













***Protecting Californians from Hate Crimes: A Progress Report  
August 2004***

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## ***Executive Summary***

Hate crimes in California rose to record highs in 2001, the year of the terrorist attacks on the World Trade Center and Pentagon. Most of the increase reflected a wave of violence after September 11 against people perceived to be Arabs or Muslims. Crimes that targeted Arabs and other Middle Easterners jumped 346 percent that year, local law enforcers reported to the California Department of Justice. Reported crimes against Muslims skyrocketed 2,333 percent.

In the two years after 2001, however, reported hate crimes in California fell to record lows, dropping by 26.6 percent in 2002 and 10 percent in 2003. Overall, they plunged a net of 24 percent between 2003 and 2000, the year before the attacks of 9/11. A hate-crime hotline established by the Department of Fair Employment and Housing recorded 233 calls in the six months after 9/11. It received just nine in the six months from October 2002 to March 2003.

Perhaps these declining reports of crimes of bias reflect the attention that California has placed in recent years on fighting hate crimes through public statements that help create a climate of acceptance and increased enforcement of hate-crime laws, even as its population has grown increasingly diverse.

Historically each year, including in 2001, the greatest numbers of hate crimes have been reported against African-Americans and male homosexuals.

Hate crimes by legal definition are committed wholly or partly because of a victim's ancestry, race, ethnicity, nationality, religion, sexual orientation, gender, or disability. Laws against these crimes essentially are aimed at protecting anyone from being attacked on motives of prejudice. A defendant need not actually hate a victim to be convicted of committing a so-called hate crime. The perpetrator only must select the victim because of discrimination against one or more of the victim's protected characteristics.

Victims of hate crimes may feel intensely vulnerable, angry or depressed and may experience future difficulties with interpersonal relationships. These effects, considered symptoms of post-traumatic stress disorder, may last as long as five years. In contrast, victims of other kinds of crimes typically experience a decrease in psychological problems related to their ordeals within two years. Like others who suffer post-traumatic

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stress, hate-crime victims may heal more quickly if they receive appropriate support and resources soon after the crimes.

Understanding the definitions and descriptions of hate crimes identified in California statutes is crucial for ensuring the statutes are enforced. Law-enforcement personnel must know what constitutes a hate crime for such crimes to be successfully reported, charged and prosecuted and for victims to be appropriately counseled and/or compensated. Yet only 49.1 percent of nearly 400 city police departments and county sheriffs' offices in California had hate-crime policies and protocols in place in 2002, according to a University of California study.

University of California researchers Valerie Jenness and Ryken Grattet found that hate-crime guidelines for officers increased a law-enforcement agency's likelihood of reporting such crimes to the state by 25 percent. Without policies to guide peace officers, they determined, offenses motivated by bias are far less likely to be reported or prosecuted as hate crimes. As explained in Chapter I, six studies in the last four years have found significant undercounting of hate crimes in California and nationwide.

Rarely are crimes based on gender or disability reported as hate crimes. Yet significant research suggests that those with disabilities are targeted for violent crime at much higher rates than the general population. Just nine crimes of gender bias were reported in California in 2003 and only one crime of prejudice based on disability.

California keeps no hate-crime records on the significant racial and ethnic gang violence among inmates or youthful wards behind bars or on crimes against mentally-ill prisoners that may qualify as hate offenses. Crimes against immigrants are not defined as hate crimes unless based on race, ethnicity or nationality. However, the Southern Poverty Law Center reported a rise in offenses against documented and undocumented immigrants throughout the country in 2001.

Despite the state's many protective laws against hate crimes, as discussed in Chapter III, relatively few defendants are prosecuted or convicted of violating them. California law-enforcement agencies reported nearly 1,500 hate offenses against 1,815 victims in 2003. Of those, district attorneys filed 304 hate-crime complaints and obtained just 128 hate-crime convictions. Most offenders aren't caught, many who are arrested may not be charged with hate crimes and, to convict suspects, prosecutors have the difficult task of proving specific intent.

Chapter IV notes efforts by the executive branch in recent years to discourage offenses based on bias and assist victims. Governor Gray Davis in 1999 appointed former U.S. Secretary of State Warren Christopher and former California Governor George Deukmejian to chair an advisory commission on hate groups. Although the panel determined that "California's laws addressing hate-motivated behavior are among the

most comprehensive in the nation,” it identified further steps to “help turn the tide against hate groups.”

