

Attorney General's

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Commission on  
Racial, Ethnic, Religious,  
and Minority Violence

**Final Report**

April 1990



**Attorney General's**

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Racial, Ethnic, Religious,  
and Minority Violence**

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# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

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The Honorable John K. Van de Kamp  
Attorney General  
State of California  
3580 Wilshire Boulevard, Suite 800  
Los Angeles, California 90010

Dear Attorney General Van de Kamp:

Six years ago you appointed a cross-section of Californians representing the diversity of the State to serve as members of your Commission on Racial, Ethnic, Religious and Minority Violence. Your mandate was to determine the extent of violence based on hatred against members of minority communities, including the elderly and disabled, and to recommend measures to decrease crimes of bigotry.

We present this report to you with mixed feelings. We are proud of our accomplishments in stimulating constructive responses from the Legislature, law enforcement, local government and community organizations. However, we are frustrated that there are still numbers of people who contribute to maintaining California's long-standing history of hate violence that began when Hispanics and Native Americans refused to cede their territory to people seeking gold.

We are heartened that the terms "hate violence" and "hate crimes" defined in our 1986 Report are now incorporated in legislation, law enforcement policies and procedures, and school and community programs that we recommended to respond to the challenge of bigotry. We are pleased to have served you and to have made a contribution.

Our recommendations are intended to guide you and others who will take up the challenges to carry our work forward as the population of the State becomes more diverse.

We hope that the efforts of our Commission, representing different segments of our population working together purposefully and effectively, provide some measure of hope that together we the people, sharing a common dream and a willingness to work for it, can accomplish much.

It has been a privilege to serve as the Chair of the Commission.

Sincerely yours,

Msgr. William J. Barry  
Commission Chair

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COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE**

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# Summary of Findings



## **SUMMARY OF FINDINGS**

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**1. Recent legislation and new community programs to respond to the challenge of hate violence are encouraging, but public testimony indicates that hate violence is increasing in every region of California.**

**2. Effective hate violence prevention and response efforts require county-wide coordination of public agencies and community organizations.**

Police, human relations commissions and community based agencies have begun to address the challenge of hate violence in a number of California communities, however, better coordination is necessary throughout the State to forge the public-private partnerships essential for safer communities.

**3. California urgently needs a hate violence data reporting and collection system to enable State and local policy-makers to assess the frequency, type, and location of incidents of bigotry so that strategies can be developed to eliminate them.**

The State and most communities do not know:

- how many hate crimes occurred last year;
- what type of hate crimes occurred;
- which groups were victimized by hate crimes; most often;
- whether trends in hate crimes exist;

- where organized hate groups are most active and how extensive their activities are;
- if hate crime perpetrators are more likely to be children or adults;

This basic data is essential to the formulation of local strategies to reduce hate violence. California needs to give high priority to providing this basic information through the implementation of hate violence reporting systems.

4. **New police training efforts are needed to ensure that officers have the information and skills necessary to work with the diverse populations of California communities so that a greater proportion of victims of hate crimes will use law enforcement services.**

Despite the commitment of some law enforcement agencies to set hate violence as a priority, many people of color and gays and lesbians fear law enforcement officers and do not report hate crimes.

5. **Attorneys and judges in California need more information on criminal and civil laws adopted to protect the rights of hate crime victims.**

Unless attorneys are fully informed about the Bane Civil Rights Act and the Ralph Civil Rights Act they will not be used to their full potential for protecting the rights of hate crime victims and deterring hate violence.

**6. A broader range of sanctions are needed to deal with perpetrators of hate violence, particularly juvenile offenders.**

Laws to enhance sentences for crimes motivated by bigotry recognize the malicious intent and profound effects of hate violence, however probation departments and the judiciary need a greater range of options to prevent juvenile and adult offenders from repeating hate crimes.

**7. More primary and secondary schools need to adopt curricula and programs that promote appreciation for diverse people.**

Although every school district enjoys a great deal of independence they generally use the California Department of Education subject matter frameworks to guide their curriculum development. The History-Social Science and English-Dramatic Arts frameworks include learning objectives that some districts are using to develop curricula that promote religious, ethnic and cultural understanding. In a number of communities, school districts and community organizations use specially designed programs to promote cultural awareness curricula.

The Commission sees these efforts gaining in importance as student diversity increases and believes they should continue and be expanded.

