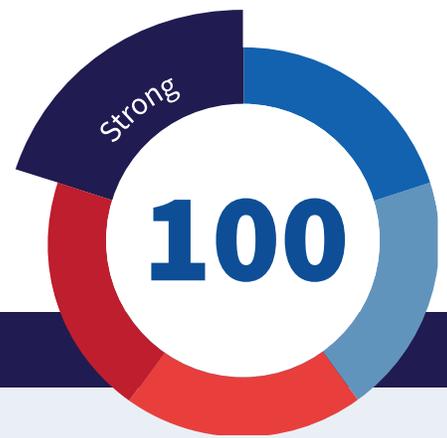


# CALIFORNIA

Total population: 39,250,017

Rank of Arab American population by state: 1



19 anti-Arab hate crime incidents were reported in CA in 2016.

**California** is the most populated state and has the largest Arab American population in the country.

The California Department of Justice, Criminal Justice Statistics Center (CJSC), is the state agency responsible for the collection and publication of hate crime data. According to the CJSC's annual publication, there were 19 anti-Arab hate crime incidents reported throughout California in 2016.

## HATE CRIME STATUTE

Cal. Pen. Code § 4.22.6 prohibits a person from intimidating or interfering with any other person in the free exercise or enjoyment of their civil rights because of their actual or perceived disability, gender, including gender expression,<sup>1</sup> nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.<sup>2</sup> Furthermore, Cal. Pen. Code §§ 4.22.7-4.22.76 permit increased punishment and penalty enhancement for hate crime offenses, and require that hate crime be considered an aggravating circumstance in the punishment of felonies.<sup>3</sup>

## DATA COLLECTION STATUTE

Cal. Pen. Code § 13023 requires law enforcement agencies to report hate crime-related information to the California Department of Justice.<sup>4</sup> Pursuant to Cal. Pen. Code § 13010,<sup>5</sup> the Department is required to submit its analysis of this information, and other information related to criminal statistics, to the public through its OpenJustice Web Portal.<sup>6</sup>

## LAW ENFORCEMENT TRAINING STATUTE

Cal. Pen. Code § 13519.6 requires law enforcement and correctional agencies to provide a “course of instruction and training” on hate crime. The training must address “special problems inherent in some categories of hate crime, including...anti-Arab/Middle Eastern and anti-Islamic hate crimes, and techniques and methods to handle these special problems.”<sup>7</sup>

Additionally, the training must include instruction on “law enforcement procedures, reporting, and documentation of hate crimes,” in accordance with Cal. Pen. Code § 13519.6(b)(4).<sup>8</sup>

Housed within the California Department of Justice, the Commission on Peace Officers Standards and Training oversees the establishment and implementation of minimum standards for law enforcement training and education programs.<sup>9</sup>

| CALIFORNIA   |              |
|--|--------------|
| <b>Hate Crime Statute</b>                       | <b>40/40</b> |
| No statute; civil action or civil rights law   | -            |
| Hate crime statute, with protections for:  | 10           |
| Race/ethnicity/ancestry  | 5            |
| Religion   | 5            |
| Sexual orientation   | 5            |
| Disability   | 5            |
| Gender   | 5            |
| Gender identity  | 5            |
| <b>Data Collection Statute</b>                 | <b>15/15</b> |
| Data collection (voluntary reporting)  | -            |
| Mandatory reporting and data collection  | 15           |
| <b>Law Enforcement Training Statute</b>       | <b>15/15</b> |
| No statute; comprehensive training   | -            |
| Mandatory training   | 15           |
| <b>Annual Hate Crime Report</b>               | <b>20/20</b> |
| Annual hate crime report, including:   | 10           |
| Anti-Arab hate crime statistics  | 5            |
| Anti-Islamic (Muslim) hate crime statistics  | 5            |
| <b>FBI Hate Crime Statistics Participant</b>  | <b>10/10</b> |
| <b>TOTAL</b>   | <b>100</b>   |

<sup>1</sup> Cal. Pen. Code § 4.22.56 (JUSTIA 2017), available at <https://law.justia.com/codes/california/2017/code-pen/part-1/title-11.6/chapter-1/section-422.56>.