Attorney General Bill Lockyer in 2000 created a Civil Rights Commission on Hate Crimes. It reported the following year that many senior supervisors and administrators in law enforcement lack training in identifying and handling hate crimes. As of June 2003, 43 percent of the state’s peace officers had received a four-hour course on hate crimes offered by the Commission on Peace Officer Standards and Training. In addition, the Department of Justice has created a hate-crime database that is expected to become available this year to all law-enforcement agencies in California.

Hate-crime victims in California are eligible for up to \$70,000 from the State Victims Compensation Program to help reimburse out-of-pocket costs. The Department of Fair Employment and Housing may award victims damages of up to \$150,000 for emotional distress and losses.

This report explores what is known about hate crimes based on the research of experts. It also examines what has been done to define, punish and discourage offenses motivated by bias and hatred in the Golden State. Chapter I explores the statutory definitions of hate crimes. Chapter II reviews statistics and trends. Chapter III discusses recent legislation and its implementation, while Chapter IV looks at the role the executive branch has played in combating these crimes. Chapter V concludes with an overview of emerging issues. In exploring these, it notes that disparities continue in the enforcement of laws that seek to protect Californians from crimes based on who they are.

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## **Chapter I: What is a Hate Crime?**

### ***Discrimination, Not Hate, Is Required for a “Hate” Crime***

The key element that generally distinguishes a hate crime from any other crime under federal and most states’ laws is that the perpetrator commits the crime wholly or partly because of an actual or perceived protected characteristic of the victim -- typically disability, gender, nationality, race or ethnicity, religion, or sexual orientation. This requirement of specific intent is in addition to, not instead of, the requirement of a prohibited action; hate-crime laws do not criminalize mere thought.<sup>7</sup>

Contrary to what one might expect of the definition of a “hate” crime, the perpetrator under most hate-crime laws needn’t express or even feel hate toward the victim.<sup>8</sup> In upholding a hate-crime law that omits a requirement for hate, the Florida Court of Appeals reasoned that, from the victim’s viewpoint, the perpetrator’s hate – or lack of it -- is irrelevant:

*[I]t does not matter why a woman is treated differently than a man, a black differently than a white, a Catholic differently than a Jew; it matters only that they are.... It doesn’t matter that [the defendant] hated Jewish people or why he hated them; it only matters that he discriminated against [the victim] by beating him because he was Jewish.<sup>9</sup>*

Hate-crime laws of this type require proof of intentional, discriminatory selection of the victim because of a protected characteristic. It is the

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<sup>7</sup> Ryken Grattet and Valerie Jenness, *Policy Responses to the Victimization of Persons with Disabilities: An Assessment of the Viability of Using Hate Crime Law to Enhance the Status and Welfare of Persons with Disabilities*, presented at the National Academy of Sciences annual meeting, Oct. 1999, pp. 8-9.

<sup>8</sup> Many authors refer to hate crimes, perhaps more accurately, as “bias crimes” or “discrimination crimes.”

<sup>9</sup> *Dobbins v. State* (1992) 605 S. 2<sup>nd</sup> 922.

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perpetrator's act of discrimination, not hate or hate speech, that is punishable.<sup>10</sup> The U.S. Supreme Court has upheld this approach.<sup>11</sup>

***California Hate-Crime Laws***

California has three types of hate-crime laws:

- Statutes that make certain discriminatory actions a crime. All of these statutes follow the discriminatory-selection model that the courts have upheld, as discussed above.
- Statutes that prescribe additional penalties for certain other crimes when they are committed because of bias. The sentence enhancements range from racial-sensitivity training classes to the death penalty.
- Statutes that require reporting of hate crimes, require training of police and school personnel on hate crimes, require public-information efforts to combat such crimes, protect certain hate-crime victims from discrimination in insurance coverage, and provide rewards for information on hate crimes.

These state laws include a wide variety of definitions of "hate crime," and of crimes that commonly are called hate crimes. In addition, other agencies and groups have adopted multiple definitions that depart from these statutory definitions. The Commission on Peace Officer Standards and Training has adopted a definition in its basic hate-crime training curriculum for law-enforcement officers, the California District Attorneys Association has a definition in its prosecutor hate-crime training publication, several other state agencies define the term in various ways in various publications, and the federal government and private anti-hate groups have adopted definitions that many individual law-enforcement agencies have used to craft their own working definitions.