- 8. Acts of bigotry and hate group organizing activities are occurring with alarming frequency on campuses, but very few schools have developed formal programs to track and respond to hate violence.**

The Commission received reports of hate violence occurring at every school level in every region of the State. Testimony submitted to the Commission indicated that a continuing pattern of hate incidents on campus is usually a sign that bigotry is tolerated. Unfortunately, the Commission found practically no effort being made to develop a system to respond to hate violence on the primary and secondary school campus.

- 9. Acts of bigotry and hate group organizing activities are occurring with alarming frequency on college and university campuses.**

The number of assaults on and racial and ethnic slurs against students, and the incidence of racist and sexist graffiti on college and university campuses in California and across the nation appears to be increasing.

- 10. Efforts by a few colleges and universities to design and implement measures to respond to and prevent campus hate violence should be expanded to all public and private postsecondary educational institutions.**

Increased awareness of the detrimental effects of hate incidents on victims and learning environments has led a few

of the state colleges and universities in California to take their first steps to address these problems. Some campuses are taking a leadership role and have established hate violence reporting procedures, created centers for providing assistance to victims, and formulated policies to govern disciplinary actions against perpetrators of hate violence. These efforts should be emulated on all major colleges and universities in the State.

**11. California can and must respond to and prevent hate violence effectively.**

Since 1986, Californians have created important new legislative and programmatic tools to curtail hate crimes. Commitment to achieving diverse harmonious communities and pragmatic hate crime initiatives can turn the rising tide of hate crimes.

*The Commission recommends that the Attorney General ask the Commission's Implementation Task Force to continue to monitor and coordinate progress on anti-hate violence initiatives.*

# Recommendations





## **RECOMMENDATIONS**

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- 1. Legislation should be enacted to provide support for counties to:**
  - a. Gather and assess information on the frequency, type, and location of hate violence incidents from schools, law enforcement, and other governmental and community based agencies;**
  - b. Design and implement plans to respond to hate violence; and**
  - c. Provide an annual report to the California Department of Justice and the State Legislature on the incidence of hate violence and the steps being taken to counter it.**
  
- 2. Legislation should be enacted to support prototypes of county comprehensive hate violence reduction programs to serve as models for replication by other California counties.**
  
- 3. The Legislature and the Governor should immediately allocate funds to create a state-wide system for collecting and reporting data on crimes motivated by bigotry as authorized by Senate Bill 202.**
  - a. The Department of Justice should draft a plan for training local law enforcement agencies to report hate crimes;**
  - b. The Department of Justice should distribute guidelines and procedures for reporting hate crimes to local law enforcement agencies;**
  - c. The Department of Justice should draft a protocol for the release of hate crime data to county and local agencies on a quarterly basis;**

- d. **The Department of Justice should publish an annual report profiling hate crimes reported in California counties;**
  - e. **Legislation should be enacted to appropriate additional funding for the Department of Justice to provide training to local law enforcement agencies and to maintain the hate crime data collection and reporting system.**
- 4. Sanctions and meaningful probation conditions for adult hate violence perpetrators are needed to supplement existing sentencing options including, but not limited to:**
- a. **Having the perpetrator(s) assigned to work for a service group that serves people sharing the ethnicity, gender, sexual orientation or other characteristic that motivated the perpetrator to commit violence;**
  - b. **Having the perpetrator(s) meet with and acknowledge guilt to the hate violence victim, and perform community service tasks that the victim feels are appropriate;**
  - c. **Having the perpetrator attend classes designed to assist people unlearn prejudice;**
  - d. **Having the perpetrator engage in some activity requiring cooperative efforts between people of various groups including the group targeted by the hate violence.**
- 5. The California Board of Corrections should appoint an advisory committee of representatives of local human relations commissions, community agencies that monitor hate incidents, and representatives of the California Department of Education to:**
- a. **Set objectives and standards for training probation officers for working with juvenile and adult hate crime offenders;**
  - b. **Review course materials, curricula, and resumes of trainers; and**



