



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia

SUBJECT: HATE CRIME STATISTICS AND
PREVENTION UPDATE

DATE: December 18, 2019

Approved

D. D. Syl

Date

12/18/19

RECOMMENDATION

Accept the staff report on hate crime statistics in San José over the last five years and the San José Police Department's efforts to address hate crimes in San José.

OUTCOME

The San José Police Department will continue to work with Santa Clara County law enforcement and community partners to identify and address hate crimes.

BACKGROUND

At the August 21, 2019, the Rules and Open Government Committee meeting, Councilmember Jimenez brought forward a memorandum that recommended directing the Police Department (Department) and City Manager to conduct the following work:

- (a) Provide an update to full City Council on statistics related to hate crimes in San José over the last five years and provide information on any ongoing and future efforts by the San José Police Department to address hate crimes.
- (b) Initiate conversations with the County of Santa Clara and support any efforts, including a task force, to address ongoing safety concerns and prevent acts of violence motivated by racism, white nationalism, xenophobia, and hate.

The Committee approved both of these recommendations. This memorandum is staff's response to recommendation a. With respect to recommendation b, staff in the City Manager's Office has contacted staff at the County of Santa Clara and indicated the City's interest in participating in a hate crimes task force. The County is currently in the early stages of planning for this task force.

ANALYSIS

The Department's Hate Crime Detail was established in 1993 and was tasked with investigating criminal offenses committed against a person, property or society that was suspected of being motivated, in whole or in part, by bias against the following: race, religion, disability, gender, gender identity, sexual orientation, ethnicity, or national origin.

In addition to investigating all reported hate crimes, the Department also tracks and investigates hate-motivated incidents. Hate crimes and hate-motivated incidents are defined as follows:

- **Hate Crime** – Any unlawful act intended to frighten, harm, injure, intimidate or harass because of bias against actual or perceived gender, race/ethnicity, religion, sexual orientation, disability, or gender identity.
- **Hate-Motivated Incident** – A non-criminal act, including words, directed at a person(s), motivated by the same bias as a hate crime.

Hate Crime Statistics

The Committee asked staff to report on hate crime statistics for the past five years. However, in order to have a better understanding of trends, statistical data from 2008 to present has been compiled. The data will be limited to hate crimes only, and not hate incidents. While the Department tracks hate incidents, many agencies do not. FBI hate crime statistics do not account for hate incidents. For that reason, any comparison would be disproportionate.

There has been an increase in reported hate crimes from 19 in 2016 to 45 in 2017. A single year increase of that magnitude is significant; however, it is important to take a broader examination of the issue to truly understand influences and trends.

In 2008, the Department experienced a similar rise in reported hate crimes. An analysis at that time showed the increase was likely contributed to a change in the hate crime policy and subsequent training that was rolled out to the Department. The changes to the policy encouraged officers to solicit additional information from crime victims. Specifically, officers were instructed to ask victims if they believed that they were targeted due to their gender, sexual orientation, race/ethnicity, disability, religion, or gender identity.

In early 2017, the Department again proactively examined the hate crime policy and reporting process in an effort to ensure we were doing all that we could in responding to hate crimes. An update to the hate crime policy made it mandatory for supervisors, both Sergeants and Lieutenants, to take an active role and respond to hate crime investigations and report their findings to the Hate Crime Detail. The Hate Crime Detail provided training to every patrol officer and encouraged them to ask questions regarding hate during their investigations. These changes and proactive assessments have had a profound impact on the number of hate crimes reported to the Department.

A 2018 study by the Center for the Study of Hate and Extremism at California State University, San Bernardino examined hate crimes in 38 jurisdictions nationwide. One of the findings was that 53% of all reporting agencies saw an increase in reported hate crimes in 2017. The report also noted a correlation between cities with higher numbers per capita also having superior reporting and response practices.¹

Exhibit 1: Twelve-year statistical analysis of hate crimes

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 *
Hate Crimes	43	40	24	32	15	15	11	06	19	45	37	26

* Year-to-date total, January-September 2019

The Department also maintains data on the type of bias exhibited by the offender. Exhibit 2 and 2a show the breakdown of hate crimes by type of bias between 2013 and 2019. Prior to 2013 FBI national statistics limited offender bias to: race, ethnicity, sexual orientation, and disability.

Bias against race/ethnicity, religion, and sexual orientation account for 98% of all reported hate crimes during this period. To better understand the victim demographic, Exhibits 3 and 4 break down offender bias against race/ethnicity and religion into specific groups. Bias toward sexual orientation was entirely directed toward homosexuality.

