

# **HATE** **CRIME** in California 2002

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# APPENDIX 1

## Data Characteristics and Known Limitations

### CRIME DATA

Local law enforcement agencies are required to submit monthly copies of hate crime reports to the Department of Justice (DOJ) in compliance with section 13023 of the California Penal Code, which states ". . . any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, national origin, religion, gender, sexual orientation, or physical or mental disability . . ." shall be reported to the DOJ.

The following information and limitations should be considered when using hate crime data:

1. The hate crime reporting system was implemented by the DOJ in September 1994. Law enforcement agencies were requested to submit copies of initial crime reports beginning July 1994. Crime reports that were submitted as hate crimes, but later determined to be unfounded, were not included.
2. Initial crime reports were selected as the reporting document to provide maximum information for coding and to minimize the workload impact on local law enforcement agencies.
3. The DOJ requested that each law enforcement agency establish procedures incorporating a two-tier review (decision-making) process. The first level is done by the initial officer who responds to the suspected hate crime incident. At the second level, each report is reviewed by at least one other officer to confirm that the event was, in fact, a hate crime.
4. Caution should be used when making jurisdictional comparisons. The following factors should be considered: cultural diversity and population density; effective strength of law enforcement agencies; and the training received in the identification of hate crimes by law enforcement officers in each jurisdiction.
5. The following factors may influence the volume of hate crimes reported to the DOJ:
  - Cultural practices and likeliness of reporting hate crimes to law enforcement agencies.
  - Strength and investigative emphasis of law enforcement agencies.
  - Policies of law enforcement agencies.
  - Community policing policies.
6. A hate crime event contains the occurrence of one or more criminal offenses, committed against one or more victims, by one or more suspects/perpetrators. Also, victims can have more than one offense committed against them.

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7. Hate crimes reported by law enforcement agencies are counted in a very specific way. In each hate crime event, the DOJ counts the total number of victims, the total number of known suspects, and the total number of criminal offenses in one event. These totals are then classified and counted by type of bias motivation (anti-black, anti-Hispanic, anti-Jewish, anti-gay, etc.), type of crime (murder, aggravated assault, burglary, destruction/vandalism, etc.), the location where the crime took place (residence, street, synagogue, school, etc.), and the type of victim (individual or property).

### **COUNTY DISTRICT ATTORNEY AND ELECTED CITY ATTORNEY PROSECUTORIAL DATA**

The following information and limitations should be considered when interpreting hate crime cases:

1. To show the criminal justice system's response to hate crimes, in March 1995, the Attorney General requested all district attorneys and elected city attorneys to submit summary data of complaints filed and convictions secured.
2. The 2002 District Attorney's and Elected City Attorney's Report File of Hate Crime Cases contains summary data based on cases referred to each district attorney or elected city attorney, and filings and convictions which occurred between January 1 through December 31, 2002.
3. When viewing prosecutorial data, the reader is advised that relating the number of hate crimes reported by law enforcement agencies to the number of hate crimes prosecuted by district attorneys and elected city attorneys is not possible. First, crimes often occur in different reporting years than their subsequent prosecutions. Second, the number of crimes reported by law enforcement is much higher than those calling for prosecutorial action, since the latter requires an arrested defendant who can be prosecuted in a court of law.
4. All prosecutorial data includes hate crimes committed by both juvenile and adult defendants.

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Note: All requests or questions regarding these data should be submitted to the Criminal Justice Statistics Center, P.O. Box 903427, Sacramento, California 94203-4270. The telephone number is (916) 227-3509. E-mail: [doj.cjsc@doj.ca.gov](mailto:doj.cjsc@doj.ca.gov).

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## APPENDIX 2

### CALIFORNIA PENAL CODE SECTION 13023

“Commencing July 1, 1990, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim’s race, ethnicity, religion, gender, sexual orientation, national origin, or physical or mental disability. On or before July 1, 1992, and every July 1 thereafter, the Department of Justice shall submit a report to the Legislature analyzing the results of the information obtained from local law enforcement agencies pursuant to this section.” (Added by Stats. 1989, c. 1172, §1. Amended by Stats. 1998, c. 933 (AB 1999) §5; Stats. 2000, c. 626 (AB 715), §4.)

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## APPENDIX 3

### CRIMINAL JUSTICE GLOSSARY

**AGGRAVATED ASSAULT** - An unlawful attack by one person upon another for the purposes of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm (FBI's Uniform Crime Reporting [UCR] definition).