Most of the state's statutory definitions – and all of those that create crimes or that increase penalties for other crimes – say that the perpetrator's intent must be to commit the crime *because of, by reason of, or motivated by* the victim's real or, in some cases, perceived protected characteristic.<sup>12</sup> One states that "because of" means that "the bias motivation must be a cause in fact of the offense, whether or not other causes also exist." It goes on to require, "When multiple concurrent

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<sup>10</sup> Scott Phillips and Ryken Grattet, "Judicial Meaning-Making, and the Institutionalization of Hate Crime Law," *Law & Society Review*, Vol. 34, No. 4, 2000, p. 584.

<sup>11</sup> *Wisconsin v. Mitchell* (1993) 508 U.S. 476.

<sup>12</sup> Education Code Sections 233, 48990.3 and 67380; Insurance Code Section 676.10; and Penal Code Sections 190.03, 190.2, 422.6, 422.7, 422.75, 594.3, 1170.75 and 13023.

motives exist, the prohibited bias must be a substantial factor in bringing about the particular result.”<sup>13</sup>

Two sections concerning school hate-crime reporting<sup>14</sup> and one concerning the Commission on Peace Officer Standards and Training, however, use a definition requiring *hostility* based on the protected characteristics.<sup>15</sup>

All of California’s statutory definitions identify certain real and, in some cases, perceived characteristics of victims for protection. Various statutes use these terms to describe the protected characteristics: *age, ancestry, color, creed, disability, ethnic background, ethnicity, gender, handicap (sic), national origin, nationality, race, religion, religious belief,*<sup>16</sup> and *sexual orientation*. Two also protect the characteristics of being *identified*<sup>17</sup> or *associated with or an advocate for*<sup>18</sup> persons with another protected characteristic.

Since all persons have these characteristics, the hate-crime laws protect everyone.<sup>19</sup> The statutes don’t create “protected classes.”

Some California statutes require that the perpetrator’s action also meet certain other criteria to fit the definition. For example, the principal section creating a hate crime<sup>20</sup> states that no person shall *by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States* because of the victim’s real or perceived protected characteristics.

Interestingly, the law requiring schools to report “hate crimes” to the state for statistical purposes,<sup>21</sup> the law guiding the Commission on Peace Officer Standards and Training’s “hate crime” training,<sup>22</sup> and the law against discrimination in providing insurance to “hate crime” victims<sup>23</sup> don’t explicitly require that the covered acts of hate actually be crimes. These three definitions are so broad they may cover some non-criminal

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<sup>13</sup> Penal Code Section 422.75.

<sup>14</sup> Penal Code Sections 628.1, 628.2.

<sup>15</sup> Penal Code Section 13519.6.

<sup>16</sup> The state Department of Justice interprets “anti-religion” to include “anti-atheism/agnosticism, etc.” In the last nine years, two hate crimes have been reported in this subcategory (*Hate Crime in California 2003*, Department of Justice, Sacramento, July 2004, p. 42  
<<http://caag.state.ca.us/cjsc/publications/hatecrimes/hc03/preface.pdf>>

<sup>17</sup> Penal Code Section 422.75(b).

<sup>18</sup> Penal Code Section 13519.6.

<sup>19</sup> For example, the state Department of Justice reported 85 anti-white crimes in 2003, the fourth largest number of any subcategory of race/ethnicity hate crimes (*Hate Crime in California 2003, op. cit.*, p. 6).

<sup>20</sup> Penal Code Section 422.6(a).

<sup>21</sup> Penal Code Section 628.1.

<sup>22</sup> Penal Code Section 13519.6.

<sup>23</sup> Insurance Code Section 676.10.



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acts that are more commonly considered “hate incidents” or “hate-motivated incidents.”<sup>24</sup>

Finally, California has several statutes prohibiting acts such as cross burning on another person’s property and protecting adults with disabilities, religious worshippers, and places of worship from various criminal acts, with no requirement that the criminal have a specific intent to harm a person or property because of a protected characteristic. These laws generally aren’t considered hate-crime laws because of the lack of such a specific-intent requirement, though they include some of the same protected characteristics and are directed at some of the same behavior as hate-crime laws.

Please see the Appendix, page 61, for a list of California’s hate-crime and related statutes.

