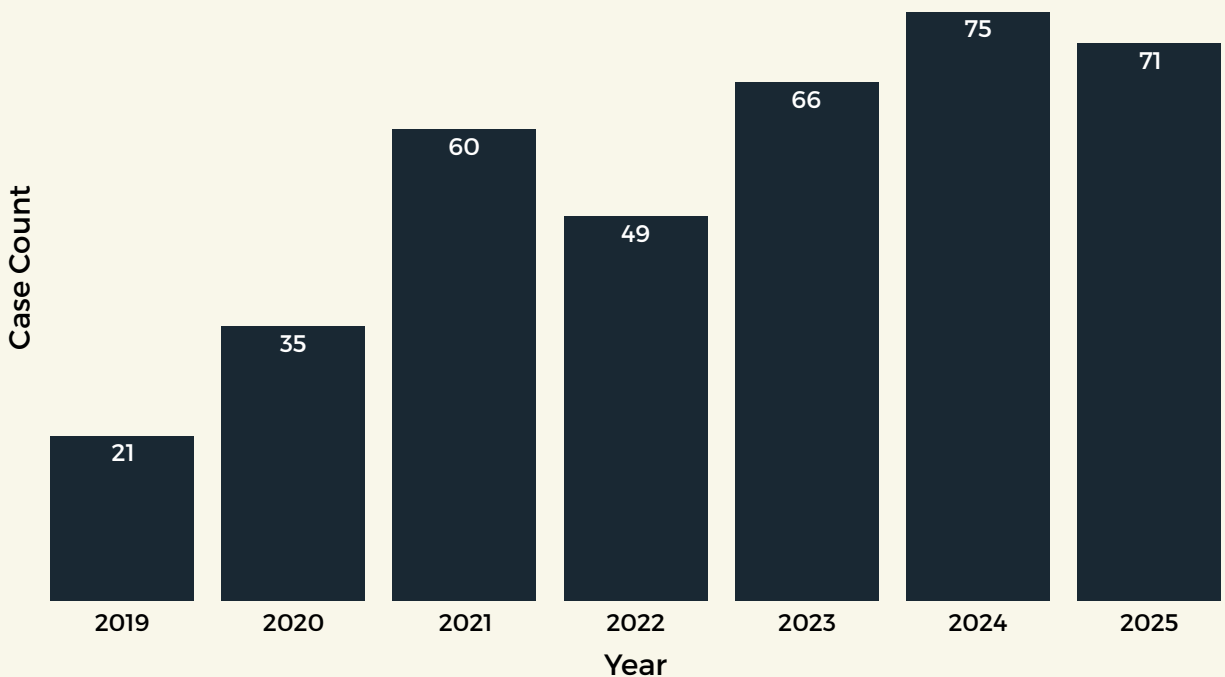
“It's just that this community is so... I don't even say ‘used to it.’ But used to it in a way where they all know that there's nothing anyone can do for them. It's an unfortunate part of the reality. It's kind of how they feel.”

Counting Cases Involving LGBTQ+ Victims

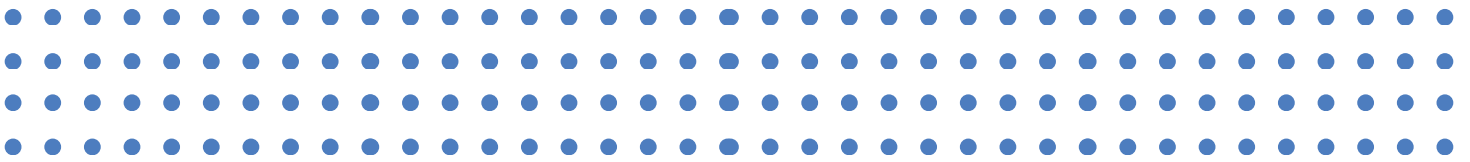
In order to get a sense of cases that might be hate-motivated against LGBTQ+ individuals, we analyzed cases in which the victim was identified as LGBTQ+ but the defendant was not. It may be that some of these cases involve parties that are both LGBTQ+, but the defendant's identity was not recorded as such in the arrest narrative or case facts. Further, because this tool relies on police identification of victim's gender identity and sexual orientation, it may not capture all LGBTQ+ victims. Only data for Philadelphia is available. None of the figures in this section represent cases verified to be hate-motivated.

Between 2019 and 2025, the tracker tool identified 368 incidents involving LGBTQ+ victims and non-LGBTQ+ defendants, resulting in 377 opened cases. Because the tool is continually updated to include new key words, phrases, misspellings, etc., case detection is improving. It is unknown whether the growing number of cases involving LGBTQ+ victims and non-LGBTQ+ defendants is due to a rise in actual incidents, or due to a rise in detecting such incidents.

Cases with LGBTQ+ Victims and Non-LGBTQ+ Defendants



This graph provides a count of Philadelphia cases in which the victim was identified as LGBTQ+ and the defendant was not.



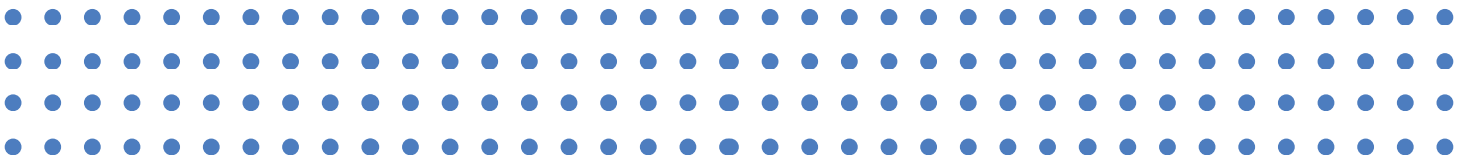
Recommendations

Pennsylvania is behind other states in terms of adequate prosecution of hate- and bias-motivated crimes. A modern, inclusive hate crimes statute in Pennsylvania would empower the Commonwealth's district attorneys to charge both the underlying offense and a separate charge characterizing the incident as a hate crime. Although the grade of the underlying offense would remain unchanged, the hate crime charge itself would be graded one degree higher than the underlying offense, more accurately reflecting the severity of the behavior and unlocking the pretrial and sentencing tools associated with a higher-graded offense.

Expanding the definition of a hate crime in Pennsylvania to include those committed against LGBTQ+ people, gender, disability, and ancestry would enable the DAO to better protect these members of the community and provide more appropriate support earlier in the process. Beyond improving prosecution, these reforms would enable the DAO to systematically measure the prevalence of bias-motivated incidents. This data would help ours and other prosecutorial offices across Pennsylvania allocate resources more effectively, while also allowing victim service coordinators to connect harmed people with appropriate support services more efficiently.

Findings from this report highlight the need for legislation expanding the *Ethnic Intimidation* statute to cover a fuller spectrum of bias-motivated offenses, bringing Pennsylvania in line with federal standards and the realities faced by prosecutors on the ground. Additionally, mandated annual police training on hate-based intimidation would lay the foundations for better reporting and data capture. In the absence of legal reform, agencies should seek to improve data collection and resource provision in this area.

The Philadelphia DAO will continue to refine its practices to identify and support victims of hate-motivated crimes, and supports the passage of state legislation expanding the *Ethnic Intimidation* statute. Addressing gaps in the legal framework and the data is critical to ensuring that all victims of hate-motivated crime are appropriately identified, counted, and protected. Until these issues are resolved, the true prevalence of hate crimes in Pennsylvania will remain unknown, and their harms will remain unaddressed.



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Footnotes

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