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January 11, 2022

BPC 22-007

The Honorable Public Safety Committee
City of Los Angeles
c/o City Clerk's Office
City Hall, Room 395
Los Angeles, CA 90012

RE: FOLLOW-UP RESPONSE TO PUBLIC SAFETY COMMITTEE RELATIVE TO
RESEARCH REQUESTS ON REPORTED ASIAN AMERICAN PACIFIC ISLANDER
(AAPI) HATE CRIMES, COUNCIL FILE NO. 21-0264

At the regular meeting of the Board of Police Commissioners held Tuesday, January 11, 2022, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Maria Silva".

MARIA SILVA
Commission Executive Assistant II

Attachment

c: Chief of Police

RECEIVED

JAN 04 2022

POLICE COMMISSION

INTRADEPARTMENTAL CORRESPONDENCE

December 22, 2021

1.1

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: FOLLOW-UP RESPONSE TO PUBLIC SAFETY COMMITTEE RELATIVE TO RESEARCH REQUESTS ON REPORTED ASIAN AMERICAN PACIFIC ISLANDER (AAPI) HATE CRIMES, COUNCIL FILE NO. 21-0264

REVIEWED BY: *Richard M. Tefank*

RICHARD M. TEFANK EXECUTIVE DIRECTOR DATE 1/4/22

RECOMMENDED ACTIONS

- 1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the attached report responding to the Los Angeles City Council Public Safety committee's follow-up research request regarding AAPI Hate Crimes.
2. That the Board TRANSMITS this report to the Los Angeles City Council Public Safety Committee.

DISCUSSION

At the request of the Los Angeles City Council and the Public Safety Committee, attached is the report prepared by the Los Angeles Police Department, Hate Crime Coordinator.

If you should have any questions, please contact Deputy Chief Kris Pitcher, Chief of Detectives, at (213) 486-8440.

Respectfully,

Michel R. Moore

MICHEL R. MOORE
Chief of Police

BOARD OF POLICE COMMISSIONERS
Approved January 11, 2022
Secretary *Marla Silva*

Attachment

LOS ANGELES POLICE DEPARTMENT



MICHEL R. MOORE
Chief of Police

ERIC GARCETTI
Mayor

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Los Angeles, CA 90030
Telephone: (213) 486-7000
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Ref #: 1.8

December 22, 2021

The Honorable Public Safety Committee
Los Angeles City Council
City Hall
Los Angeles, California 90012

Honorable Members:

Background: On Wednesday, April 7, 2021, members of the Los Angeles City Council Public Safety Committee (PSC), passed a motion directing the Los Angeles Police Department (LAPD) to:

“Report on recent reports of increased hate crimes targeting Asian Americans in the City and on LAPD’s response to this troubling trend, as well as on potential resources that could be used to reduce instances of hate crimes targeting Asian-American communities and cultural sites; and to identify and prosecute those responsible for these crimes.”

The PSC asked the Department to follow up on requests which arose during the motion regarding bias-motivated crimes, commonly referred to as “Hate Crimes.”

The Department completed the analysis as requested by the Los Angeles City Council PSC motion:

- 1) *“DIRECT the LAPD, with the assistance of the City Attorney, to report on recent reports of increased hate crimes targeting Asian Americans in the City and on the LAPD’s response to this troubling trend, as well on potential resources that could be used to reduce instances of hate crimes targeting Asian American communities and cultural sites; and, to identify and prosecute those responsible for these crimes.”*
- 2) *“DIRECT the LAPD to dialogue with the Asian American Pacific Islander community in a very structured way on the topic of disaggregation and to get feedback from the community on what they would like to see in terms of collecting data about nationality, country of origin, etc. and how to do so, if that is the direction that the community would like.”*
- 3) *“DIRECT the LAPD to develop an online platform to provide additional opportunities for individuals to report on hate incidents and the LAPD to be able to track incidents geographically.”*

The Robbery-Homicide Division (RHD) Hate Crime Coordinator (HCC) provides the Department with quarterly statistics on hate crime and hate incident trends from throughout the City. An analysis of these trends has demonstrated a substantial increase in hate crimes and hate incidents directed towards the City’s Asian American Pacific Islander (AAPI) community.

Robbery-Homicide Division was tasked with responding to the PSC’s request. The HCC contacted the Department’s Information Technology Division (ITD), Application Development and Support Division (ADSD), COMPSTAT Division, Volunteer Coordinator, Evaluation and Administration Section (EAS), and Office of Operations (OO), for the following information.