¹ Levin & Reitzer, Center for the Study of Hate & Extremism- California State University, San Bernardino, Report To The Nation-Hate Crimes Rise In U.S. Cities and Counties In Time of Division & Foreign Interference, May 2018.

Exhibit 2: Hate Crime Offender Bias Breakdown 2013-2019

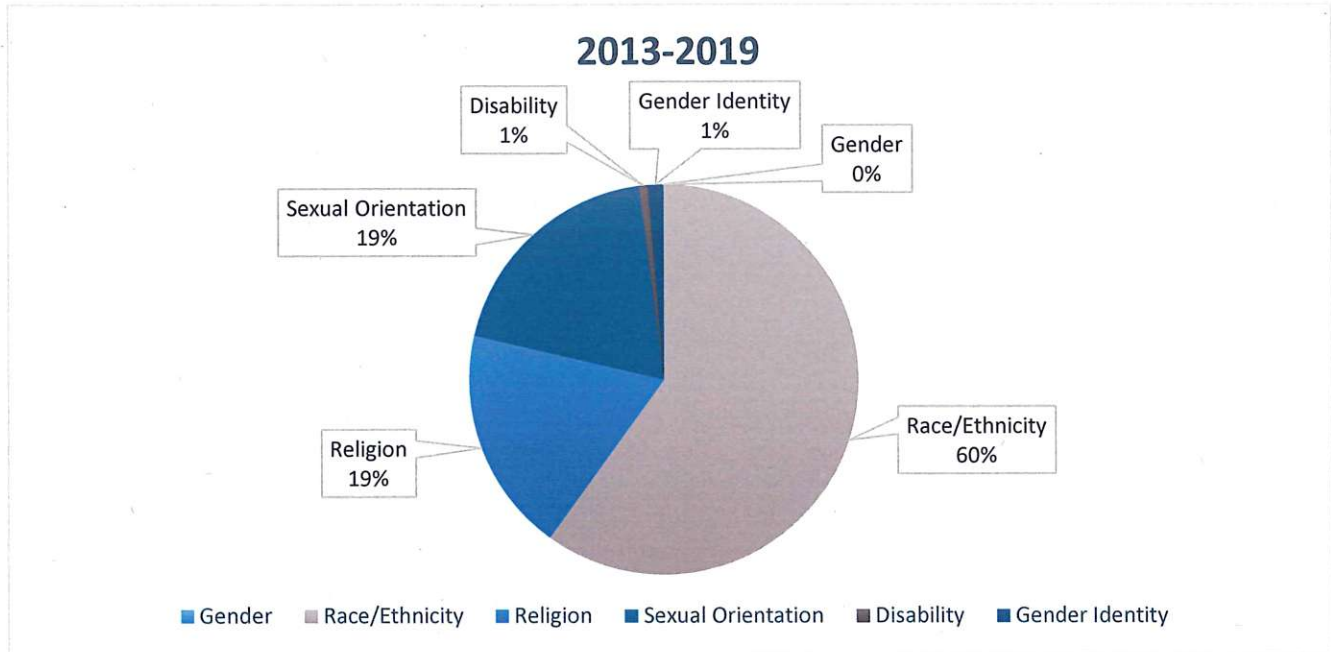


Exhibit 2a: Yearly Offender Bias Breakdown, 2013-2019

	Race/Ethnicity	Religion	Sexual Orientation	Disability	Gender	Gender Identity
2013	7	2	6	0	0	0
2014	9	1	1	0	0	0
2015	3	2	1	0	0	0
2016	10	7	2	0	0	0
2017	26	11	7	0	0	1
2018	22	6	9	0	0	0
2019*	12	5	8	1	0	0

