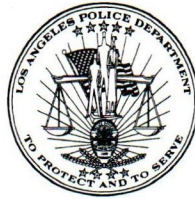


# LOS ANGELES POLICE DEPARTMENT

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July 20, 2022

The Honorable Richard J. Durbin, Chairman  
The Honorable Charles E. Grassley, Ranking Member  
United States Senate Committee on the Judiciary  
United States Senate Office  
50 Constitution Ave NE  
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley,

This letter serves as a response to the written questions posed by Committee Members following the testimony of Detective III Orlando Martinez at the Senate Committee on the Judiciary hearing, "Combating the Rise in Hate Crimes," on Tuesday, March 8, 2022.

Committee Member Blackburn posed the following questions:

- 1. How does the Los Angeles Police Department define and investigate hate incidents? For example, how does the LAPD differentiate between normal criminal acts and crimes motivated by bias, and how does the LAPD make that determination?**

Although there is no legal definition of a bias-motivated or "hate" incident, the Los Angeles Police Department (Department) defines a hate incident as "any non-criminal act including words directed against a person(s) based on that person's actual or perceived race or ethnicity, nationality, religion, sexual orientation, disability, or gender that is not punishable under the California Penal Code or Federal law. Hate incidents are differentiated from hate crimes because they do not violate criminal law. Rather, such incidents are generally protected free speech under the First Amendment to the United States Constitution. Hate incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one's own property."

Although no criminal act is committed during a hate incident, the Department investigates all hate incidents in the same manner as any hate crime. The Department is committed to proactive policing and believes tracking these non-criminal reports can assist in determining problem areas, educating the community, and tracking hotspots that aid in the prevention of criminal acts. This is due to our "trauma informed care" model of investigating crimes and incidents motivated by bias. Trauma informed care realizes the widespread impact of trauma and understands the potential paths for recovery and recognizes the signs and symptoms of trauma in victims,



witnesses, and communities. Officers and detectives provide those affected by hate incidents with the same Department and outside resources available to crime victims. Additionally, follow-up contact with the reporting party and affected community is initiated within ten working days by detectives and our Community Resource Officers to ensure the community that the Department takes bias-motivated events seriously and encourages outreach to resources.

The Department differentiates between normal criminal acts and crimes motivated by bias during the preliminary and subsequent investigation of that crime. When a “normal criminal act” has evidence of biased motivation, either direct evidence (i.e. a racist slur) or circumstantial evidence (i.e. the suspect only targeted one specific protected characteristic during a crime spree) the officer will categorize that crime as motivated by bias (a hate crime). Our Department classifies all crimes with evidence of bias motivation as “hate crimes” and presents them to the District Attorney’s Office for filing consideration. The Department does not categorize cases as “hate crimes” dependent upon the belief or action of whether the District Attorney has enough evidence to prosecute or will file a criminal case. If probable cause for a bias-motivated crime is present, the Department categorizes each case as a bias-motivated crime and reports it to the Department of Justice.

A bias-motivated crime, or “hate crime,” is defined by the Department as “any criminal act or attempted criminal act directed against a person(s), public agency or private institution based in whole or in part on the victim’s actual or perceived race or ethnicity, nationality, religion, sexual orientation, disability or gender; or, because the agency or institution is identified or associated with a person or group of an identifiable or perceived race or ethnicity, nationality, religion, sexual orientation, disability, or gender.” A hate crime includes any willful act that by force or threat of force injures, intimidates, interferes with oppresses, or threatens any other person in the free exercise or enjoyment of any legal right(s) or privilege(s) or defaces, damages or destroys the real or personal property of any other person or entity for the purpose of intimidating or interfering with the free exercise or enjoyment of any legal right(s) or privilege(s), because of the actual or perceived characteristics of the victim, or the victim’s association with a person or entity covered by these protected characteristics.

The Department recognizes the importance of hate incidents and hate crimes and remains committed to thoroughly documenting, identifying, and investigating all cases. When a Department employee becomes aware of a crime or incident motivated by hatred or prejudice they will investigate the crime or incident in accordance with our policies and procedures.

**2. With this in mind, has the LAPD observed a large increase in these incidents in the past year, and if so, is there any group that stands out in particular as being targeted by discriminatory violence and intimidation?**

The Department saw a substantial increase in reported hate crimes and hate incidents during the 2021 calendar year compared to the previous year. There were 615 reported hate crimes in 2021 compared to 359 in 2020. This represents an increase of 71 percent from the prior year. Additionally, there were 452 reported hate incidents in 2021 compared to 199 reported hate incidents in 2020. This represents an increase of 127 percent from the prior year.



