



Using 'hate' label with crimes against cops goes too far **Red Wing's effort may be feel-good symbolism, but there's no reason to prosecute violence against law enforcement officers this way.**

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If you wanted to bring the whole concept of hate crimes into disrepute, you couldn't do a better job than the city of Red Wing, Minn., and the national police union it's listening to. According to the Star Tribune's report, "the picturesque town on the banks of the Mississippi River is believed to be the second place in the nation — and the first city — to pass" a resolution "calling for crimes against law enforcement to be prosecutable as hate crimes."

The national Fraternal Order of Police union, which has been pushing ideas along these lines for more than a decade, describes the goal as to "honor the lives lost" in lethal attacks on police (which in fact — a fact not always reported — are at near-historic lows).

To a large extent, hate-crime laws function as a type of feel-good law meant to send a symbolic message of support to politically active minorities, typically by attaching extra penalties to conduct that is already criminal and readily subject to prosecution.

The enhancement applies to crimes committed with some but not other hateful or vicious motivations. This is part of why critics argue that the laws in effect play favorites, departing from the spirit of equal protection under law that aims at treating all victims of personal assault as equally important.

Because they seem to put an official public seal on a narrative of oppression, such laws are also lobbied for in me-too fashion by other groups that rightly or wrongly see themselves as oppressed.

It is common for hate-crime laws to create multiple jeopardy at different court levels arising from a single offense, which is often considered a danger to liberty, even if courts do not always find that it formally violates the Bill of Rights' double jeopardy clause. But defenders of these laws argue that local authorities in many parts of the country long refused to take seriously crimes against certain scorned or disenfranchised minorities, thus in their view justifying a second layer of prosecutorial attention.

But there's no evidence that authorities now or in the past have brushed off lethal attacks on police as something not worth investigating or prosecuting.

"Most states already allow or mandate sentence enhancements for crimes committed against police," notes commentator Radley Balko.

Up to now, proponents of hate-crime laws have emphasized that they are not intended to kick in every time someone gets victimized across racial (or religious or sexual-orientation) lines. Quite the contrary. They apply only when — to quote the FBI — a crime is “motivated in whole or in part by an offender’s bias against a race, religion” or other protected category.

That is one reason only a tiny share of cross-religious, cross-racial and cross-gender assaults wind up being prosecuted as hate crimes. People on the front lines of vulnerability to stranger violence — private security guards, taxi drivers, liquor store clerks — have jobs that may put them in harm’s way, but hate-crime law is very unlikely to apply should they join the roll of grim statistics.

As even the Fraternal Order of Police seems sometimes to concede, the great majority of harms inflicted on police on duty — whether it be when a drunk fights back against an arrest, a cornered wrongdoer tries shooting his way to escape or a high-speed chase ends in a crash — have nothing to do with any supposed prejudicial animus against cops.

Yes, extending the law as Red Wing or the union would like to do would be symbolic as a gesture — deeply so. But what would it symbolize? The merely absurd proposition that police in the U.S. today are an oppressed minority group? Or the downright dangerous proposition that the law should step in to chastise and rectify the attitudes of a public that may not be as supportive of police wishes and demands as cop advocates would like?

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