



PROSECUTORIAL DATA



[Prosecutorial Data Table 10](#)

In 1997,

- There were 313 bias motivated cases for which complaints were filed by county district attorneys and elected city attorneys.
- 280 convictions were reported. Of these, 223 were hate crime convictions.

[Prosecutorial Data Table 11](#)

[Prosecutorial Data Table 12](#)

[Prosecutorial Data Table 13](#)

A Cautionary Note

Data resulting from new reporting programs should be collected for several years in order that statistical data can be properly analyzed. Because of this, the DOJ does not recommend comparing these data with previously published data. In addition, the DOJ believes that the data may be underreported. Future reporting will improve as personnel are trained to identify, investigate, report, and prosecute hate crimes.

A number of additional factors can influence the volume of hate crime and case data reported to the DOJ. These are:

- Efforts of community groups and law enforcement hate crime networks to identify and report hate crime to appropriate authorities.
- Cultural practices and likeliness of reporting hate crime.
- Strength and investigative emphasis of law enforcement agencies and district and city attorneys.
- Policies of law enforcement and prosecutorial agencies.
- Community policing policies.



**DATA
CHARACTERISTICS
AND
KNOWN
LIMITATIONS**



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, religion, sexual orientation, or physical or mental disability . . ." shall be reported to the DOJ.

In 1997, the Hate Crime File contained a total of 1,831 events defined as bias-motivated crimes received from reporting California law enforcement agencies.

The following information and limitations should be considered when using the 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 with July 1994. Crime reports that were submitted as bias-motivated 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 aggregated data are designed to identify the motivation of the perpetrator of the crime. Due to the subjectivity that may be involved in identifying motivation, caution is advised in interpreting the data.
4. In previous years, the data differed somewhat from that collected by the FBI for the National Program (Public Law 101-275-April 23, 1990). Physical or mental disability was not part of the FBI definition of a bias-motivated crime but was included in the definition in California legislation (P.C. 13023) and is now added to the FBI reporting program (effective January 1, 1997).
5. The Department of Justice 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 incident was, in fact, a bias-motivated crime.
6. Caution should be used when making jurisdictional comparisons. Factors to be considered are: cultural diversity and population density; effective strength of law enforcement agencies; and training in identification of hate crimes by law enforcement.
7. The Department of Justice shall submit to the Legislature the results of the information obtained from law enforcement agencies.
8. 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 E-mail address is: cjsc@hdcdojnet.state.ca.us



COUNTY DISTRICT ATTORNEY PROSECUTORIAL DATA

The 1997 District Attorney's Report File of Hate Crime Cases contains a total of 259 complaints filed and 240 convictions. Thirty-five district attorneys had no hate crime cases filed by their offices during the period.

The following information and limitations should be considered when interpreting the bias-motivated cases:

1. In order to show the criminal justice system's response to bias motivated crimes, in March 1995, the Attorney General requested all district attorneys to submit summary data of complaints filed and convictions.
2. The 1997 District Attorney's Report File of Bias Motivated Cases contains summary data based on cases referred to each district attorney, filings and convictions which occurred between January 1, 1997 through December 31, 1997.
3. The statistics for Los Angeles County District Attorney's Office increased because of improved tracking and collection of hate crime case information.
4. 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 E-mail address is: cjsc@hdcdojnet.state.ca.us

ELECTED CITY ATTORNEY PROSECUTORIAL DATA

There are nine elected city attorneys in California. Eight out of the nine prosecute misdemeanor bias motivated cases.

The following information and limitations should be considered when interpreting and using the city attorney's summary report of bias motivated cases:

1. In order to show the criminal justice system's response to bias-motivated crimes, in March 1995, the Hate Crime Unit at the DOJ requested all elected city attorneys to submit summary data of bias motivated crime complaints filed and convictions.
2. The 1997 City Attorney's Report File of Bias Motivated Cases contains summary data based on cases referred to each city attorney, filings and convictions which occurred between January 1, 1997 through December 31, 1997.
3. 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 E-mail address is: cjsc@hdcdojnet.state.ca.us



APPENDIX

Appendix 1

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, such information as 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, sexual orientation, 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.)

CRIMINAL JUSTICE GLOSSARY

BIAS - A preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, 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 either on the verdict of a jury or a judicial officer or on a guilty plea of the defendant.

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. Examples are residence, hotel, bar, church, etc.

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: murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, intimidation, and destruction/vandalism as defined in the national Uniform Crime Report (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 survey questionnaire used to collect these data, reports the total number of hate crime cases filed and the total number of hate crime convictions. There is no direct relationship since a case may be filed in one period and the trial outcome 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.

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, an organization, or the society/public in general. 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.)



