



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Tackling the Rise of Hate: How California Aims to Protect
Our Diverse Communities**

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Attorney General Bonta's Commitment to Combat Hate

“Throughout California’s history, too many of us have felt the sting of hate and discrimination. Too many Asian, Latino, Black, Native American, people with disabilities, LGBTQ, Jewish, Muslim and Sikh Californians all across the state are hurting. It’s going to take all of us working together to take on bias and hate and their toxic effects on our society.”



Ralph Act (Civil Code section 51.7)

All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property **because of** actual or perceived*:

sex

color

ancestry

disability

marital status

political affiliation

citizenship

Immigration status

race

religion

national origin

medical condition

sexual orientation

position in a labor dispute

primary language

genetic information

*these are examples; other bases are possible



Ralph Act (Civil Code section 51.7)

What does “Because of” mean? – what is the threshold for a hate crime?

In Criminal, bias motivation must be “a substantial factor”

In Civil, there is no definitive answer

- One view is that it should be the same as the criminal standard
- The other, as has been held by one state agency, is that a lower standard applies and bias motivation need only be “a motivating factor.”



Private Lawsuits for Hate Crimes (Civil Code sections 52 and 52.1)

A person may sue anyone who interferes with a right secured by the federal or state constitution, or by statutes (this includes hate crimes), and recover:

- injunctive relief
- equitable relief to secure constitutional rights
- actual damages
- exemplary or punitive damages
- civil penalty of \$25,000
- attorney's fees



What is a hate crime event?

- Hate Crime “events” can include:
 - Hate crime under Penal Code section 422.55
 - Multiple-offense act that includes a bias motivation
 - One hate crime report may include up to 10 offenses, 999 victims, and/or 99 suspects. If there are more of each within a single event, the remaining aspects are not counted.
- ❖ Note: Demographic information is only collected on up to five victims and five suspects.
- There are, therefore, more offenses than events



Hate Crimes v. Hate Incidents

- A **hate crime** is a crime against a person, group, or property motivated by the victim's real or perceived protected social group. You may be the victim of a hate crime if you have been targeted because of your actual or perceived: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation, and (7) association with a person or group with one or more of these actual or perceived characteristics. Hate crimes are serious crimes that may result in imprisonment or jail time.
- A **hate incident** is an action or behavior motivated by hate but which, for one or more reasons, is not a crime. Examples of hate incidents include:
 - Name-calling
 - Insults
 - Displaying hate material on your own property.
 - Posting hate material that does not result in property damage.
 - Distribution of materials with hate messages in public places.



Hate Crimes Example

- **Interference with Civil Rights by Threat**
(Misdemeanor – Pen. Code § 422.6(a) & (c))
- **Elements**
 - 1. The defendant intended to and did threaten physical violence against a person or group,
 - 2. Causing fear
 - 3. To interfere with the victim's legally protected right/privilege
 - 4. Because of the victim's actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a group with one or more of these characteristics.



Hate Crimes Example

- **Special Allegation:** Hate Crime Allegation: **Felony** (Pen. Code, § 422.75(a)–(c)):
 - Alleged when the defendant committed a crime because of the victim’s actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a group with one or more of these characteristics.
 - **Elements:**
 - 1. The defendant was biased against the victim based on the victim’s actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a group with one or more of these characteristics.
 - 2. Bias motivated the defendant to commit the underlying felony.
 - **Punishment:** Additional 1, 2, or 3 years onto a prison sentence (or 2-3-4 if acted in concert)



DOJ Role in the Fight Against Hate

- Oversight of Law Enforcement Agencies
- Data Collection: OpenJustice and CIBRS
- Hate Crimes Report
- Hate Crimes Roundtables
- Issuance of Law Enforcement Bulletin, Prosecutors Guidance, and Resources for Victims and Hate Crimes Brochures in various languages
- Appointment of Hate Crimes Coordinator
- Racial Justice Bureau



What is the purpose of the Racial Justice Bureau?