Research Item 1: *“DIRECT the LAPD, with the assistance of the City Attorney, to report on recent reports of increased hate crimes targeting Asian Americans in the City and on the LAPD’s response to this troubling trend, as well on potential resources that could be used to reduce instances of hate crimes targeting Asian American communities and cultural sites; and, to identify and prosecute those responsible for these crimes.”*

The following tables depict 2021 year-to-date occurrences of hate crimes and hate incidents that have targeted the AAPI communities in the City. Through November 30, 2021, there were 39 anti-AAPI hate crimes and 48 anti-AAPI hate incidents in the City.

AAPI Hate Inc. by Bur./Div.		AAPI Hate Crimes by Bur./Div.	
OWB	24	OWB	22
WIL	11	OLYM	8
OLYM	5	PAC	5
WLA	4	WIL	4
HWD	3	HWD	3
PAC	1	WLA	2
OCB	11	OCB	14
CENT	6	CENT	8
NOE	2	RAMP	5
HOBK	2	NOE	1
RAMP	1	OSB	2
OVB	8	SOW	1
DEV	3	HARB	1
VNYS	3	OVB	1
WVAL	2	NHWD	1
OSB	5		
SOW	5		
Grand Total	48	Grand Total	39

Table 1- 2021 Anti-AAPI Hate Incidents YTD

Table 2- 2021 Anti-AAPI Hate Crimes YTD

On December 17, 2020, the Department issued Special Order No. 32, titled, “Reporting Incidents Motivated by Hatred or Prejudice – Revised.” The Department directs responding officers to complete the Request for Confidentiality of Information form, (not required for Hate Incidents), provide the victim with a hate crime resource pamphlet, a Marsy’s Law pamphlet, and request a field supervisor to their location.

The Area Watch Commander's responsibility is to make an entry in the Watch Commander's Daily Report upon being notified of a crime or incident motivated by hatred or prejudice. The Watch Commander shall then forward a copy of the Watch Commander's Daily Report entry, along with a copy of the Sergeant's Daily Report documenting the contact with the victim, to the Area HCC. The Watch Commander shall then forward a copy of the report to the Department Operations Center (DOC) and notify their Community Relations Office (CRO).

The Area CROs are directed to conduct outreach efforts with the affected community members by conducting the following:

- Continually meet with the public to build and strengthen relationships with the community;
- Liaise and engage with each community's most vulnerable individuals and groups and inform the Department about the issues and concerns specific to those Areas; and,
- Every hate crime victim is either visited or contacted by a Senior Lead Officer (SLO) and/or SLO Supervisor and Detective.

The CRO will also provide the public with information regarding Department policy, enforcement efforts, safety, security, crime prevention, and cultural diversity training.

The Department HCC is responsible for ensuring the Department produces and disseminates a "Hate Crime Brochure" as required by the California Penal Code. The HCC ensures that all officers receive training on the requirement to distribute the "Hate Crime Brochure" to all suspected hate crime victims and all other interested persons. The HCC compiles a quarterly hate crime report to the Commanding Officer of Detective Bureau and provides copies of reports and documents to any agencies working in partnership with the Department via a Memorandum of Understanding (MOU). The HCC provides quarterly training for all Area HCCs, ensures all hate crime cases are entered into the Department of Justice (DOJ) hate crime database, confirms that copies of all hate crime reports are forwarded to DOJ, and liaises between Department training entities to certify hate crime training accuracy and uniformity.

In response to the number of increased hate crimes, the HCC and OO have leveraged the Department's social media accounts and the City's 311 system to provide greater awareness and prevention tips through the following strategies:

- Established Department practices for documenting instances of hate incidents and crimes;
- Increased foot patrols in Chinatown and Little Tokyo;
- Educating the Chinese Consolidated Benevolent Association (CCBA) and the Chinese Chamber of Commerce;
- Community business outreach meetings with Asian-owned businesses;
- Improved notifications of conflict resolution alternatives provided by the Los Angeles City Attorney's Office;
- Community Police Advisory Board Zoom meetings, including bystander training and "Stop the Violence" training;
- Assistant Chief Beatrice Girmala, Director, Office of Operations, Deputy Chief Blake Chow, Commanding Officer, Operations-West Bureau, and Commander Ruby Flores, Diversity, Equity, and Inclusion Officer, have participated in ongoing meetings with