The most targeted characteristic for both hate crimes and incidents in the City of Los Angeles for the past seven years has been anti-Race with a sub-bias of anti-Black. One hundred forty-eight (148) of the 615 reported hate crimes, or 24 percent of all crimes, were biased against the Black community. Fifty-nine (59) of the 452 reported hate incidents during 2021, or 13 percent of all incidents, were biased against the Black community. These percentages are the largest share of protected characteristics targeted in the City of Los Angeles.

The Department's goal is to reduce all bias-motivated crimes and the public's fear of the incidence of these crimes. Our Department manual delineates separate individual responsibilities for responding officers, supervisors, watch commanders, our records department, detectives, and the community policing unit during each bias-motivated event.

**3. How do the Department of Justice and other federal agencies assist the LAPD in responding to hate crimes, and how can this relationship be improved?**

The Department has entered into a Memorandum of Understanding (MOU) with the Federal Bureau of Investigation and other local departments, forming the Los Angeles Hate Crimes Task Force. Although the United States Attorney's Office and Los Angeles County District Attorney's Office are not members of the task force, to alleviate conflict of interest concerns, they regularly provide training and legal updates to members in best practices, case law, filing standards, Department guidelines, and protocols. This information is then shared with the entire Department to improve our bias-motivated crime related investigations. The Department of Justice (i.e. Federal Bureau of Investigation) aids the Department in conducting out-of-jurisdiction interviews, locating suspects, and grant opportunities as well as community outreach and training (i.e. United States Attorney's Office).

The Department maintains communication with all federal agencies and reports all cases that may adhere to the elements of federal level bias-motivated crimes. From the onset of the investigation, the Department forwards copies of all related reports and connects investigating detectives with their federal counterparts to ensure all resources all utilized to address these investigations.

This relationship can be improved with more available training to local law enforcement. According to the U.S. Department of Justice website, there are zero (0) hate crime training opportunities in 2022 for law enforcement. To improve training, sessions with a focus on the most common types of hate crimes, community response best practices, proactive policing interventions, and Public Information Office best practices would be the most helpful areas.

Ranking Member Grassley posed the following questions:

**1. Are most suspects of hate crimes white supremacists? How often in your work as Hate Crimes coordinator for the Los Angeles Police Department do you encounter white supremacists?**

There is little evidence of any white supremacist related hate crimes or hate incidents in the City of Los Angeles. In fact, most suspects who commit bias-motivated crimes in the City belong to

a protected characteristic themselves. Most hate crimes were committed by minority residents against other minority residents in the City. For example, in 2021, there were 41 anti-Asian hate crimes compared to 15 in 2020:

- 38 percent of anti-Asian suspects were Hispanic;
- 34 percent of anti-Asian suspects were Black; and,
- 22 percent of anti-Asian suspects were White.

There were 148 anti-Black hate crimes in 2021 compared to 77 in 2020:

- 43 percent of anti-Black suspects were White; and,
- 40 percent of anti-Black suspects were Hispanic.

There were 101 anti-Hispanic hate crimes in 2021 compared to 57 in 2020:

- 73 percent of anti-Hispanic suspects were Black; and,
- 17 percent of anti-Hispanic suspects were White.

There were 80 anti-Semitic hate crimes in 2021 compared to 48 in 2020:

- 13 percent of anti-Jewish suspects were White;
- 10 percent of anti-Jewish suspects were Black; and,
- 3 percent of anti-Jewish suspects were Hispanic.

There were 108 anti-Gay (Male) hate crimes in 2021 compared to 70 in 2020:

- 38 percent of anti-Gay (Male) suspects were Black;
- 35 percent of anti-Gay (Male) suspects were Hispanic; and,
- 17 percent of anti-Gay (Male) suspects were White.

Of the White suspects, the clear majority did not self-identify or report as belonging to or being associated with any White supremacist or hate group. As the Department's Hate Crime Coordinator, no evidence refuting these claims has been found. When investigating a crime or incident, officers specifically evaluate whether they were targeted attacks on, or biased references to symbols of importance or associated with any relative significance to assist the investigation. It is the policy of the Department to safeguard the rights of all individuals irrespective of their race or ethnicity, nationality, immigration status, religion, sexual orientation, gender, gender identity or gender expression, disability, and/or association with a person or group with one or more of these actual or perceived characteristics.