**Law-Enforcement Agencies’ Definitions**

Law-enforcement agencies often adopt written policies, usually called general orders, instructing officers how to carry out their responsibilities. The policies often include working definitions of legal terms. These policies are key to front-line officers’ understanding and enforcement of the law, a 2003 University of California report finds.<sup>25</sup> The report observes that “there is growing evidence that general orders shape the practice of policing,” noting that three studies have found that when a specific hate-crime policy exists, officers tended to follow the guidelines closely.<sup>26</sup> In some cases, according to a fourth study, policies “alter dramatically” what officers do.<sup>27</sup>

The university researchers interviewed 12 California law-enforcement officers ranging from patrol officers to police chiefs. They found that “officers rarely consult the California [Penal] Code; instead, they get their

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<sup>24</sup> “Hate motivated incident’ means an act or attempted act which constitutes an expression of hostility against a person or property or institution because of the victim’s real or perceived race, religion, disability, gender, nationality, or sexual orientation. This may include using bigoted insults, taunts, or slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets” (Penal Code Section 628.1(b)(1)).

<sup>25</sup> V. Jenness and R. Grattet, *op cit*, p. 3.

<sup>26</sup> James J. Nolan and Yoshio Akiyama, “Assessing the Climate for Hate Crime Reporting in Law Enforcement Organizations: A Force-field Analysis,” *The Justice Professional*, 2002; Jennifer Balboni and Jack McDevitt, “Hate Crime Reporting: Understanding Police Officer Perceptions, Department Protocol, and the Role of the Victim: Is There Such a Thing as a Hate Crime?” *Justice Research and Policy*, 2001; and Susan Martin, “A Cross-Burning is Not Just an Arson: Police Social Construction of Hate in Baltimore County,” *Criminology*, 1995; cited in *Ibid*, pp. 11-17.

<sup>27</sup> Chuck Wexler and Gary T. Marx, “When Law and Order Works: Boston’s Innovative Approach to the Problem of Racial Violence,” *Crime and Delinquency*, 1986, cited in *Ibid.*, p. 10.

understanding of the law from a variety of sources, including the general orders....”<sup>28</sup>

As of 2002, 49.1 percent of California’s 397 city police departments and county sheriff’s offices, covering 70 percent of the state’s population, had adopted their own general orders or other formal policies on hate crimes, according to the study.<sup>29</sup> The local law-enforcement agencies’ policies, in the report’s words, “vary immensely”:<sup>30</sup>

*Some definitions appear to be overly-inclusive, while others are comparatively vague.... The truly amazing thing is that no agency in the state directly relies on the actual criminal statutes for definition.*<sup>31</sup>

Demonstrating the variation in the policies of the local law-enforcement agencies, the University of California report finds that:

- 70 agencies inaccurately tell their officers that “hostility” is an element that must be present for a crime to be a hate crime.<sup>32</sup> Another 64 require “intimidation, harassment, or threats,”<sup>33</sup> while another 40 require actions “designed to frighten or produce emotional suffering,”<sup>34</sup> which in fact most laws don’t require.
- 113 accurately use definitions that explicitly direct officers to recognize circumstances involving mixed motives as hate crimes if at least one of the motivations meets the hate-crime definition. The rest omit this fact.<sup>35</sup>
- 99 accurately inform officers that the actual status of the victim is not a factor that excludes an act from being classified as a hate crime. The rest omit this fact.<sup>36</sup>
- Almost all of the 49.1 percent that have policies accurately include race, religion, and sexual orientation as protected characteristics.<sup>37</sup> Only about two-thirds of the 49.1 percent accurately include gender and disability.<sup>38</sup>

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<sup>28</sup> V. Jenness and R. Grattet, *op cit.*, p. 24.

<sup>29</sup> *Ibid*, p. 28.

<sup>30</sup> Of the 194 agencies that have general orders, 165 base their definitions on those developed by a variety of sources including state agencies, national law-enforcement and anti-hate groups, and other law-enforcement agencies; 22 created their own definitions; and 7 use no definition. (*Ibid*, pp. 33, 75.)

<sup>31</sup> *Ibid*, p. 29, 33.

<sup>32</sup> *Ibid*, p. 32.

<sup>33</sup> *Ibid*, p. 31.

<sup>34</sup> *Ibid*, p. 30.

<sup>35</sup> *Ibid*, p. 31.