- To take a stand against racial injustice in all its forms against all communities that suffer from it and face it in California.
- To bring together major local elected leaders in common cause against hate.
- Strengthen DOJ's capacity to take on a wide range of significant civil rights and constitutional matters— including addressing hate crimes
- Focus on racial and social justice issues across DOJ's civil rights work



The Racial Justice Bureau will support the DOJ's broader mandate to advance the civil rights of all Californians and assist with new and ongoing efforts on:

- **Hate crimes and organizations**, taking on the insidious effects of white supremacy and hate organizations in our society and stepping up outreach with community organizations and law enforcement on hate crime prevention, information sharing, and reporting;
- **Implicit and explicit bias in policing**, launching and supporting investigations as appropriate and recognizing the urgent need to strengthen trust between law enforcement and the communities they serve;



- **Law enforcement best practices**, issuing guidance to local law enforcement, prosecutors, and other public entities regarding shared challenges in providing for public safety;
- **Campus climate issues**, including conducting and supporting investigations into overly punitive, discriminatory policies where they arise and working to find innovative ways to strengthen diverse, equitable and inclusive school environments; and
- **Task Force to Study and Develop Reparation Proposals for African Americans**, assisting with the implementation of the new task force as authorized under Assembly Bill 3121.



The California Department of Justice
California Justice Information Services Division

Criminal Justice Statistics Center

Hate Crime Reporting and Statistics



Presentation Overview

What is hate crime statistical reporting?

What is DOJ's role in hate crime reporting?

What do the 2021 statistics look like?

What is Open Justice?



Hate Crime Elements

To be reported as a hate crime to the DOJ, the incident must contain the following elements:

A criminal act or an attempted criminal act

Murder (Completed)

Rape (Completed)

Robbery

Aggravated Assault

Burglary

Larceny-Theft

Motor Vehicle Theft

Arson

Simple Assault

Intimidation

Destruction/Damage/Vandalism

Human Trafficking-Commercial Sex Acts

Human Trafficking-Involuntary Servitude

A Bias motivation against a protected characteristic.



Definition of Bias

Bias – a preformed (existing) negative opinion or **attitude*** toward a person, group, or entity based on a protected characteristic.

***Attitudes such as:** hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, or desire for social bonding with those of one's "own kind".



DOJ's Responsibilities

Collect

- Work with CA LEA's to collect/review hate crime data on a monthly basis

Submit

- Compile hate crime data and submit to the FBI

Publish

- Publish the annual report *Hate Crime in California*



DOJ's Responsibilities

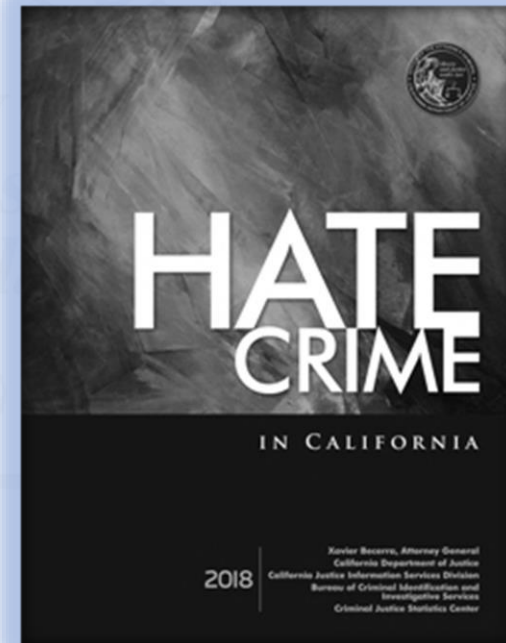
- Collect and review the actual incident reports to determine if the incident was identified and reported correctly.
- Review incoming submissions for accuracy and completeness.
- Ensure the data integrity of the hate crime submissions
 - Run quality control checks
 - Identify anomalies
- Work with Law Enforcement
 - Provide review feedback
 - Ask follow up questions
 - Assist in review and resubmissions
- Provide Training!!!!
 - Responsibilities
 - Reporting Timeframes
 - Hate crime identification and determination
 - Scenario based training



DOJ's Responsibilities

Compile and publish the data

- Annual Report
- Interactive Dashboard
- Context Documents
- Downloadable Files
- Special Reports



What does not qualify for
hate crime reporting?

Acts of Discrimination

Hate Incidents

Hate Speech



Bias Motivation-What is not reportable?

While there are many kinds of bias, ***not all are reportable.***

The types of biases that are reportable are mandated by:

- CA PC section 422.55 and
- The Federal Hate Crime Statistics Act and its subsequent amendments



Not Reportable

Biases against:

- The wealthy
- The poor
- The elderly
- People who dress differently
- Smokers
- Drinkers
- People who are overweight
- Etc.