**2. If governmental efforts to combat hate crimes focus only on white supremacists, how much of hate crime will be deterred, prosecuted, and punished? How much will not be?**

Over the past two years, the majority of the known offenders of hate crimes in the City of Los Angeles have been committed by minorities against other minority residents of the City. These hate crimes and incidents have not been concerted efforts of organized White supremacist groups or individuals with any ties to hate groups intended to violate the civil rights of those with protected characteristics. Law enforcement efforts should be prioritized on the general public, who hold biased views without espousing them publicly, and who commit the vast majority of these offenses. Across the world, White supremacists tend to commit the most heinous and violent acts related to hate crimes; however, this fact does not help or assuage crime victims of those suspects not affiliated with hate groups. Government and law enforcement efforts should be focused on those areas to affect the greatest change and assist the most victims possible.

The Department focuses on all bias-motivated events thoroughly. Investigators use all available means, such as social media posts and search warrants of the suspect's residences to attempt to determine any relationship to extremist groups and minimize victimization. All funding efforts should not be limited to a certain group/class, rather we encourage government efforts to focus on all reported bias-motivated crimes to combat hate incidents and hate crimes overall. This approach will protect more victims and assist in cases where the bias motivation may be obscured.

**3. What are some of the characteristics of the most common hate crimes offenders?**

Most hate crime offenders are called "Reactive Offenders." Common characteristics of reactive hate crime offenders include having a sense of entitlement regarding their rights, privileges, or way of life, which does not extend to the victims. There is usually no prior history of criminal behavior or overt bigotry and they are not generally associated with an organized hate group. These are different than the "Mission Offenders" (hate crimes committed by people who consider themselves "crusaders," often for a racial or religious cause) and the "Thrill Seeking Offenders" (hate crimes which are often driven by an immature need for excitement and drama), which are rare in the City of Los Angeles.

The term "hate" can be misleading. When used in a hate crime law, the word "hate" does not mean rage, anger, or general dislike. In this context "hate" means bias against people or groups with specific characteristics that are defined by the law. This can be a preexisting negative attitude toward actual or perceived characteristics, such as hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, desire for social dominance, desire for social bonding with those of one's "own kind," a dislike of persons who need or receive physical or social accommodations with the perception that persons with these characteristics are inferior due to the victim belonging to a protected characteristic.

Most hate crime offenders are males and belong to a protected characteristic themselves. Most bias-motivated crime offenders are members of minority groups committing crimes against other residents with protected characteristics. (See Addendum 1).



**4. Where are hate crimes up? What is the trend in large cities like Los Angeles and New York City?**

Hate crimes have increased throughout the City and County of Los Angeles. It is not known if other large cities in the United States have a similar increase due to the annually published hate crime report completed by the Federal Bureau of Investigation. According to news reports across the nation, reports of Asian American and Pacific Islander (AAPI) hate crimes have increased in some large cities such as San Francisco and New York. Although hate crimes have increased in Los Angeles, it is important to note that the areas with the highest increase are the areas that have seen significant education and outreach to the community on their rights and Department policies and procedures. This has increased the public's trust that the Department would document, investigate, and provide victims with relevant information, in turn increasing the public's reporting of crimes.

An analysis of bias-motivated crime and incident data was completed for the 2021 calendar year by the Department's COMPSTAT Division. There were no discernable patterns found within the data examined to lead us to draw any actionable conclusions beyond the following:

In Los Angeles, anti-LGBTQ+ crimes and incidents increase in June, commonly referred to as Pride month, and anti-Jewish crimes increase during the high holy days. Offenders tend to target victims in person and online during demonstrations of solidarity with our LGBTQ+ and Jewish communities. Also, the largest concentrations of hate crimes per capita in the City occur in the areas where our unhoused populations reside. Offenders and victims tend to be from the same unhoused population. Anti-Asian American Pacific Islander (AAPI) crimes occur in AAPI neighborhoods by offenders who are residents in the same communities rather than visitors to the community. And finally, contrary to popular belief, most of the hate crimes and incident offenders belong to a protected class themselves.

**5. Does a statement by a politician, or another actor, cause a person to commit a hate crime?**

There is no evidence in the City of Los Angeles that statements, speeches, manifestos, or social media postings by politicians, celebrities, comedians, journalists or organized hate groups cause people to commit hate crimes or hate incidents. This finding is due to a review of Investigative Reports and suspect interviews. It is to be noted, that this information would not be gleaned unless self-reported by the suspect or the reporting party.