<sup>36</sup> *Ibid*, p. 31.

<sup>37</sup> *Ibid*, p. 32.

<sup>38</sup> *Ibid*, p. 32.

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**Police Desire a Clearer Definition**

While examining the official definitions of any crime is necessary, examining how front-line officers interpret them and carry them out is also essential. This is especially true with hate crimes. As the Department of Justice's Criminal Justice Statistics Center tells law-enforcement agencies in its training materials on reporting hate crimes, "The peace officer's professional judgment is the basis for determining whether or not an incident is reported as a hate crime."<sup>39</sup> One recent study notes:

*[H]ate crimes are different from other crimes in that they give more power to police.... [S]ince most bias-motivated incidents are first placed in other criminal categories such as battery, assault, and vandalism, bias crimes do not exist in practice until police say they do [emphasis added].<sup>40</sup>*

Two state commissions that listened to law-enforcement officers found that the officers desired more clarity:

- The Christopher-Deukmejian Commission reported: "The representatives interviewed from law-enforcement agencies believe that it would be beneficial to develop statewide guidelines and a standardized definitional system with respect to hate crimes and hate groups."<sup>41</sup>
- The Attorney General's Civil Rights Commission on Hate Crimes conducted 22 public forums across the state in 2000 and heard from law-enforcement officers and many others. According to that commission's report, these officers "testified about a lack of guidance regarding the proper identification and reporting of hate crimes and suggested that the commission find a way to get law enforcement, members of the community, and school staff 'on the same page' when defining a hate crime."<sup>42</sup>

Thus, while the courts have spelled out constitutionally permissible outlines of hate-crime laws and California criminal statutes appear to follow the courts' guidance, there are a wide variety of specific definitions used in the field that appear to cause significant law-enforcement confusion and could cause inconsistent reporting, prosecution, and punishment of hate crimes.

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<sup>39</sup> "Peace Officer Judgment," *Hate Crimes Statistics Program*, Department of Justice, Sacramento.

<sup>40</sup> Jeannine Bell, *Policing Hatred: Law Enforcement, Civil Rights, and Hate Crime*, New York: New York University, 2002, pp. 2-3.

<sup>41</sup> W. Christopher and G. Deukmejian, *op cit.*, p. 56.

<sup>42</sup> *Reporting Hate Crimes: The California Attorney General's Civil Rights Commission on Hate Crimes: Final Report*, Department of Justice, Sacramento, 2001, p.14  
<http://caag.state.ca.us/publications/civilrights/reportingHC.pdf>.

## **Chapter II: Hate-Crime Statistics and Trends**

### **Reported Hate Crimes Drop in 2002, 2003**

Statute requires local law-enforcement agencies to submit hate-crime reports to the state Department of Justice.<sup>43</sup> The department's Criminal Justice Statistics Center reviews the police reports. When the center finds that report is incomplete or doesn't contain sufficient information to be classified as a hate crime, such as failing to list a protected characteristic, or it appears that the crime may be a hate crime, the center sends that law-enforcement agency a form letter. The law-enforcement agency then can either provide additional information or agree with the center's determination that it isn't a hate crime. The center compiles annual statistics from the reports that pass this process.<sup>44</sup>

The annual report for 2003 finds that reported hate crimes in California rose to record-high levels in 2001 and fell to record-low levels in the following two years by many measures. Reported hate-crime events (many of which involved multiple offenses) were up 15.5 percent in 2001 and down 26.6 percent in 2002 and 10.1 percent in 2003 -- a net drop of 23.8 percent in 2003 compared with 2000.<sup>45</sup> (See Figure 1, page 8.)

Almost all of the 2001 increase reflected a nationwide hate-crime wave against actual and perceived Arabs and Muslims -- including Sikhs, South Asians, and Latinos -- following September 11, 2001. The number of reported hate-crime events in the "anti-other ethnicity/national origin" subcategory, which includes "anti-Arab/Middle Eastern" hate crimes, increased 345.8 percent in 2001. The number reported in the anti-Islamic subcategory increased 2,333.3 percent.<sup>46</sup>

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<sup>43</sup> Penal Code Section 13023.

<sup>44</sup> *Hate Crime in California 2003, op cit.*, p. 52.

<sup>45</sup> *Ibid.*, p. 16.