* Year-to-date total, January-September 2019

Exhibit 3: Race/Ethnicity Offender Bias Breakdown, 2018-2019

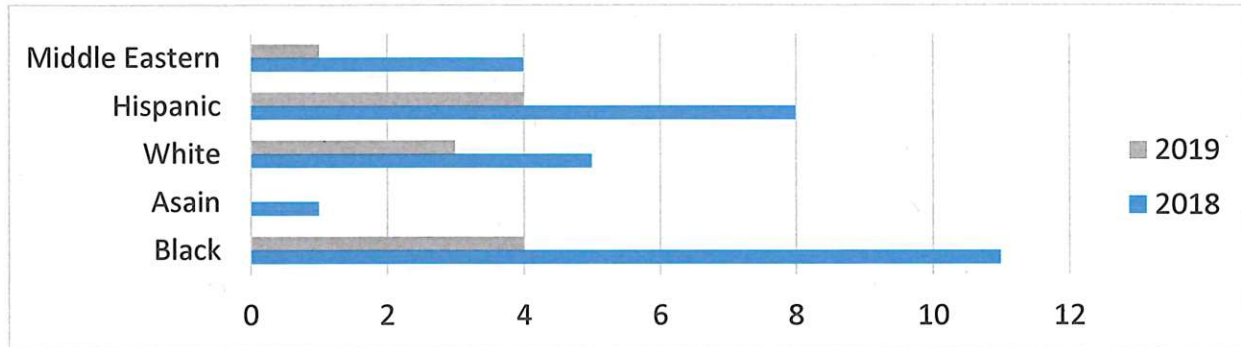


Exhibit 4: Religion Offender Bias Breakdown, 2018-2019

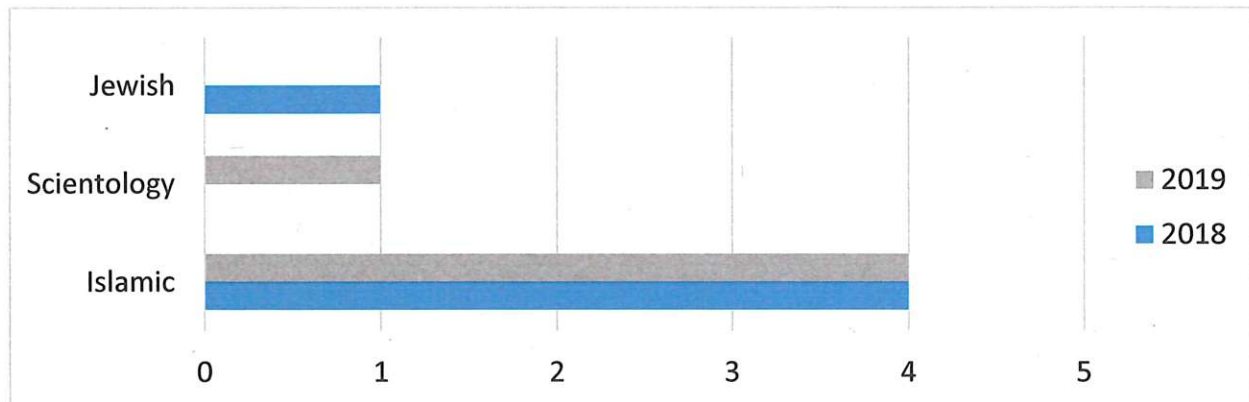


Exhibit 5 shows a comparison between offender bias in hate crimes nationally and in San José for 2017. The rates of offender bias between various categories are similar nationally and in San José. Exhibit 6 shows a comparison between hate crimes in San José and other comparable cities.

Exhibit 5: National Comparison of Offender Bias, 2017

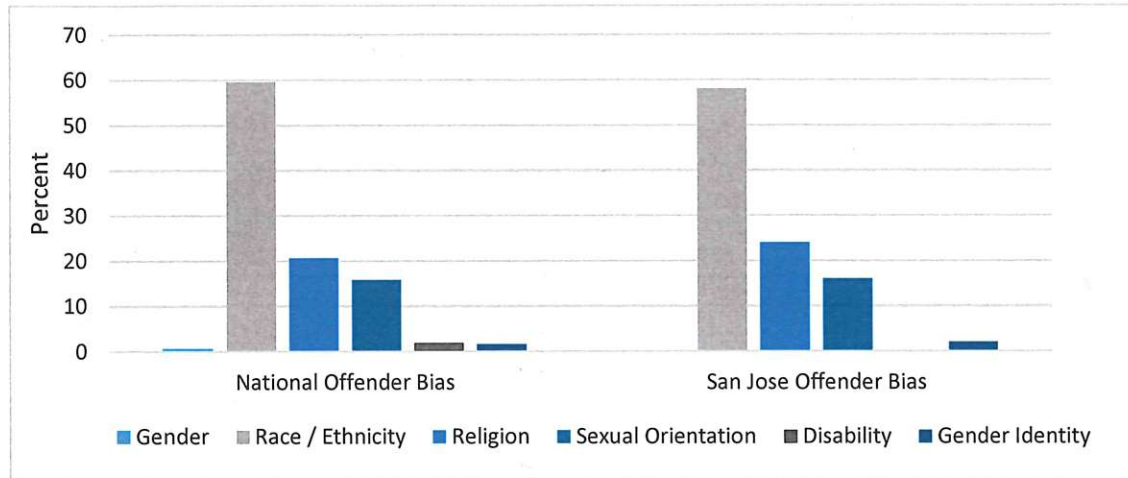


Exhibit 6: Hate Crimes in Comparable U.S. Cities, 2017

City	Population	Reported Hate Crimes
Phoenix	1,644,177	219
Philadelphia	1,575,595	40
San Antonio	1,520,712	4
San Diego	1,424,116	41
Dallas	1,338,551	14
San Jose	1,037,529	45
Austin	971,949	18

On-going and Future Efforts to Address Hate Crime

The Department's efforts to address hate crimes are best examined from three categories: policy, training, and outreach.