- 11. Legislation should be enacted to require public and primary school districts to adopt guidelines and plans for responding to hate violence.**
- 12. Legislation should be enacted and funds appropriated to enable the Department of Education to support the development of model programs aimed at modifying the behavior of student perpetrators of hate violence who have demonstrated their inability to function effectively in an integrated school setting.**
- 13. Legislation should be enacted to require public post-secondary institutions to provide staff with training on how to recognize and respond to hate violence.**
- 14. Legislation should be enacted to require post-secondary institutions to adopt guidelines and plans for responding to hate violence.**
- 15. Legislation should be enacted to require public college and universities to report incidents of hate violence.**
- 16. Legislation should be enacted to require public post-secondary institutions to provide staff with training on how to recognize and respond to hate violence.**
- 17. Legislation should be enacted to require post-secondary institutions to adopt guidelines and plans for responding to hate violence.**

# Introduction



## **INTRODUCTION**

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### **The Commission**

In 1984, Attorney General John K. Van de Kamp recognized the need to focus state-wide attention on hate violence. The racially motivated murder of Vincent Chin, a Chinese-American in Detroit, shocked the nation; and reports of attacks on people because of their race, ethnicity, religion, sex, and sexual orientation throughout California left no doubt that hate crimes were a significant problem in the State. In response the Attorney General created the Commission on Racial, Ethnic, Religious, and Minority Violence (The Commission) and appointed distinguished and diverse civil rights leaders who represented communities victimized by hate crimes. The Commission's mandate was to:

1. determine the nature and extent of racial, ethnic, religious, and minority violence in California;
2. adopt a definition of racial, ethnic, religious and minority violence that would enable agencies to identify and report its occurrence;
3. recommend strategies for responding to and preventing violence motivated by bigotry;
4. act as a liaison to adversely affected minority communities.<sup>1</sup>

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<sup>1</sup> Statement of California Attorney General John K. Van de Kamp, May 10, 1984.

Public testimony at Commission hearings in San Francisco, Fresno, Los Angeles and Riverside established that crimes, including vandalism, assault, and even murder, were being perpetrated against people in every region of the State because of their race, ethnicity, religion, sex, sexual orientation, age, or disability . The Commission determined that the repercussions of hate violence frequently affected large numbers of people and, in some cases, disrupted entire communities. Notable incidents drew broad attention to communities unprepared to respond and sometimes resulted in significant disruptions in the operations of schools, law enforcement and other local agencies.

The Commission discovered that, with rare exceptions, local governmental agencies, including law enforcement and schools, were unprepared to recognize and respond appropriately to hate incidents despite the rapid diversification of California's population. Commissioners concluded that strategies to prevent and respond to violence motivated by bigotry were critically needed throughout the State.

In 1986, the Commission presented Attorney General Van de Kamp with a blueprint for state and local action to curtail and prevent hate violence in its Final Report.<sup>2</sup> Commissioners defined hate violence to be:

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<sup>2</sup> Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Final Report, April 1986.

**"...any act of intimidation, harassment, physical force or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived ethnic background, national origin, religious belief, sex, age, disability or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution, or laws of the United States or the State of California whether or not performed under color of law." <sup>3</sup>**

**The Commission recommended:**

- 1. creating systems to identify, report and collect information on hate violence,**
- 2. improving civil and criminal legal remedies available to people who were targets of bigotry,**
- 3. establishing human relations centers to coordinate efforts of communities to prevent and respond to acts of prejudice,**
- 4. charging Commissioners with the responsibility for monitoring the progress made toward implementing their recommendations.**

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<sup>3</sup> Ibid. p. 4.



## **Implementation of Commission Recommendations**

Attorney General Van de Kamp supported the Commission's recommendations and appointed the Commission's Chair and Subcommittee Chairs to an Implementation Task Force (Task Force) to set in motion the proposals made in the Final Report.

Eighteen months later the Task Force was able to report that a new comprehensive civil rights statute and amendments to existing civil rights legislation had been enacted to correct the legislative deficiencies identified by the Commission. Furthermore, the Task Force could point to new efforts to meet the special needs of victims of hate violence. The Task Force also commended the California Department of Justice for publishing handbooks, brochures and pamphlets designed to increase public awareness of the causes and effects of violence against people with disabilities and the elderly.<sup>4</sup>

The Task Force identified the continuing need for:

1. centralized collection and distribution of information on hate violence incidents by law enforcement and schools;
2. county centers to coordinate community activities for assessing, preventing and responding to hate violence; and

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<sup>4</sup> Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Implementation Task Force Progress Report, October, 1987, pp. 3-4.