<sup>46</sup> *Ibid.*, p. 42.

















































































































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never approved them for publication.<sup>284</sup> In any case, these publications weren't intended as rigorous evaluations of hate-crime prevention programs, but as "a tool for communities to use in response to hate crimes in their area and ideas for youth activism."<sup>285</sup>

- The California School Violence and Prevention Response Task Force in 2000 found that "much of what is known about the impact of violence prevention programs in school is anecdotal and has not been rigorously evaluated."<sup>286</sup> The task force didn't address hate crimes in particular.
- The California Attorney General's Commission strongly supported creation of community "hate crime prevention and response networks" to increase hate-crime identification, law-enforcement response, reporting, and victim support. However, the commission frankly admitted that there is "no indication that the networks are responsible for reductions in hate-motivated violence or hate crimes."<sup>287</sup>

Nonetheless, there is some solid research on the subject.

One publication<sup>288</sup> summarizing two studies<sup>289</sup> reports that "people who witness others expressing non-prejudiced attitudes (such as the calls for unity that were frequently made after September 11) are less likely to show bias themselves."

One study of the rates of and motivations for antigay harassment and violence among otherwise non-criminal community-college students in the San Francisco Bay Area suggests that antigay harassment and violence is widespread and that that many young adults believe it is socially acceptable.<sup>290</sup> While the study doesn't measure actual outcomes of any prevention efforts, it predicts that "because antigay behaviors are culturally normative and usually go unreported, educational outreach to adolescents and preadolescents is likely to be a more effective prevention strategy than criminal prosecutions under special hate crime laws."<sup>291</sup>

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<sup>284</sup> Karen McLaughlin, Education Development Center, Boston, personal communication, Nov. 10, 2003.

<sup>285</sup> Jennifer Wiley-Cordone, Education Development Center, Boston, personal communication, Nov. 9, 2003.

<sup>286</sup> *School Violence Prevention and Response*, *op. cit.*, p. 69.

<sup>287</sup> *Reporting Hate Crimes*, *op. cit.*, p. 14.

<sup>288</sup> Phyllis B. Gerstenfeld, "A Time to Hate: Situational Antecedents of Intergroup Bias," *Analysis of Social Issues and Public Policy*, 2000, pp. 61-67.

<sup>289</sup> F.A. Blanchard, T. Lilly, and L.A. Vaughn, "Reducing the Expression of Racial Prejudice," *Psychological Science* 2(2), 1991, pp. 101-105; and M.H. Monteith, N.E. Deneen, and G.D. Tooman, "The Effects of Social Norm Activation on the Expression of Opinions Concerning Gay Men and Blacks," *Basic and Applied Social Psychology*, 18, 1996, pp. 267-288.

<sup>290</sup> Karen Franklin, "Antigay Behaviors Among Young Adults," *Journal of Interpersonal Violence*, 15 (4), April 2000, pp. 339-362.

<sup>291</sup> *Ibid*, p. 339.

Finally, as reported earlier in this chapter, a Human Rights Watch report published after the post-9/11 hate-crime wave finds that areas in which law-enforcement agencies had strong pre-existing relationships with the Arab and Islamic communities experienced the fewest post-9/11 hate crimes. Los Angeles and other cities where police had no strong pre-existing relationships with those communities nonetheless had success in preventing hate crimes by quickly deploying officers to vulnerable areas.<sup>292</sup>

With the recent formation of a Hate Crime Research Network based at Portland (Oregon) State University,<sup>293</sup> academic researchers' interest in hate-crime prevention has increased, which may result in more rigorous research.<sup>294</sup>

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<sup>292</sup> A. Singh, *op. cit.*, pp. 3-5.

<sup>293</sup> <http://www.hatecrime.net>.

<sup>294</sup> Brian Levin, Center for the Study of Hate and Extremism, California State University, San Bernardino, personal communication, 2004.



