

# Hate Crime

## **Data Set Overview and History**

The Department of Justice (DOJ) Criminal Justice Statistics Center (CJSC) collects information on hate crimes. The Hate Crime database (HATE) data are submitted to the DOJ monthly by various law enforcement agencies (LEAs) throughout the state. Hate crime acts involves the intent to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated by the victim's race, ethnicity, religion, gender, sexual orientation, or physical or mental disability.

## **Statutory Authority**

The DOJ has the statutory authority to collect HATE data pursuant to Penal Code section 13023.

## **Data Characteristics and Known Limitations**

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

1. A hate crime event contains the occurrence of one or more criminal offenses, committed against one or more victims, by one or more suspects or perpetrators. Victims can have more than one offense committed against them. This data provides information regarding the most serious offense committed.
2. Hate crimes reported by law enforcement agencies are counted in a specific way. In each hate crime event, the DOJ counts the total number of victims, the total number of 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).
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; size 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:
  - a. Cultural practices of individuals and their likeliness to report hate crimes to law enforcement agencies.
  - b. Strength and investigative emphasis of law enforcement agencies.
  - c. Policies of law enforcement agencies.
  - d. Community policing policies.
6. In 2009, the DOJ began collecting information on hate crimes involving multiple-bias motivations. Law enforcement agencies were able to report up to five bias motivations for each hate-related event, as long as there was a unique offense for each bias motivation.
7. In 2011, the DOJ expanded the acceptable location codes for the California hate crime data collection system to reflect modifications implemented at the national level.
8. In 2013, the DOJ expanded the gender bias for the California hate crime data collection system to include gender non-conforming in order to reflect modifications implemented at the national level.
9. A significant reason for the disparity between individual victims and victims that are an entity is due to the DOJ's Criminal Justice Statistics Center's use of the Federal Bureau of Investigation Uniform Crime Reporting program standards. A property crime against an entity (a business, religious organization, government institution, etc.) can only be counted as one victim, whereas a crime committed against an individual can have more than one victim per crime event.
10. In 2013, the FBI's Uniform Crime Reporting Program revised the definition of "forcible rape" (the carnal knowledge of a female forcibly and against her will) to "rape" and defined as "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." The DOJ implemented this definition change in January 2014.

### **Glossary of Terms**

**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 (Federal Bureau of Investigation'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, or physical/mental disability.

**Bisexual**— of or relating to persons who experience sexual attraction toward and responsiveness to both males and females; (noun) a bisexual person.

**Case** — 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 who share common or similar traits in language, custom, and tradition.

**Event**— an occurrence when 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.

**Gay**— of or relating to males who experience a sexual attraction toward and responsiveness to other males; (noun) a homosexual male.

**Gender Non-Conforming**— (adjective) describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.

**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 charged.

**Heterosexual**— of or relating to persons who experience sexual attraction toward and responsiveness to members of the opposite sex; (noun) a heterosexual person.

**Homosexual**— of or relating to persons who experience sexual attraction toward and responsiveness to members of their own sex; (noun) a homosexual person.

**Known Suspect**— any person alleged to have committed a criminal act or attempted criminal act 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.

**Lesbian**– of or relating to females who experience sexual attraction toward and responsiveness to other females; (noun) a homosexual female.

**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, such as 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**– criminal acts that are recorded as follows: murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, intimidation, and destruction/vandalism as defined in the 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 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 based on religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples are Catholics, Jews, Muslims, 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 that does not involve the use of a firearm, knife, cutting instrument, or other dangerous weapon and in which there were no 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.

**Uniform Crime Reporting**– a federal reporting system that provides data on crime based on police statistics submitted by law enforcement agencies throughout the nation. The DOJ administers and forwards the data for California to the federal program.

**Victim**– an individual, a business or financial institution, a religious organization, government, or other. For example, if a church or synagogue is vandalized or desecrated, the victim would be a religious organization.

**Violent Crimes**– murder, 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.)

**Data Elements and Values Defined**

<b>Cell Location</b>	<b>Data Element</b>	<b>Description/ Definition</b>	<b>Value</b>
A	RecordID	The system generated number assigned to the incident.	15 digit alpha-numeric
B	ClosedYear	The year the hate crime incident occurred or was discovered.	Numeric (CCYY)
C	MonthOccurrence	The month the hate crime incident occurred or was discovered.	Numeric (1-12)
D	County	County of reporting agency.	Numeric (01-58)
E	NCIC	The number for the reporting Agency.	Four digit alpha-numeric (0100-5899)

F	TotalNumberOfVictims	The total number of victims affected by the hate crime incident.	Numeric Count
G	TotalNumberOfIndividualVictims	The total number of person victims affected by the hate crime incident.	Numeric Count
H	SuspectsRaceAsAGroup	The race of the suspects as a group, not individually. For example, if there were three White and one Asian in the group of suspects the value here would read "Group of Mixed Races"	<p><b>Current Codes:</b>                      American Indian or Alaska Native                      Asian/Pacific Islander                      Black or African American                      East Indian/Asian Indian                      Group of Multiple Races                      Hispanic                      White</p> <p><b>Previous Codes:</b>                      East Indian (valid in 2003)                      White (includes Hispanic, East Indian) (Valid 1995-2000)</p>
I	TotalNumberOfSuspects	The total number of known suspects involved with the hate crime incident.	Numeric Count
J	MostSeriousUCR	The most serious crime (offense) committed in this hate crime incident. The crime types are defined by the federal Uniform Crime Report program.	Aggravated Assault Arson Burglary Destruction/Damage/Vandalism Intimidation Larceny-Theft Motor Vehicle Theft Murder Rape Robbery Simple Assault
K	MostSeriousUCRType	The category of crime the most serious offense is associated with.	Violent Crime Property Crime
L	MostSeriousLocation	The location associated with the most serious crime	Air/Bus/Train Terminal Bank/Savings and Loan Bar/Night Club Church/Synagogue/Temple Commercial Office Building