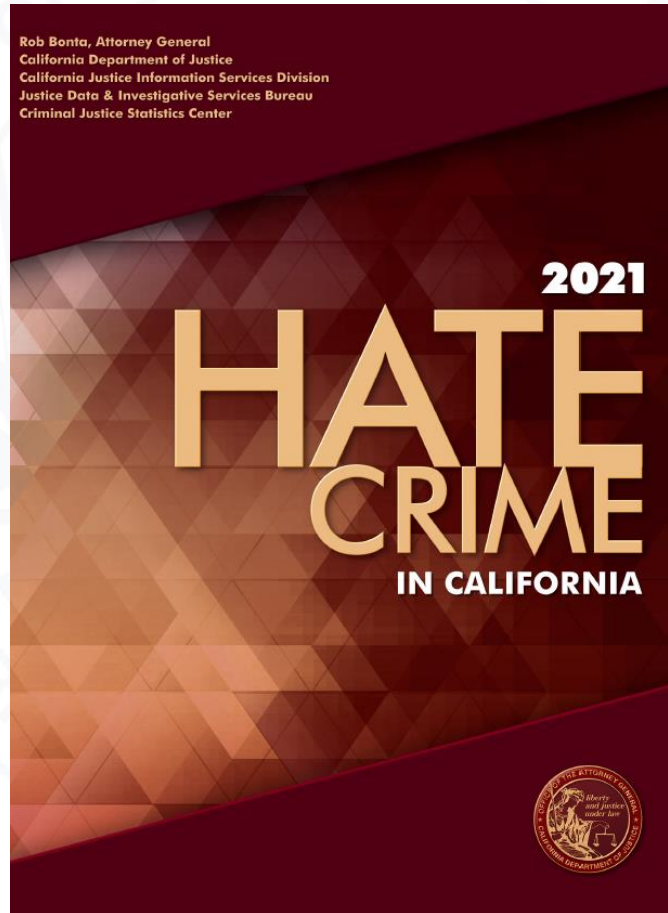


Hate Crime Caveats

- There must be a criminal act.
- The crime must be bias motivated.
- The bias comes from the offender.
- The victim(s) do not have to possess the characteristics behind the offender's bias.
- The victim should report the crime.



2021 Statistics



2021 Overview

Hate crime data fluctuates from year to year and over time. There are high years and low years.

Here is a recap of REPORTED hate crimes:

- Over the last 10 years, reported hate crime events have increased by 89.6 percent.
- The lowest year for reported hate crime events was 2014 with 758 events.
- Reported hate crime events increased 32.6 percent from 1,330 in 2020 to 1,763 in 2021.
- Reported hate crime offenses increased 42.1 percent from 1,563 in 2020 to 2,221 in 2021.
- The number of victims of reported hate crimes increased 41.9 percent from 1,536 in 2020 to 2,180 in 2021.
- The number of suspects of reported hate crimes increased 41.2 percent from 1,171 in 2020 to 1,654 in 2021.



2021 Overview



EVENT

The term **event** is defined as 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.



OFFENSE

The term **offense** is defined as criminal acts that are recorded as follows: murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, fondling, intimidation, and destruction/vandalism, false pretenses, and weapons violations as defined in the Uniform Crime Reporting (UCR) and the national Hate Crimes Statistics Report.



2021 Overview

Racial Bias Events

Reported hate crime events involving a racial bias overall increased 33.1 percent from 875 in 2020 to 1,165 in 2021.

- Anti-black or African American bias events rose from 456 in 2020 to 513 in 2021, an increase of 12.5 percent.
- Anti-Hispanic or Latino events rose from 152 in 2020 to 197 in 2021, an increase of 29.6 percent.
- Anti-Asian bias events rose from 89 in 2020 to 247 in 2021, an increase of 177.5 percent.



2012-2021 Overview

Table 18
HATE CRIMES, 2012-2021
 Single-Bias Events by Race/Ethnicity/National Origin

Race/ethnicity/national origin	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total.....	528	489	412	428	519	602	594	523	875	1165
Anti-white.....	40	38	28	34	56	47	48	39	82	83
Anti-black or African American.....	289	285	238	231	251	302	276	243	456	513
Anti-Hispanic or Latino.....	88	64	60	81	83	126	149	110	152	197
Anti-American Indian/Alaskan Native.....	3	3	2	2	9	5	2	1	2	2
Anti-Asian.....	23	30	19	19	22	37	34	43	89	247
Anti-Native Hawaiian or Pacific Islander ¹ ...	-	-	-	1	5	3	3	0	0	1
Anti-Arab ²	17	21	12	12	19	15	16	20	10	20
Anti-multiple races (group).....	22	18	14	17	34	22	23	26	25	33
Anti-other ethnicity/national origin.....	45	28	37	30	37	42	31	32	44	55
Anti-citizenship status.....	1	2	2	1	3	3	12	9	15	14

¹ Reporting of anti-Native Hawaiian or Pacific Islander bias motivation began in 2015.