California's Civil and Criminal Laws Pertaining to Hate Crimes

The Ralph Act - Civil Code Sections 51.7 - 52(e)

The Bane Act - Civil Code 52.1

Penal Code Sections - 422.6(a) and (b), 422.7, 421.75, 422.8, 422.9(a), (b) and (c), 136.2, 139, 140, 190.2(a)(16), 302, 594.1, 594.3, 640.2, 1170.75, 1170.8, 1170.85, 1547, 11410, 11411, 11412, 11413, and 13023

Education Code Sections - 48900.3 and 48915

Government Code Sections - 13959 through 13969



[Criminal Justice Statistics Center \(CJSC\) PUBLICATIONS ON-LINE](#)

[Crime and Delinquency in California, 1997 \(Advance Release\)](#)

[Crime and Delinquency in California, 1996](#)

[Homicide in California, 1996](#)

[CJS Outlook: Crime in Urban and Rural California](#)

[Preliminary Report, Crime 1997 \(January through December\)](#)

[Crime as Reported by Selected California Agencies, January through September, 1996 and 1997](#)

[Hate Crime in California, 1996](#)

[Preliminary Report, Crime 1997 \(January through June\)](#)

[Crime and Delinquency in California, 1996 \(Advance Release\)](#)

[Homicide in California, 1995](#)

[Preliminary Report, Crime 1996 \(January through December\)](#)

[Crime as Reported by Selected California Agencies, January through September, 1995 and 1996](#)

[Hate Crime, 1995](#)

Criminal Justice Statistics Center (CJSC) PRINTED PUBLICATIONS

Annuals

[Crime and Delinquency in California](#)

[Crime and Delinquency in California - Advance Release](#)

[Criminal Justice Profile - A Supplement to C&D - Statewide and individual counties](#)

[Preliminary Report - January-June and January-December](#)

[Hate Crime in California](#)

[Homicide in California](#)

Reports

[Adult Felony Arrest Dispositions in California \(April 1992\)](#)

[Crime in California and the U.S., 1980-1991 \(January 1993\)](#)

[Crime in California and the U.S., 1988 data \(January 1990\)](#)

[Effectiveness of Statutory Requirements for the Registration of Sex Offenders - a Report to the California State Legislature](#)

[Executive Summary of the Final Report - Blue Ribbon Commission on Inmate Population Management \(January 1990\)](#)

[Parolees Returned to Prison and the California Prison Population \(January 1988\)](#)

[Target Hardening: A Literature Review \(October 1989\)](#)

Focus and Forums

[The California Experience in American Juvenile Justice: Some Historical Perspectives \(December 1988\)](#)

[Controlling Plea Bargaining in California \(September 1985\)](#)

[Coordinating Justice in California: "There ought to be a law about it" \(December 1988\)](#)

[Crime Control and the Criminal Career \(December 1992\)](#)

[The Development of California Drunk Driving Legislation \(December 1988\)](#)

[Employment and Crime \(February 1989\)](#)

[The Impact of California's "Prior Felony Conviction" Law \(September 1987\)](#)

[The Origins and Development of Penalties for Drunk Drivers in California \(August 1988\)](#)

[A Policy Role for Focus Groups: Community Corrections \(September 1991\)](#)

[The Prevalence and Incidence of Arrests Among Adult Males in California \(August 1988\)](#)

[The Social Structure of Street Drug Dealing \(December 1988\)](#)

Monograph Series

[Conspicuous Depredation: Automobile Theft in Los Angeles, 1904 to 1987 \(March 1990\)](#)

[Controlling Felony Plea Bargaining in California: The Impact of the Victim's Bill of Rights \(1986\)](#)

[Development of a White Collar Crime Index \(December 1992\)](#)

[Incapacitation Strategies and the Career Criminal \(December 1992\)](#)

[Measuring White Collar Crime in Depository Institutions \(December 1993\)](#)

[Prosecutors' Response to Parental Child Stealing: A Statewide Study \(April 1995\)](#)

[Race & Delinquency in Los Angeles Juvenile Court, 1950 \(December 1990\)](#)

[Survey Report: "The Expansion of the Criminal Justice and Penal System in California - is greater coordination required?" \(December 1988\)](#)

Miscellaneous

[A Description of the California Department of Justice Central Information System on Missing Persons - A Report to the California State Legislature](#)

[Gang Organization and Migration/Drugs, Gangs & Law Enforcement Proceedings of the Attorney General's Crime Conference 85 \(September 1985\)](#)

[Proceedings of Symposium 87: White Collar/Institutional Crime - Its Measurement and Analysis](#)

Outlooks

[Adult Felony Arrest Dispositions in California \(1982-1984 and 1986-1989\)](#)

[Crime in California and the United States, 1982 \(December 1983\)](#)

[Crime in Urban and Rural California \(December 1997\)](#)

[Crime in Urban and Rural California \(November 1984\)](#)

[Crimes and Arrests in California, 1984 \(April 1985\)](#)

[Crimes and Arrests in California, 1983 \(April 1984\)](#)

[Crimes and Arrests in California, 1982 \(April 1983\)](#)

[Felony Drug Arrests in California, 1985 \(December 1986\)](#)

[Homicide in California, 1984 \(October 1985\)](#)

[Homicide in California, 1983 \(September 1984\)](#)

[Juvenile Justice in California, 1983 \(June 1984\)](#)

[Motor Vehicle Theft in California \(December 1987\)](#)

[Motor Vehicle Theft Recovery Data, 1983-1989 \(October 1990\)](#)

[Women in Crime: The Sentencing of Female Defendants \(April 1988\)](#)

If you need a publication, assistance in obtaining statistical information, or a customized statistical report, contact the [CJSC Special Requests Unit](#) at the California Department of Justice, Criminal Justice Statistics Center, Special Requests Unit, P. O. Box 903427, Sacramento, CA 94203-4270, FAX: (916) 227-0427, E-mail: cjsc@hdcdojnet.state.ca.us

[Return to the beginning of this publication](#)

[Crime Data Section](#)

[CJSC Home Page](#)

[Attorney General's Home Page](#)