**6. What is the impact of the violent crime surge on the availability of resources to combat hate crimes?**

Despite the overall reduction in the size of our workforce, the Department shifted personnel resources to focus on violent crime, particularly shooting violence and robberies. These efforts included the investigation of hate crimes and hate incidents. Reported and unreported bias-motivated crimes account for a portion of our increase in violent crimes. Additionally, the Department has devoted resources to education and prevention of hate incidents and hate crimes based on our data. For example, foot beat units have been deployed into the City's Korea Town, Little Tokyo, Chinatown, Thai Town, and Filipino Town areas when anti-AAPI hate crime began



to increase. The Department also ensured officers and detectives remained aware of its commitment to and the importance of investigations of bias-motivated crimes. Our Community Relations Offices and others continue to engage the community in education and prevention.

Critically important is the need for continued investment and effective community-based intervention and prevention. The Department continues to support multi-disciplinary solutions that improve public safety as it partnered with a myriad of City agencies and private entities to counter street violence at its root. We also lead with a “services first” philosophy in dealing with persons experiencing homelessness and those with other challenges. In 2021, the added investment by our elected City leaders in expanding critical violence intervention resources was vital in stemming escalating shooting violence in some of our most impacted communities.

The Department is committed to leveraging technology and finding more effective and efficient ways to focus on the most pressing community needs while shifting certain calls for service to other City departments, governmental agencies, and community-based organizations. In 2021, the Community Online Reporting System was revamped to allow community members to report certain incidents by using a computer, tablet, or mobile phone. These specific reports include traffic collisions with minor injuries or property damage only, certain thefts, and vandalism. This system allows officers more time to focus on crime strategies and more serious calls for service.

The Department is fully committed to addressing hate crimes, has two Hate Crime Coordinators assigned to each of the 21 geographic Areas, and has an additional coordinator at each of our four bureaus to ensure each bias-motivated event is thoroughly investigated and that outreach to the affected community has occurred.

#### **7. Is your police department adequately funded?**

The current year (2022-23) budget places the Department on a path toward restoring services to the community and provides the resources necessary to address the challenges of rising crime caused by a brazen criminal element. The economic realities of the pandemic and the changing dynamic of the workforce created a smaller Department. The Department is authorized for 9,706 and is currently understaffed by 426 officers.

The Department is also still adjusting to the loss of 269 civilian personnel through a separation incentive program, working toward a consistent vehicle replacement plan, developing new technology, and establishing a recurrent training cycle to ensure that officers refresh perishable skills. However, the Department is now budgeted to create a more diverse and equitable workforce of sworn and civilian employees. The current-year budget also fully funds the Department’s sworn overtime needs and provides for realignment of personnel for criminal investigations, reopening of courts, targeted deployment, and special task forces to deter and apprehend perpetrators while bringing justice to victims and the community.



**8. What is the effect of anti-police rhetoric on the LAPD's readiness to combat crimes like hate crimes?**

Most hate crime offenses are low-level substantive criminal acts, that are motivated by bias against a protected characteristic. The vitriol for police enforcement, public mistrust of officers and fear of accusations of stereotyping and racism have discouraged victims and witnesses from reporting crimes to police and coming forward to notify the Department of issues in the community. Traditionally, an offender was court-ordered to attend a program to rehabilitate, engage with members of the affected community and learn about the outcomes of their conduct. Anti-police rhetoric and non-punitive policies by District Attorneys and lawmakers that ignore statutory laws are taking away the ability of the courts to mandate offenders to attend counseling, training and programs designed to combat misinformation and prejudices that have been acquired. Without the ability to order the offender into some type of program, we are unable to educate them on how their conduct affects entire communities.

To counteract these issues, the Department participated in the Los Angeles Hate Crimes Task Force (LAHCTF) along with the Federal Bureau of Investigation and the Los Angeles County Sheriff's Department to develop meaningful and productive investigatory and intelligence collection relationships among the detectives, officers, deputies, agents, and intelligence analysts who are charged with investigating hate crimes within the jurisdictions of the participating agencies. The LAHCTF is developing investigative strategies to counter online threats and direct the application of those strategies within their respective agencies by engaging in proactive investigations.

In addition to our enforcement efforts, the Department remains committed to our data-informed community policing strategies, including our work to institutionalize our world-renowned Community Safety Partnership (CSP) model. The Community Safety Partnership Bureau (CSPB) also continues to address the recommendations of the University of California Los Angeles Luskin School of Public Affairs assessment while also improving on building trust and relationships in the community.