3. improved law enforcement training on policies and procedures for responding to hate crimes.<sup>5</sup>

### **Commission Update**

In 1989, the Attorney General asked the Commission to once again focus statewide attention on hate violence following reports of growing numbers of hate crimes and increased efforts by hate groups to recruit youth. He directed Commissioners to:

1. Assess the current level of hate violence in California;
2. Review the progress made toward implementing the Commission's 1986 recommendations; and
3. Recommend new anti-hate violence initiatives for California communities.

The Commission heard testimony and received documents from more than 40 community leaders, school administrators, law enforcement officers, local and State government officials, and survivors of hate crimes at hearings in Los Angeles and Oakland. Several witnesses described the tragic results of crimes motivated by bigotry. Others related recently initiated efforts to combat hate violence. They included the California Commission on Peace Officer Standards and Training (POST),

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<sup>5</sup> Ibid. The Task Force also identified the need for schools to improve their efforts to "instill tolerance in students for people with diverse appearances, backgrounds, and lifestyles," and for police to become more familiar with ways to appropriately serve elderly people and people with disabilities.

incorporating curriculum on the identification of hate crimes into the State's law enforcement academies, and community based projects to prevent and respond to bigotry.

This report summarizes the Commission's findings on the current status of hate violence in California and recommends ways to further control it. An overview of current efforts to respond to and prevent hate violence is presented with an emphasis on promising new approaches.

Readers may wish to refer to the Report of the Governor's Task Force on Civil Rights, published in 1980; the Final Report of the Commission released in April 1986, and the Implementation Task Force Progress Report, dated October 1987 for a review of California's efforts to respond to hate violence.

# **Chapter One**

## **Hate Violence in California**



# **CHAPTER ONE - HATE VIOLENCE IN CALIFORNIA**

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## **FINDING:**

- 1. Recent legislation and new community programs to respond to the challenge of hate violence are encouraging, but public testimony indicates that hate violence is increasing in every region of California.**

### **The Problem**

During the course of its investigation, the Commission heard disturbing reports of hate violence, including:

- Increased numbers of violent assaults against Lesbian women and Gay men;
- Beatings and killings of Latino immigrants in San Diego County;
- Harassment and property damage perpetrated against African-American, Asian, Latino, Moslem and Southeast Asian families in Alameda, Contra Costa, Fresno, Marin, San Joaquin, and Santa Clara Counties;
- Vandalism of synagogues in Contra Costa and Los Angeles Counties;
- Dozens of incidents of racist graffiti, verbal harassment and physical assaults directed against minority students on school, college, and university campuses throughout California;
- Frequent attacks on American Indians in Humboldt County;

- The burning of a cross on the lawn of an African-American family in Alameda County.<sup>6</sup>

Witnesses related accounts of threats and physical brutality that terrorized their loved ones and forced some of them from their homes. They expressed the fear, anger, and isolation they felt at being targeted for violence simply because of their race, sexual orientation, or religion. Community leaders testified that increasing numbers of hate crimes are reported to law enforcement, civil rights groups and human relations commissions.<sup>7</sup>

An analysis of the complex social, economic, and political factors that contributed to the growth of bias-related violence in California is beyond the scope of this report, however, some perilous myths currently linked to hate crimes should be noted. Reports of bigoted slurs and graffiti used in the course of hate crimes indicate that perpetrators are justifying and encouraging others to join with them by linking Asian-Americans to Japanese investment in California, by providing misinformation on how AIDS is transmitted, and by mis-stating the economic impact of new immigrants. These falsehoods reflect the fear,

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<sup>6</sup> Reports on hate crime incidents were compiled from testimony submitted to the Commission and staff and consultant research.

<sup>7</sup> Los Angeles and Contra Costa Human Relations Commissions, San Francisco Human Rights Commission, Community United Against Violence, Break the Silence Coalition, and National Association for the Advancement of Colored People, written reports and oral testimony presented to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Los Angeles, June 1989 and Oakland, October, 1989.

alienation, and economic uncertainty that has contributed to bigotry against minorities in California historically. These myths, like the ones fabricated against other groups, are patently untrue.

The rationalizations for hate violence reflect economic uncertainty and the resurgence of an historic pattern of finding scapegoats in identifiable groups. Commissioners are concerned about the causes and the range of economic and social effects of bigotry, however, the Commission mandate requires that this report focus specifically on pragmatic hate violence prevention and response measures.