<sup>2</sup> Cal. Pen. Code § 4.22.6 (JUSTIA 2017), available at <https://law.justia.com/codes/california/2017/code-pen/part-1/title-11.6/chapter-2>.

<sup>3</sup> Cal. Pen. Code §§ 4.22.7-76, *supra* note 2.

<sup>4</sup> Cal. Pen. Code § 13023 (JUSTIA 2017), available at <https://law.justia.com/codes/california/2017/code-pen/part-4/title-3/chapter-1/article-2/section-13023>.

<sup>5</sup> Cal. Pen. Code § 13010 (JUSTIA 2017), available at <https://law.justia.com/codes/california/2017/code-pen/part-4/title-3/chapter-1/article-1/section-13010>.

<sup>6</sup> Open Justice Initiative, California Dep't of Justice, Hate Crime from 2007 to 2016, <https://openjustice.doj.ca.gov/2016/hate>.

<sup>7</sup> Cal. Pen. Code § 13519.6 (JUSTIA 2017), available at <https://law.justia.com/codes/california/2017/code-pen/part-4/title-4/chapter-1/article-2/section-13519.6>.

<sup>8</sup> *Id.*

<sup>9</sup> Cal. Pen. Code § 13510 (JUSTIA 2017), available at <https://law.justia.com/codes/california/2017/code-pen/part-4/title-4/chapter-1/article-2/section-13510>.

## DATA COLLECTION & STATISTICS

Pursuant to Cal. Pen. Code § 13010, the California Attorney General is permitted to “approve reports on special aspects of criminal statistics.”<sup>10</sup> The CJSC publishes an annual report on statewide hate crime statistics. The 1995-2016 editions of *Hate Crime in California* can be found on the CJSC website.<sup>11</sup> The CJSC also maintains an online database of statewide criminal justice statistics. Established in 2015, OpenJustice is “a data-driven initiative that embraces transparency to strengthen trust, enhance government accountability, and improve public policy in the criminal justice system.”<sup>12</sup>



## ANNUAL STATEWIDE HATE CRIME REPORT

State-level hate crime statistics published by the CJSC include data on anti-Arab and anti-Islamic (Muslim) hate crime. The CJSC tabulates hate crime data according to the number of events, offenses, victims, and suspects per disaggregated bias motivation category. All California law enforcement agencies operate data collections and submit hate crime data to the CJSC.

- ANTI-ARAB HATE CRIME STATISTICS**  
 Prior to the 2016 edition of *Hate Crime in California*, the CJSC recorded anti-Arab hate crimes under a composite ethnicity/national origin category. In *Hate Crime in California, 2001*, the CJSC attributed a 346 percent increase of anti-other ethnicity/national origin hate crimes to violence targeting Arab Americans in the aftermath of 9/11.<sup>14</sup>
- ANTI-ISLAMIC (MUSLIM) HATE CRIME STATISTICS**  
 Anti-Islamic (Muslim) hate crime statistics are provided in the 1995-2016 editions of *Hate Crime in California*. The 2015-2016 CJSC reports suggest a resurgence of hate crimes targeting American Muslims.

## UNIFORM CRIME REPORTING (UCR)

By January 2021, the FBI Uniform Crime Reporting (UCR) Program will depend solely on the National Incident-Based Reporting System (NIBRS) to collect nationwide crime data.<sup>15</sup> This transition entails the sunset of summary-based crime reporting (SRS) and requires cooperation on the part of state UCR programs and individual reporting agencies.