		<p>committed for this hate crime incident.</p>	<p>Construction Site                  Convenience Store                  Department/Discount Store                  Drug Store/Dr.'s Office/Hospital                  Field/Woods/Park                  Government/Public Building                  Grocery/Supermarket                  Highway/Road/Alley/Street                  Hotel/Motel/etc.                  Jail/Prison                  Lake/Waterway/Beach                  Liquor Store                  Parking Lot/Garage                  Rental Storage Facility                  Residence/Home/Driveway                  Restaurant                  Service/gas Station                  Specialty Store (TV, Fur, etc.)                  Other/Unknown                  Abandoned/Condemned Structure                  Amusement Park                  Arena/Stadium/Fairgrounds/Coliseum                  ATM Separate from Bank                  Auto Dealership New/Used                  Camp/Campground                  Daycare Facility                  Dock/Wharf/Freight/Modal Terminal                  Farm Facility                  Gambling Facility/Casino/Racetrack                  Industrial Site                  Military Installation                  Park/Playground                  Rest Area                  School-College/University                  School-Elementary/Secondary                  Shelter-Mission/Homeless                  Shopping Mall                  Tribal Lands                  Community Center</p>
<p>M</p>	<p>MostSeriousBias</p>	<p>The specific bias motivation for the most serious crime committed for this hate crime incident.</p>	<p><b><u>Race/Ethnicity/Ancestry:</u></b>                  Anti-White                  Anti-Black or African American                  Anti-American Indian/Alaska Native                  Anti-Asian                  Anti-Multiple Races/Group</p>

			<p>Anti-Native Hawaiian or Other Pacific Islander          Anti-Arab          Anti-Hispanic or Latino          Anti-Other Race/Ethnicity/Ancestry          Anti-Citizenship</p> <p><b>Religion:</b>          Anti-Jewish          Anti-Catholic          Anti-Protestant          Anti-Islamic (Muslim)          Anti-Other Religion          Anti-Multiple Religions/Group          Anti-Atheism/Agnosticism          Anti-Mormon          Anti-Jehovah’s Witness          Anti-Eastern Orthodox(Russian/Greek/Other)          Anti-Other Christian          Anti-Buddhist          Anti-Hindu          Anti-Sikh</p> <p><b>Sexual Orientation:</b>          Anti-Gay (Male)          Anti-Lesbian          Anti-Lesbian/Gay/Bisexual or Transgender (Mixed Group)          Anti-Heterosexual          Anti-Bisexual</p> <p><b>Disability:</b>          Anti-Physical Disability          Anti-Mental Disability</p> <p><b>Gender:</b>          Anti-Male          Anti-Female</p> <p><b>Gender Nonconforming:</b>          Anti-Transgender          Anti-Gender Nonconforming</p>
N	MostSeriousBiasType	The bias type category the specific bias motivation falls under.	Race/Ethnicity/Ancestry Religion Sexual Orientation

			Disability Gender Gender Nonconforming
O	MostSeriousVictimType	The type of victim associated with the most serious crime committed for this hate crime incident.	Individual Business Financial Institution Government Religious Organization School Other Unknown
P	WeaponType	The type of weapon used in this hate crime incident.	Arson, Fire Blunt Object (bludgeon, club, etc) Firearm (unknown whether handgun, rifle or shotgun) Handgun Knife or Other Cutting or Stabbing Instrument Other (bottle, rocks, spitting) Other Gun (pellet, BB, stun gun, etc.) Personal Weapons (hands, feet, teeth, etc.) Poison Rifle Ropes or Garrote Strangulation or Hanging Shotgun Unknown Vehicle
Q	Offensive_Act	The type of offensive act committed in this hate crime incident.	Annoying Telephone Calls/Fax Bombing Cross Burning Damage to Vehicle Daubing of Swastika Disturbing Public Assembly/Meeting Explosion Graffiti Hanging in Effigy Other Rock Throwing Threatening Letters/Flyers/Email Unknown Verbal Slurs
R	IsMultipleBias	Denotes if event had more than one bias reported.	TRUE (Blank)

DOJ CJSC HATE Context

S	TotalNumberOfIndividualVictimsAdult	The total number of adult victims related to this incident.	Numeric Count
T	TotalNumberOfIndividualVictimsJuvenile	The total number of juvenile victims related to this incident.	Numeric Count
U	TotalNumberOfSuspectsAdult	The total number of adult suspects related to this incident.	Numeric Count
V	TotalNumberOfSuspectsJuvenile	The total number of juvenile suspects related to this incident.	Numeric Count
W	SuspectsEthnicityAsAGroup		Group of Multiple Ethnicities Hispanic or Latino Not Hispanic or Latino Unknown