AAPI community groups and organizations to include Asian Pacific Policy and Planning Council, community leaders, Los Angeles Civil + Human Rights and Equity Department, the Office of the District Attorney, Los Angeles City Employees Asian American Association, Los Angeles County Metropolitan Transportation Authority, and Asian Americans Advancing Justice-Los Angeles to discuss items of safety mutual interest and concerns;

- Deputy Chief Chow and Deputy Chief Alfred Labrada, Commanding Officer, Operations-Central Bureau, have reinforced extra patrol in the areas such as Chinatown, Little Toyko, Filipinotown, and Koreatown;
- Hosting an online Operations-Valley Bureau Combating Hate Against Asian Pacific Islanders forum;
- Providing 5 sessions of Know Your Rights and Bystander Intervention virtual training explaining legal rights, in-language reporting, and resources for victims and allies;
- Religious organization meetings with AAPI congregations throughout the City; and,
- Creation of the “hate crime information” portion of the Department’s lapdonline.org webpage, which translates into over 120 different languages, including videos, handouts, and links to partner agencies and advocacy groups.

The Department has also applied for and received a DOJ grant in the amount of \$833,000 to prevent and address anti-AAPI hate crimes in the Operations-Central Bureau and Operations-West Bureau service areas. The Department is currently preparing the grant award transmittal for the Board of Police Commissioners and City Council approval. The specific goals of the program are:

- Goal 1. Prepare and create a strategic plan for coordinating anti-Asian hate crime activities in Los Angeles;
- Goal 2. Improve the collection of anti-Asian hate crime data;
- Goal 3. Improve training and education of the police;
- Goal 4. Improve public education and knowledge of anti-Asian hate crime; and,
- Goal 5. Enhance investigations and prosecutions of offenders.

To address each of these goals, the Department will create an anti-Asian hate crime working group that includes the Department, Los Angeles City Attorney, and community-based organizations.

Additionally, the Department and the Federal Bureau of Investigation (FBI) have partnered to create the Los Angeles Hate Crime Task Force (LAHCTF). The LAHCTF includes members from the Los Angeles County Sheriff’s Department, Beverly Hills Police Department, Glendale Police Department, and Burbank Police Department. The LAHCTF conducts quarterly meetings between law enforcement agencies to share hate crime trends, best practices and share available resources in investigating and preventing hate crime and hate incidents.

The Department has also created and posted hate crime awareness videos and “Hate Crime Tools and Resources” cards in several AAPI languages, as well as translated the “Hate Crime Brochure” in AAPI languages. The HCC has worked with the Korean American Coalition (KAC) and Korea Town Senior and Community Center to develop hate crime videos with advocacy groups. Additionally, the Department works with the Hate Crime Prosecution units of

the Los Angeles District Attorney's Office and the Los Angeles City Attorney's Office to ensure proper investigation and prosecution of all hate crimes and incidents.

Further, the Area SLOs address hate crimes and hate incidents during Community Police Advisory Board (CPAB), Civilian Police Academy instruction, Building Association, Neighborhood Council, "Coffee with a Cop," and Business Association meetings. The Chief of Detectives and Department HCC also host an annual virtual "Hate Crime Summit" addressing anti-AAPI hate crimes and incidents and do so every year in conjunction with the representatives from the District Attorney's Office, City Attorney's Office, FBI, and Los Angeles County Sheriff's Department.

The Department also has an existing robust volunteer program, the Community Volunteer Program (CVP), which is available to the residents of each geographic Area. The CVP volunteers are assigned to specified tasks to assist the Department with providing services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. However, the utilization and proactive responses by CVP over the past year have been shuttered and delayed due to the COVID-19 pandemic.

Although the volunteer program is not being utilized at this time due to the pandemic, the Area Commanding Officer will assign CVP volunteers to specific tasks after being deemed safe by the Los Angeles County Department of Public Health. The Area Commanding Officer will task the CVPs to provide extra patrols, engage with community watch groups, and conduct surveillance of cultural/heritage sites to assist the Department in meeting its mission statement goals of safeguarding lives, reducing the fear and incidence of crime, and enhancing public safety.

Research Item 2: *"DIRECT the LAPD to dialogue with the Asian American Pacific Islander community in a very structured way on the topic of disaggregation and to get feedback from the community on what they would like to see in terms of collecting data about nationality, country of origin, etc. and how to do so, if that is the direction that the community would like."*

In direct response to the City Council's request, the Community Relations Section, Office of the Chief of Police, conducted two separate meetings with different groups within the AAPI community, including advocacy groups, and inquired as to the community's thoughts on disaggregating race and ethnicity data on this topic.