California is in the process of implementing a statewide incident-based reporting (IBR) system to accommodate the proposed federal transition.<sup>16</sup> As of July 27, 2017, the California UCR program was one of 15 state programs that rely exclusively on SRS data.<sup>17</sup>

According to the Bureau of Justice Statistics, California has received funding through the National Crime Statistics Exchange (NCS-X) Initiative, which is designed to “implement efficient and minimally burdensome processes” for states’ transition to NIBRS-compliant reporting.<sup>18</sup>

## CONTACT

Department of Justice  
 Criminal Justice Statistics Center  
 Post Office Box 903427  
 Sacramento, California 94203-4270  
 (916) 227-3546  
<http://oag.ca.gov/crime>

## HATE CRIME IN CALIFORNIA INCIDENTS (2000-2016)

| Bias motivation                    | '00 | '01 | '02 | '03 | '04 | '05 | '06 | '07 | '08 | '09 | '10 | '11 | '12 | '13 | '14 | '15 | '16 |
|------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Anti-Arab                          | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | -   | 19  |
| Anti-Islamic (Muslim)              | 3   | 73  | 14  | 19  | 29  | 12  | 14  | 13  | 11  | 13  | 22  | 17  | 20  | 21  | 18  | 40  | 37  |
| Anti-other race/ethnicity/ancestry | 96  | 428 | 161 | 119 | 105 | 89  | 94  | 96  | 69  | 67  | 57  | 81  | 62  | 49  | 49  | 42  | 37  |

According to supplemental data from the FBI, 10 anti-Arab hate crime incidents were reported in California in 2015. These incidents were recorded under a composite ethnicity/national origin category in the 2015 CJSC report.<sup>19</sup> With respect to anti-Islamic (Muslim) hate crime, a single-incident discrepancy occurs between CJSC and FBI statistics for 2015. California law enforcement agencies submit hate crime data to the FBI UCR Program through the CJSC.

## FBI HATE CRIME STATISTICS (2015-2016)

| Bias motivation       | '15 | '16 |
|-----------------------|-----|-----|
| Anti-Arab             | 10  | 19  |
| Anti-Islamic (Muslim) | 41  | 37  |

<sup>10</sup> Cal. Pen. Code § 13010, *supra* note 5.

<sup>11</sup> Criminal Justice Statistics Ctr., California Dep’t of Justice, CJSC Publications, <https://oag.ca.gov/cjsc/pubs>.

<sup>12</sup> Open Justice Initiative, *supra* note 6.

<sup>13</sup> Criminal Justice Statistics Ctr., California Dep’t of Justice, *Hate Crime in California 2016* (Jul. 3, 2017), available at <https://oag.ca.gov/cjsc/pubs#hate>.

<sup>14</sup> Criminal Justice Statistics Ctr., California Dep’t of Justice, *Hate Crime in California 2001* (2002), available at <https://oag.ca.gov/cjsc/pubs#hate>.

<sup>15</sup> CJIS Div., Fed. Bureau of Investigation, SRS to NIBRS: The Path to Better Data (Mar. 28, 2017), <https://www.fbi.gov/services/cjis/cjis-link/srs-to-nibrs-the-path-to-better-ucr-data>.

<sup>16</sup> Criminal Justice Statistics Ctr., California Dep’t of Justice, NIBRS Annual Transition Progress Report 2016 (Jul. 1,

2017), available at <https://oag.ca.gov/cjsc/pubs#nibrs-tpr>.

<sup>17</sup> Bureau of Justice Statistics, U.S. Dep’t of Justice, 2017 NCS-X Estimation Project (Jul. 27, 2017), available at <https://www.bjs.gov/content/pub/pdf/17ncsxep.pdf>.

<sup>18</sup> Bureau of Justice Statistics, U.S. Dep’t of Justice, National Crime Statistics Exchange (last updated Jun. 2017), <https://www.bjs.gov/content/ncsx.cfm>.

<sup>19</sup> Criminal Justice Statistics Ctr., California Dep’t of Justice, *Hate Crime in California 2015* (2016), available at <https://oag.ca.gov/cjsc/pubs#hate>.

## FBI HATE CRIME STATISTICS

Pursuant to the Hate Crime Statistics Act (HCSA) of 1990 the FBI UCR Program collects data on "crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation, or ethnicity."<sup>20</sup>

Since 1993, the FBI UCR Program has published the annual report, *Hate Crime Statistics*, which is based on voluntary submissions from participating law enforcement agencies. In 2016, agencies from 49 states and the District of Columbia participated in the national hate crime statistics program.