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**Appendix:  
California Hate-Crime and Related Statutes**

Following are California's hate-crime and related statutes as of August 2004. The complete texts of the state's legal codes are available on the California legislative information Website, [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

- **Laws that make certain biased actions crimes:** Penal Code Section 422.6(a), (b) and (c); and Penal Code Section 11413(a), (b)(2) and (9), (d), and (e).
- **Laws that provide for harsher penalties for certain bias crimes:** Penal Code Section 190.03(a); Penal Code Section 190.2(a); Penal Code Section 422.7; Penal Code Section 422.75(a), (b), (c), (e), and (i)(16); Penal Code Section 422.95; Penal Code Section 594.3(b); and Penal Code Section 1170.75.
- **A law that defines "gender" for most purposes:** Penal Code Section 422.76.
- **Laws concerning hate crimes and hate incidents in the schools:** Education Code Section 233(a)(1), (4) and (7), and (e); Education Code Section 48900.3; Education Code Section 67380;<sup>295</sup> Penal Code Section 628; Penal Code Section 628.1;<sup>296</sup> and Penal Code Section 628.2(a) and (b).
- **Laws that provide law-enforcement hate-crime training, reporting, and public information:** Penal Code Section 13023; Penal Code Section 13519.6(a); Penal Code Section 13778; Penal Code Section 13873; and Chapter 899 of 2001, Section 1.<sup>297</sup>
- **A law that protects hate-crime victims from insurance discrimination:** Insurance Code Section 676.10.
- **A law that provides rewards for information on hate crimes:** Penal Code Section 1547(a)(7) and (13), (c), (d), (e) and (f).

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<sup>295</sup> The Postsecondary Education Commission hasn't implemented this section's reporting requirements due to budget limitations. Instead, the commission Web site provides links to similar information that colleges and universities report to the U.S. Office of Postsecondary Education.

<http://www.cpec.ca.gov/links/LinksSubPage.ASP?37>.

<sup>296</sup> Governor Davis and the Legislature suspended operation of this section due to budget limitations before the Department of Education started compiling these statistics.

<sup>297</sup> Uncodified statutes such as this are available through the Senate's Web site. (Statutes [http://info.sen.ca.gov/cgi-bin/pagequery?type=sen\\_statutes&site=sen&title=Statutes&sb=y](http://info.sen.ca.gov/cgi-bin/pagequery?type=sen_statutes&site=sen&title=Statutes&sb=y).)

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- **Laws creating civil remedies for similar offenses:** Civil Code Section 51; Civil Code Section 51.5; Civil Code Section 51.7; Civil Code Section 51.8; Civil Code Section 52; Civil Code Section 52.1; and Civil Code Section 52.4; Civil Code Section 53.
- **Other criminal laws that protect adults with disabilities:** Penal Code Section 368; Penal Code Section 13515; Penal Code Section 13515.25; Welfare and Institutions Code Section 4427.5; Welfare and Institutions Code Section 4640.6(g)(1); Welfare and Institutions Code Division 9, Part 3, Chapter 11, commencing with Section 15600; Welfare and Institutions Code Division 9, Part 3, Chapter 12, commencing with Section 15700; and Welfare and Institutions Code Division 9, Part 3, Chapter 13, commencing with 15750.
- **Other criminal laws that protect religious worshippers and places of worship:** Penal Code Section 302; Penal Code Part 1, Title 111.7, commencing with Section 423; Penal Code Section 594.3(a); Penal Code Section 1170.8; and Penal Code Section 11412.
- **A criminal law on cross-burning and other symbols that terrorize:** Penal Code Section 11411.

## ***Acknowledgments***

The author gratefully acknowledges the help of the many persons who in some cases took great amounts of time and effort to provide information for this report, and who are named in the footnotes. He is especially grateful to the following for their guidance and suggestions:

Zeny Agullana, Department of Justice

Peggy Collins, Senate Select Committee on Developmental Disabilities and Mental Health

Alan Deal, Commission on Peace Officer Standards and Training

Ryken Grattet, University of California, Davis

Donna Hershkowitz, Senate Office of Research

Valerie Jenness, University of California, Irvine

Ann Kelly, Department of Justice

Mary Kennedy, Senate Committee on Public Safety

Rebecca LaVally, Senate Office of Research

Vivian Linfor, Department of Education

Karen Lowrey, Department of Education

Leonard Marowitz, Department of Justice

Laurel Mildred, Senate Office of Research

Donald Moulds, Senate Office of Research

Chuck Nichols, Department of Education

Jennifer Richard, Senator Sheila Kuehl's Office

Jim Root, Department of Justice

Elizabeth Sholes, California Council of Churches and Attorney General's Civil Rights Commission on Hate Crimes

Daniel D. Sorenson, Department of Mental Health and California Coalition on Crimes Against People with Disabilities

Kate Sproul, Senate Office of Research

Max Vanzi, Senate Office of Research