The AAPI community and advocacy groups insisted the "fear and distrust" of police misusing and/or sharing victim immigration status with federal government agencies would override the possible positive effects of victim race disaggregation. City residents would become more fearful of their immigration status and personal information being obtained by immigration officials possibly leading to deportation.

The Department determined that asking for disaggregated "race" information would negatively affect the Department's relationship with immigrant communities and instill fear of immigration-related reprisals when reporting crimes to the police. The community feedback was consistently negative regarding this research item, as they believed it would increase the fear of the Department's sharing of immigration status information with the Federal government.

The Department uses the Consolidated Crime Analysis Database (CCAD) for its Records Management System (RMS). The crime data captured in CCAD adheres to the Federal Bureau of Investigation's (FBI) Summary Reporting System (SRS) requirements. The Department's RMS system currently adheres to California Department of Justice (CADOJ) California Incident-Based Reporting System (CIBRS) protocols for "race of victim" via our Department codes. In accordance to the CADOJ requirements, the Department adheres to the State data values to merge data. Current CCAD race of victim or "descent" codes are comprised of the following:

- Other Asian
- Black
- Chinese
- Cambodian
- Filipino
- Guamanian
- Hispanic/Latin/Mexican
- American Indian/Alaskan Native
- Japanese
- Korean
- Laotian
- Other
- Pacific Islander
- Samoan
- Hawaiian
- Vietnamese
- White
- Unknown
- Asian Indian

The Department strictly adheres to CADOJ crime reporting systems to remain compliant with both state and federal crime reporting systems. The victim values are pre-set and cannot be changed. These "race of victim" data values will not change and will continue to be collected per CADOJ guidelines. Department "race of victim" values are reported to CADOJ, who in turn modifies the data to be compliant with FBI Uniform Crime Reporting (UCR) valid data values. It is necessary to remain consistent in data values across all California agencies to properly report data to the FBI and maintain an accurate database of law enforcement activity in California.

Additionally, in 2018, the Department convened a working group comprised of the Department, community members, and representatives from the Los Angeles District Attorney's and City Attorney's Offices to develop best practices when dealing with the City's immigrant communities to build public trust, increase crime reporting, and allay fears of civil immigration enforcement. This working group developed new Administrative Orders (AO) concerning Department contacts with the public, including the collection of information related to the place of birth and national origin, noting the community fears that place of birth or nationality could be indirectly used to determine immigration status.

Administrative Order No. 17, Automated Field Data Reports (AFDR) / Completion and Tracking, dated October 15, 2019, delineates the procedures for officers to follow when completing AFDR information for every person detained or searched. Administrative Order No. 17 directs officers to report their perceptions of specified characteristics regarding the person stopped, detained, or searched. This includes the perceived race or ethnicity of the person. Administrative Order No. 5 Field Interviews and Field Interview Report, dated March 17, 2020, similarly states, "Some members of the public may misperceive the purpose of inquiring about a person's birthplace when questioned during a law enforcement contact, especially when contacting the police as a victim or witness. To minimize the potential misperception and possible degradation of public trust, the following procedures shall be followed: Officers *shall not* ask a victim, witness, or temporarily detained person for his or her place of birth unless necessary under particular circumstances in order to investigate a criminal offense."

California Penal Code Section 422.55 defines a hate crime as "a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity (5) religion, (6) sexual orientation, and (7) association with a person or group with one or more of these actual or perceived characteristics." The actual or perceived characteristic of the victim, from the offender's perspective, is paramount to meeting the elements of the hate crime. Therefore, what the suspect believes the victim's protected characteristic to be is more relevant than the victim's actual characteristics.

NOTE: An anti-AAPI crime committed against a non-AAPI victim by a suspect who perceives the victim to be of Chinese descent, is a crime against the Chinese-American community, even though the victim is non-AAPI.

The Department believes the risks of disaggregating victim race data outweigh the benefits of tracking specific victim race, nationality, and ancestry. The immigrant residents of Los Angeles historically have distrusted the Department's collection and use of race, nationality, and ancestry data. Fears that the Department would share the information with Federal partners, such as Department of Homeland Security, are barriers to public trust and decrease the reporting of crimes and cooperation of witnesses in immigrant communities.