For the most part, hate crime data is collected at the state level and forwarded to the FBI UCR Program. A total of 48 states maintain a state-level UCR data collection. UCR programs in 38 states publish annual hate crime statistics. Some participating law enforcement agencies submit hate crime data directly to the FBI UCR program.<sup>21</sup>



## FBI HATE CRIME STATISTICS PARTICIPANT

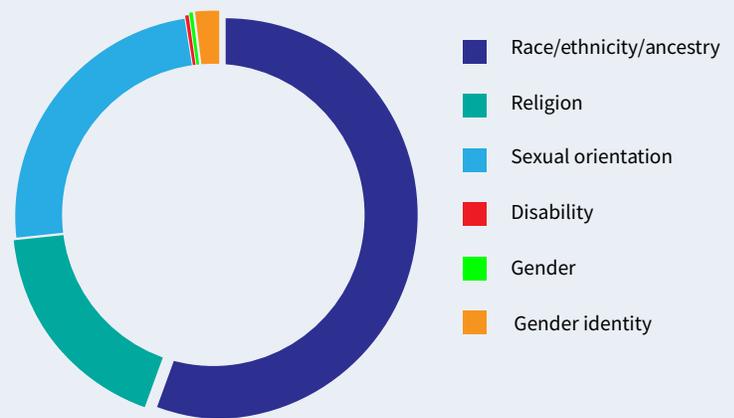
Law enforcement agencies in California submit hate crime data to the FBI UCR Program through the CJSC. According to the FBI UCR Program's annual report, *Hate Crime Statistics*, 931 hate crime incidents were reported in California in 2016.

In 2016, 213 of the 733 California law enforcement agencies participating in the national hate crime statistics program submitted incident reports to the FBI UCR Program. A total of 15 agencies representing populations greater than 100,000 submitted only zero data.

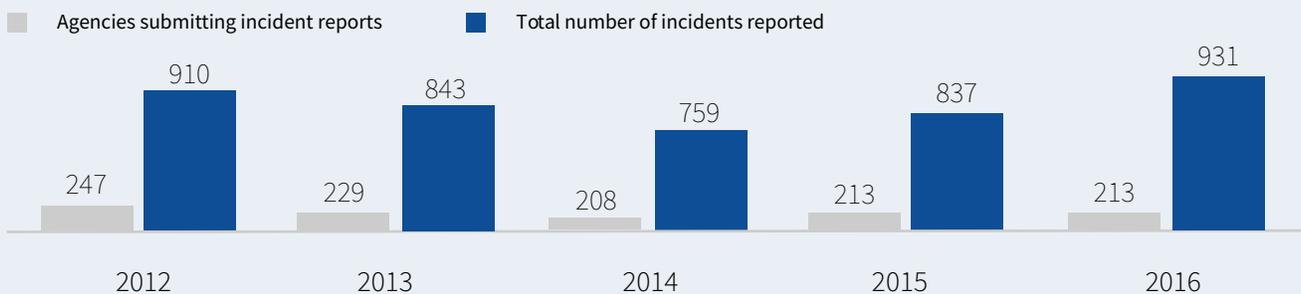
According to annual hate crime statistics published by the CJSC, 931 hate crime incidents were reported in California in 2016. This total is consistent with the FBI UCR Program's annual report, *Hate Crime Statistics, 2016*. Discrepancies occur between state and federal hate crime statistics for 2012-2014.

## FBI HATE CRIME STATISTICS: CALIFORNIA 2012-2016

| Incidents per bias motivation | 2012       | 2013       | 2014       | 2015       | 2016       | Total        |
|-------------------------------|------------|------------|------------|------------|------------|--------------|
| Race/ethnicity/ancestry       | 530        | 489        | 416        | 427        | 522        | 2,384        |
| Religion                      | 144        | 129        | 128        | 191        | 171        | 763          |
| Sexual orientation            | 234        | 217        | 187        | 188        | 208        | 1,034        |
| Disability                    | 2          | 1          | 4          | 4          | 2          | 13           |
| Gender                        | -          | 0          | 2          | 1          | 3          | 6            |
| Gender identity               | -          | 7          | 22         | 26         | 27         | 82           |
| <b>Total</b>                  | <b>910</b> | <b>843</b> | <b>759</b> | <b>837</b> | <b>933</b> | <b>4,282</b> |