Policy

In June of 2001, the Department created a Hate Crime Investigation Policy that mandated the documentation and investigation of hate crimes. The policy has since seen several revisions and updates, most recently in March of 2018. The current policy is quite broad and covers the following topics:

- Definitions
- Civil and criminal statutes
- Criteria for reporting hate-motivated crimes and incidents
- Responsibilities and procedural guidelines for:

- Bureau of Technical Services-Communications
- Bureau of Field Operations- Patrol
- Bureau of Investigations
- Bureau of Field Operations-Crime Prevention Unit
- Bureau of Technical Services- Crime Analysis Unit
- Victim Assistance

The purpose of this policy is to provide a clear framework for the documentation and investigation of hate crimes.

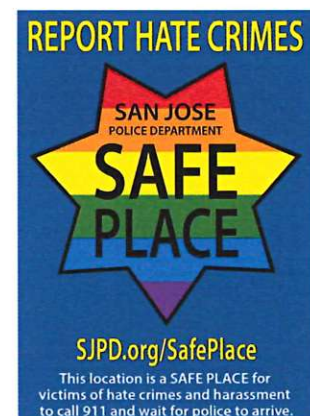
Training

Training begins in the academy. Every police recruit is trained in the importance and investigation of hate crimes. The Department provides on-going training as law changes or trends emerge in the way of training bulletins and “Roll-Call” training. The last such training occurred in 2017 when the Assaults Unit provided refresher training to all of the Patrol Division. This training focused on ensuring that officers were making specific inquiries with victims of assaults, vandalism, or criminal threats, if they believed that bias may have played a part in the motivation for the incident.

Outreach

The Department is continuously involved in community outreach with the goal of ensuring that the community understands the Department’s no tolerance stance for hate crimes, while also listening to their concerns and fears. One recent example of the Department’s efforts regarding outreach is the Safe Place program. The Safe Place program is designed to address the underreporting of hate crimes and hate incidents by increasing public trust in reporting these crimes. The Safe Place program was created in Seattle and has been expanded to more than 130 cities across the nation. Successful implementation of the Safe Place program shows that the business community can play a critical role in assisting the victims of these crimes.

The unique collaboration involves businesses placing SJPD Safe Place decals at their entrance, to serve as an easily recognizable symbol that the SJPD and the business community are actively collaborating with each other to assist the victims of hate crimes and that the community as a whole cares about those affected by hate.



These decals indicate to victims of hate crimes that the location displaying the SJPD Safe Place decals will call 911 on their behalf and allow them to remain on the premises until police arrive.

The Department is also engaged in external outreach. This includes the recent coordination with the Santa Clara County District Attorney’s Office and the City Attorney’s Office to streamline

the process for obtaining and serving Gun Violence Restraining Orders. In addition, the Department is currently working with the City Manager's Office's intergovernmental relations team to support legislation that would address safety concerns and help prevent acts of violence motivated by hate, as well as improving data collection and reporting, and expanding California's "criminal threat" statute [Penal Code 422(a)] to include mass shooting-related threats.

The Department has coordinated with Santa Clara County Police Chiefs Association to establish a county-wide Hate Crime Committee. The committee is in the early stages of development with the current focus on roles, responsibilities, and timelines. The purpose of this committee is to facilitate coordination between police agencies in Santa Clara County in addressing hate crimes.

EVALUATION AND FOLLOW-UP

This memorandum answers the August 21, 2019 request for hate crime statistics and efforts to address hate crimes.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum will be posted to the City Council Agenda website for the January 14, 2020 meeting.

COORDINATION

This memorandum has been coordinated with the City Manager's Office as well as the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

HONORABLE MAYOR AND CITY COUNCIL

December 18, 2019

Subject: Hate Crime Statistics and Prevention Update

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CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

/s/

EDGARDO GARCIA

Chief of Police

For questions, please contact Lieutenant Brian Shab, Assaults Unit Commander, at (408) 277-3835.