Research Item 3: "DIRECT the LAPD to develop an online platform to provide additional opportunities for individuals to report on hate incidents and the LAPD to be able to track incidents geographically."

The HCC contacted ADSD and EAS for details on the Department's Community Online Reporting System (CORS). The CORS is facilitated by an outside vendor (Lexis Nexis) under contract with the Department. When completing an online report, members of the community visit the official Department public website and are directed to an external website when making a police report in either English and Spanish. The Department currently allows eight types of reports eligible for online reporting:

- Harassing/Annoying telephone calls (e.g.-any person who repeatedly, with the intent to annoy, telephones or makes contact by means of electronic communication);

- Hit and Run (e.g.-leaving the scene of an accident without providing required license, insurance, or vehicle information);
- Identity Theft (e.g.-when your personal identifying information was used to obtain goods or services without your permission);
- Lost Property (e.g.-lost property is personal property that was unintentionally left by its true owner);
- Theft (e.g.- property is taken without owner's permission);
- Theft from Vehicle (e.g.- property is taken from the vehicle without owner's permission);
- Vandalism (e.g.-any person who maliciously damages, destroys, or defaces the property of another person); and,
- Vehicle Collisions (e.g.-a traffic accident where both parties have exchanged information).

Once a member of the community completes an online report, the system forwards a copy of the report to the Department's DOC where it is reviewed by line officers and/or trained civilian workers for preliminary approval. The report is reviewed to ensure the elements of the criminal offense are included and appropriate, and for thoroughness, accuracy and eligibility. Online reports that do not include the necessary or have incorrect information, such as elements of crime or location information, are rejected back to the filer with request for additional information. Reports that are determined ineligible for online filing are rejected back to the filer with instructions to file the report with their local community police station.

The report is then forwarded for supervisory review at the DOC. Once approved by a supervisor, the online report is forwarded to the Area Records Section of the police station responsible for handling, processing and investigating the report. Incoming reports form a queue at the local records area and are entered into the Department system. Online reports are assigned Division of Records (DR) numbers as soon as processed and distributed to the relevant detective sections.

The contract between Lexis Nexis and the Department provides for the inclusion of additional reports to CORS. However, any reports which deviate from the norm and necessitate "substantial changes" would require an amended or renegotiated contract with the company. Currently, hate crime and hate incident reports include the additional Department's "Request for Confidentiality of Information" report (Form 03.02.00), two-page "Hate Crime Supplemental Report" (Form 03.01.05), "Hate Crime Resource Pamphlet" (Form 15.91.00) and "Marsy's Law-Victim's Bill of Rights Information" forms.

The Department believes the public would be better served with officers responding to, investigating, and completing a thorough hate crime or hate incident investigation during instances which could be motivated by bias or hate.

Community members generally do not know whether the elements of a crime have been met during public encounters, as evidenced by the variety of service calls to the 9-1-1 system that do not qualify as emergencies and clog the system. The Department believes in the priority of hate crime and hate incident investigations and prioritizes each case as a serious offense, no matter the underlying crime. Community members rarely call the police to report being the victim of a hate crime or hate incident. Community members report suspected crimes and the responding officers complete a preliminary criminal investigation and related crime or incident reports based

upon the articulated facts and applicable Penal Code sections.

Additionally, the CORS system is only available in English and Spanish. The City is one of the most diverse cities in the world. According to the Department's language roster maintained by the DOC, sworn officers speak approximately 40 different languages in addition to having access to the AT&T Language Bank 24 hours a day. The Department has 95 sworn law enforcement officers that speak an AAPI language, to include Cantonese, Mandarin, Khmer, Korean, Laos, Laotian, Tagalog, Thai, Tongan, Vietnamese, Visayan, Samoan, and Bengali. Community engagement in the victim's preferred language increases public trust and assists the community in understanding the criminal justice system and their victims' rights.

Conclusion

After careful analysis, the Department deems the following recommendations feasible: (1) continue with community outreach and education on hate crimes and hate incidents relative to the specific Area's needs; (2) continue with CAL DOJ victim race aggregation models, and; (3) continue to dispatch officers to calls for service involving instances of hatred and prejudice.

If you have any questions or concerns, please contact Robbery-Homicide Division Hate Crime Coordinator, Detective Bureau, at (213) 486-6840.

Respectfully,



MICHEL R. MOORE
Chief of Police