## PARTICIPATION IN UCR HATE CRIME STATISTICS PROGRAM



## SUMMARY

California has an inclusive hate crime statute. Furthermore, California has statutes that require reporting, data collection, and specific law enforcement training on hate crime. The California Department of Justice, Criminal Justice Statistics Center, maintains the state clearinghouse for all police-reported crime data, including hate crime, and is responsible for publishing annual statistics. Copies of *Hate Crime in California* can be found on the CJSC website and include both anti-Arab and anti-Islamic (Muslim) hate crime statistics. In 2016, 213 California law enforcement agencies submitted hate crime incident reports to the FBI UCR Program. The remaining 520 participating agencies provided only zero data. A total of 2 participating agencies recorded blank data in at least one quarterly submission period. California receives an overall score of 100 points, denoting a strong response to hate crime.

<sup>20</sup> 28 U.S.C. § 534 (JUSTIA 2016), available at <https://law.justia.com/codes/us/2016/title-28/part-ii/chapter-33/sec.-534>.

<sup>21</sup> Uniform Crime Reporting Program, Fed. Bureau of Investigation, Data Quality Guidelines, [https://ucr.fbi.gov/data\\_quality\\_guidelines](https://ucr.fbi.gov/data_quality_guidelines).

# ADVOCACY RESOURCES - California

## IMPROVING THE RESPONSE

Most states have failed to enact sufficient legislation to address, prevent, and counteract hate crime in American communities. To accompany our federal hate crime laws, state legislatures must pass the following:

1. **An inclusive hate crime statute**, which covers a wide range of criminal offenses and provides enhanced penalties for crimes motivated because of citizenship status, race, ethnicity, color, disability, age, ancestry or national origin, gender or gender identity, sexual orientation, religion, or homelessness. Such protections are pursuant to model hate crime legislation drafted by the Arab American Institute. According to the model statute, penalty enhancement may incorporate alternatives to fines or increased prison sentences. Alternatives include restitution for victims and communities, participation in educational programs, and restorative justice.
2. **Statutes that require reporting, data collection, and specific law enforcement training on hate crime.** Centralized state agencies must publish comprehensive, accessible statistics on the nature and extent of hate crime occurring within their state. These statistics must conform to national UCR standards and include the bias motivation categories identified in the FBI's annual report, *Hate Crime Statistics*. States must also require law enforcement training schools to provide comprehensive training to ensure that officers are prepared to investigate, report, and respond to hate crime incidents.

## STATE RECOMMENDATIONS

According to our rating methodology, California receives an overall score of 100 points, denoting a strong response to hate crime. Some room for improvement remains. Advocates for an improved response to hate crime in California should promote the following:

1. The current California hate crime statute offers protections for disability, gender, including gender expression, nationality, race or ethnicity, religion, and sexual orientation. The California hate crime statute should be amended to include protections for **citizenship status, color, age, ancestry, homelessness**, or association with a person or group with one of these actual or perceived characteristics.
2. The California Department of Justice should continue to promote and develop its OpenJustice web portal for transparent, inclusive, and accessible criminal justice data.
3. In 2016, 213 of the 733 California law enforcement agencies participating in the national hate crime statistics program submitted incident reports to the FBI UCR Program.
  - California must transition to the National Incident-Based Reporting System (NIBRS) to facilitate hate crime reporting and data collection. By January 2021, all law enforcement agencies in the United States will be required to report crime information through NIBRS.

## STATE CONTACTS

Advocates for an improved response to hate crime in California should contact current state legislators and members of Congress.

### California State Legislature

Contact: (916) 324-0333

Senate: <http://senate.ca.gov>

Assembly: <http://assembly.ca.gov>

### United States Senate

Contact: California

<https://www.senate.gov/senators/contact>

### United States House of Representatives

Directory of Representatives: California

<https://www.house.gov/representatives#state-california>