**BIAS** - A preformed negative opinion or attitude toward a group of persons based on their race, ethnicity, national origin, religion, gender, sexual orientation and/or physical/mental disability.

**CASE** - A case is a set of facts about a crime that is referred to a district attorney for filing with a court. The case may charge one or more persons with the commission of one or more offenses. For this report, the case must contain some element of bias.

**COMPLAINTS FILED** - Any verified written accusation, filed by a district attorney with a criminal court, that charges one or more persons with the commission of one or more offenses. For this report, the case must contain some element of bias.

**CONVICTION** - A judgment based on the verdict of a jury or a judicial officer or on a guilty plea or a nolo contendere plea of the defendant.

**DISPOSITION** - In criminal procedure, the sentencing or other final settlement of a criminal case.

**ETHNIC BIAS** - A preformed negative opinion or attitude toward a group of persons of the same race or national origin that share common or similar traits in language, custom, and tradition, such as Arabs or Hispanics.

**EVENT** - An event is an occurrence where a hate crime is involved. (In this report the information about the event is a crime report or source document that meets the criteria for a hate crime.) There may be one or more suspects involved, one or more victims targeted, and one or more offenses involved for each event.

**GUILTY PLEA** - A defendant's formal answer in open court stating that the charge is true and that he or she is guilty of the crime with which he or she is charged.

**KNOWN SUSPECT(S)** - A suspect can be any person alleged to have committed a criminal act(s) or attempted criminal act(s) to cause physical injury, emotional suffering, or property damage. The known suspect category contains the number of suspects that have been identified and/or alleged to have committed hate crimes as stated in the crime report. For example, witnesses observe three suspects fleeing the scene of a crime. The word "known" does not necessarily refer to specific identities.

**LOCATION** - The place where the hate crime event occurred. The location categories follow UCR location specifications developed by the FBI. Examples are residence, hotel, bar, church, etc.

**MULTI-RACIAL** - A hate crime that involves more than one victim or suspect, and where the victims or suspects are from two or more different race groups; e.g., African American and white or Hispanic and Asian.

**NOLO CONTENDERE** - A plea or answer in a criminal action in which the accused does not admit guilt but

agrees to be subject to the same punishment as if he or she were guilty.

**OFFENSES** - Offenses that are recorded are as follows: murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, intimidation, and destruction/vandalism as defined in the national UCR and the national Hate Crimes Statistics Report.

**PHYSICAL/MENTAL DISABILITY BIAS** - A preformed negative opinion or attitude toward a group of persons based on physical or mental impediments/challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.

**PROPERTY CRIMES** - Burglary, larceny-theft, motor vehicle theft, arson, and destruction/vandalism are reported as property crimes.

**RACIAL BIAS** - A preformed negative opinion or attitude toward a group of persons such as Asians, blacks, or whites, based on common physical characteristics.

**RELATIONSHIP BETWEEN "COMPLAINTS FILED" AND "CONVICTIONS"** - The annual prosecutorial report collects data on the total number of hate crime cases filed and the total number of hate crime convictions. There is no direct relationship between "complaints filed" and "convictions," since a case may be filed in one year and the outcome (trial or pleading) may occur in another.

**RELIGIOUS BIAS** - A preformed negative opinion or attitude toward a group of persons that share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, such as Catholics, Jews, Protestants, or Atheists.

**SEXUAL-ORIENTATION BIAS** - A preformed negative opinion or attitude toward a group of persons based on sexual preferences and/or attractions toward and responsiveness to members of their own or opposite sexes.

**SIMPLE ASSAULT** - An unlawful attack by one person upon another, which does not involve the use of a firearm, knife, cutting instrument, or other dangerous weapon and in which there were not serious or aggravated injuries to the victim (FBI's UCR definition).

**TRIAL VERDICT** - The finding or answer of a jury or judge concerning a matter submitted to them for their judgment.

**VICTIM** - A victim may be an individual, a business or financial institution, a religious organization, government, or other. For example, if a church or synagogue is vandalized and/or desecrated, the victim would be a religious organization.

**VIOLENT CRIMES** - Murder, forcible rape, robbery, aggravated assault, simple assault and intimidation are considered violent crimes in this report. (Robbery is included in crimes against property in the FBI Hate Crimes Statistics Report.)

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