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## Hate Crimes in California

*Law Enforcement Has Not Adequately Identified, Reported, or Responded to Hate Crimes*

### Background

Although hate crimes—criminal acts committed because of the victim's actual or perceived protected characteristics—make up a small percentage of total reported crimes, the number of reported hate crimes in California had steadily declined since 2007 but increased in 2015 and 2016. While law enforcement agencies such as the California Highway Patrol and sheriff's and police departments investigate hate crimes, the Office of the Attorney General directs these agencies to report certain hate crime information to the California Department of Justice (DOJ) in order to annually submit the information to the Federal Bureau of Investigation (FBI). Prosecutors decide whether to prosecute hate crimes based on the evidence law enforcement agencies collect. We examined the State's status in implementing hate crime laws and reviewed the efforts at four law enforcement agencies.

### Key Findings

- Some of the law enforcement agencies we reviewed did not correctly identify hate crimes.
  - » Three of the agencies misidentified some of the hate crimes—one of the agencies misidentified eight of the 15 hate incident cases we reviewed.
  - » All four agencies had inadequate policies or tools to identify these crimes—one agency had outdated policies that incorrectly describe certain hate crimes and two agencies did not have supplemental hate crime reporting forms that patrol officers could use in identifying hate crimes.
  - » Some of the agencies do not provide—nor does the state monitor or evaluate—refresher hate crime training that contains critical procedures for identifying hate crimes.
- Hate crimes are difficult to prosecute largely due to a lack of identifiable suspects or insufficient evidence to meet the high standard of proof required. Prosecutors convict defendants of hate crimes at only about half the rate at which they convict defendants for all felonies in the State.
- Because agencies have submitted incomplete and inaccurate hate crime information, the DOJ has underreported hate crimes to the FBI and in its hate crime database.
  - » Although DOJ's guidance requires law enforcement agencies to submit hate crime information monthly, it has made no recent effort to ensure all agencies do so.
  - » Because of its statutory responsibilities to collect, analyze, and report on hate crimes, DOJ is uniquely positioned to provide leadership for law enforcement agencies' response to hate crimes.
- Although hate crimes are underreported, some law enforcement agencies do not conduct sufficient outreach to vulnerable communities to encourage witnesses and victims to report hate crimes.

### Key Recommendations

- The Legislature should require DOJ to improve its outreach efforts to law enforcement agencies by modifying its database to facilitate analysis, generating additional outreach material, and sharing hate crime information with all law enforcement agencies.
- The DOJ should maintain a list of all law enforcement agencies, obtain hate crime information from the agencies, periodically review these agencies to ensure the accuracy of data reported, and issue guidance and information on best practices for conducting outreach to all law enforcement agencies.
- Law enforcement agencies should accurately identify and report hate crimes, update policies and procedures, implement supplemental reporting, and oversee the reporting of hate crimes.