During the 2021 calendar year, CSPB implemented 21 out of the 45 recommendations and continues its efforts with the Department-wide infusion of its philosophy. The CSPB coordinated efforts with the Los Angeles Mayor's Office of Gang Reduction and Youth Development (GRYD), the Housing Authority of the City of Los Angeles, and the Council Districts to hire an additional 22 intervention ambassadors in response to the increase in gang member-involved gun violence in the CSP neighborhoods. These ambassadors were deployed within CSP engagement areas to perform non-traditional community outreach and intervention and were instrumental in reducing violence within some of the City's most underserved communities. With partners and the community, the Urban Peace Institute developed and administered Community Safety Advisory Council surveys to residents in each CSP neighborhood engagement area to identify community safety concerns and access to resources in their respective communities. Of the nearly 1,000 respondents, 71 percent desired more police resources, 63 percent of residents expressed gun violence as a top community safety concern, and 60 percent identified gang activity as a safety concern. The data gathered from the community safety surveys provided baseline data to support the development of Comprehensive Site Safety Plans.



The CSPB also conducted ten Crime Prevention Through Environmental Design reviews within the CSPB sites and facilitated the community's development of those safety plans. It was critical that we recognize the importance of building community cohesion and resilience to sustain lasting change in community safety and order. Critically important is the need for continued investment and effective community-based intervention and prevention. The Department continues to support multi-disciplinary solutions that improve public safety as it partnered with a myriad of City agencies and private entities to counter street violence at its root. In 2021, the added investment by our elected City leaders in expanding critical violence intervention resources was vital in stemming escalating shooting violence in some of our most impacted communities.

Regardless of any anti-police rhetoric, the Department stands ready to protect and serve and reduce the victimization of hate crime victims. Anti-police rhetoric does not influence the Department's readiness.

Should you have any questions, please contact Detective Orlando Martinez, Hate Crime Coordinator, Robbery-Homicide Division, at (213) 486-6850.

Respectfully,



MICHEL R. MOORE  
Chief of Police



## 2021 HATE CRIME ARRESTS AND CLEARANCES

**2021 Hate Crime Arrests**

Arrest Type	Count
Felony	77
Misdemeanor	20
<b>Grand Total</b>	<b>97</b>

**2021 Hate Crimes Cleared**

Status	Count
CBA	96
CO	50
<b>Total</b>	<b>146</b>

## 2021 HATE CRIME SUSPECT DESCRIPTION BY SEX AND DESCENT

**Anti Asian Suspects by Sex/Descent**

Sex/Descent	Count
<b>M</b>	<b>35</b>
B	11
H	10
W	8
UNK	5
K	1
<b>F</b>	<b>14</b>
H	9
B	3
W	2
<b>Grand Total</b>	<b>49</b>

**Anti Black Suspects by Sex/Descent**

Sex/Descent	Count
<b>M</b>	<b>124</b>
H	50
W	49
UNK	10
O	9
A	4
B	1
X	1
<b>F</b>	<b>20</b>
W	11
H	8
O	1
<b>Grand Total</b>	<b>144</b>

**Anti Gay (Male) Suspects by Sex/Descent**

Sex/Descent	Count
<b>M</b>	<b>110</b>
B	41
H	37
W	18
UNK	10
O	3
G	1
<b>F</b>	<b>11</b>
H	4
UNK	2
W	2
B	2
O	1
<b>Grand Total</b>	<b>121</b>

**Anti Hispanic Suspects by Sex/Descent**

Sex/Descent	Count
<b>M</b>	<b>69</b>
B	46
W	13
UNK	5
H	4
O	1
<b>F</b>	<b>37</b>
B	29
UNK	3
W	3
A	1
X	1
<b>UNK</b>	<b>1</b>
UNK	1
<b>Grand Total</b>	<b>107</b>

**Anti Jewish Suspects by Sex/Descent**

Sex/Descent	Count
<b>M</b>	<b>75</b>
O	30
UNK	22
W	10
B	9
H	3
X	1
<b>UNK</b>	<b>12</b>
UNK	12
<b>F</b>	<b>2</b>
W	2
<b>Grand Total</b>	<b>89</b>

**Anti Transgender Suspects by Sex/Descent**

Sex/Descent	Count
<b>M</b>	<b>21</b>
H	12
B	6
W	1
UNK	1
O	1
<b>F</b>	<b>2</b>
O	1
H	1
<b>Grand Total</b>	<b>23</b>