² Data does not match previously published reports due to the separation of anti-Arab bias type from anti-other ethnicity/national origin bias type.



2021 Overview

Religion Bias Events

Reported hate crime events involving a religion bias increased 21.1 percent from 180 in 2020 to 218 in 2021.

- Anti-Jewish bias events rose from 115 in 2020 to 152 in 2021, an increase of 32.2 percent.
- Anti-Catholic bias events rose from 6 in 2020 to 16 in 2021.



2012-2021 Overview

Table 19
HATE CRIMES, 2012-2021
 Single-Bias Events by Religion

Religion	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total.....	129	127	190	171	207	201	208	180	180	218
Anti-Jewish.....	70	80	97	82	104	126	141	115	115	152
Anti-Catholic.....	7	5	11	12	20	10	7	6	6	16
Anti-Protestant.....	3	2	3	2	7	1	1	3	3	2
Anti-Islamic (Muslim).....	21	18	40	37	46	28	25	15	15	18
Anti-Sikh ¹	-	2	0	1	5	0	0	4	4	0
Anti-multiple religions (group)....	4	2	9	4	3	5	7	2	2	5
Anti-other religion.....	24	18	29	33	22	30	27	35	35	25
Anti-atheism/agnosticism/etc.....	0	0	1	0	0	1	0	0	0	0

¹ Reporting of anti-Sikh bias motivation began in 2014.



2021 Overview

Sexual Orientation Bias Events

Reported hate crime events involving a sexual orientation bias increased 47.8 percent from 205 in 2020 to 303 in 2021.

- Anti-gay (male) bias events rose from 162 in 2020 to 211 in 2021, an increase of 30.2 percent.
- Anti-homosexual bias events rose from 21 in 2020 to 61 in 2021.
- Anti-lesbian bias events rose from 18 in 2020 to 27 in 2021.



2012-2021 Overview

Table 20
HATE CRIMES, 2012-2021
 Single-Bias Events by Sexual Orientation

Sexual orientation	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total.....	235	216	187	188	207	246	238	233	205	303
Anti-gay (male).....	116	106	78	108	152	172	169	172	162	211
Anti-lesbian.....	28	27	27	25	18	20	24	22	18	27
Anti-homosexual.....	88	77	79	48	32	45	41	35	21	61
Anti-heterosexual.....	1	3	1	3	4	6	1	1	0	0
Anti-bisexual.....	2	3	2	4	1	3	3	3	4	4



2021 Overview

Reported Offenses

Reported hate crime offenses increased 42.1 percent from 1,563 in 2020 to 2,221 in 2021.

- Violent crime offenses increased 47.4 percent from 1,088 in 2020 to 1,604 in 2021.
- Property crime offenses increased 27.7 percent from 469 in 2020 to 599 in 2021. (Table 13)



2012-2021 Overview

Table 23
HATE CRIMES, 2012-2021
 Single-Bias Offenses by Type of Violent Crime

Violent crime	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total.....	761	680	653	727	767	860	838	864	1,088	1,604
Murder.....	0	0	1	3	0	3	0	1	0	0
Rape.....	2	1	0	0	1	0	1	3	3	6
Robbery.....	34	38	31	29	32	55	39	40	51	54
Aggravated assault.....	235	153	185	212	189	242	239	290	327	511
Simple assault.....	239	250	201	237	237	259	286	270	358	499
Intimidation.....	251	238	235	246	308	301	273	260	349	532
Fondling ¹	-	-	-	-	-	-	-	-	-	2

¹New category added 2021 due to the implementation of incident based reporting. Please see Data Characteristics for further information.



2012-2021 Overview

Table 24
HATE CRIMES, 2012-2021
 Single-Bias Offenses by Type of Property Crime

Property crime	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total.....	408	386	313	330	417	451	426	390	469	599
Burglary.....	12	21	12	11	16	18	8	12	13	14
Larceny-theft.....	3	6	7	3	7	6	11	5	9	19
Motor vehicle theft.....	2	2	0	0	2	0	4	1	2	2
Arson.....	9	7	5	5	19	15	12	11	16	12
Destruction/vandalism.....	382	350	289	311	373	412	391	361	429	550
False pretense/swindle ¹	-	-	-	-	-	-	-	-	-	1
Weapons law violation ¹	-	-	-	-	-	-	-	-	-	1

¹New category added 2021 due to the implementation of incident based reporting. Please see Data Characteristics for further information.



Open Justice

- Data transparency website available to the public
- Download raw data files
- Download “Readme” files- descriptions, governing statutes, known data limitations, and data dictionaries for each data set
- Access annual reports