The need to employ measures to prevent and respond to hate crimes is becoming ever more critical as California's population grows more diverse. The impact of violence motivated by bigotry on its victims and on the communities where it occurs is devastating. The Commission concurs with the conclusion of the New York State Governor's Task Force on Bias Related Violence that:

"Acts of bias related violence are directed not at individuals solely, but at the group of which the victim is perceived to be a member. Because of this, both the victim and the community are depersonalized, isolated, violated, and robbed of the sense of security required if one is to live, work, play, pray, or interact in any substantive manner in a society composed of diverse groups."<sup>8</sup>

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<sup>8</sup> New York State Governor's Task Force on Bias-Related Violence, Final Report, March, 1988, p. 1.

## **Efforts to Curtail Hate Violence**

### **Legislation:**

In response to the Commission's finding in 1986 that California criminal and civil laws were inadequate to deter and respond to hate crimes, the California Legislature enacted the Bane Civil Rights Act and amendments to the Ralph Civil Rights Act.<sup>9</sup> These new laws:

1. Provided for stronger punishment for hate crime law violators;
2. Enabled hate violence victims to get court ordered injunctions against harassment, intimidation, or other interference by hate violence perpetrators; and
3. Increased the amounts of awards to victims and allowed for attorneys' fees in civil court actions involving hate violence.

The Bane Civil Rights Act has since served as a model for legislation in other states, including Connecticut, New York, and Wisconsin.

In 1987, Senator Diane Watson (D-Los Angeles), sponsored legislation to mandate law enforcement agencies to report hate crimes to the California Department of Justice. After a defeat on the Assembly floor in 1988, the legislation passed and was signed into law in September

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<sup>9</sup> The Bane Civil Rights Act of 1988 was passed and signed as Assembly Bill 83. Provisions of the bill are now incorporated in California Civil Code section 52 and California Penal Code sections 1170.75, 1170.8 and 11410 et seq.



of 1989. Implementation of the law will provide vital information for responding to and preventing hate crimes.

The primary opposition to hate violence bills introduced in the California Legislature since 1986 has been led by a number of fundamentalist groups who object to including protection for Lesbian and Gay victims of hate crimes. California legislators passed legislation that affirms the need for civil rights protection for all hate crime victims and rejects the insidious notion that violence against Lesbian women and Gay men is somehow less heinous than crimes against racial, ethnic, and religious minorities.

**Community Initiatives:**

Since 1986, localities across the State have created new government and community-based anti-hate violence initiatives. Community organizations, human relations commissions, law enforcement agencies, and schools in some jurisdictions have established exemplary hate violence programs and policies. Although the Commission lacked the time and resources to compile an exhaustive list of hate violence prevention and response programs throughout California, Commissioners have learned of several outstanding community efforts, summarized as follows:

- **The Contra Costa County Human Relations Commission sponsored the formation of a Hate Violence Reduction Task Force to implement the recommendations of the Attorney General's Commission on a local level. The Task Force, composed of community organizations, city human relations commissions, criminal justice agencies, school districts, health and housing agencies, formulated an integrated approach to preventing and responding to hate violence.**
- **The Los Angeles County Human Relations Commission pioneered efforts to monitor and investigate hate violence incidents. The Commission provides the most comprehensive report of hate crimes available in any county in California.**
- **Community United Against Violence of San Francisco provides services to Lesbian and Gay victims of hate violence.**
- **The Santa Clara County Human Relations Commission, in cooperation with that county's Crisis Line, established a hotline which provides hate crime victims with practical and emotional support.**
- **The Orange County Human Relations Commission operates conflict resolution and community dialogue programs to prevent hate crimes.**
- **Break the Silence, a coalition of Asian-American groups, provides community education on hate crimes along with assistance to victims.**
- **The Commission on Peace Officer Standards and Training (POST) worked with staff from the Attorney General's Commission to draft a learning goal and unit guide on the identification of hate crimes that is being incorporated into the curriculum of law enforcement academies throughout California.**

- The San Francisco Mayor and Board of Supervisors mandated the Human Rights Commission to develop comprehensive hate crime reporting, responses, victim assistance services, and prevention efforts.<sup>10</sup>

A number of local criminal justice agencies also instituted hate violence policies and programs. In Contra Costa County, due to the efforts of the Hate Violence Reduction Task Force, the Sheriff's Department and the police departments adopted uniform policies and protocols for responding to and reporting hate crimes. Other law enforcement agencies have developed policies (that may or may not include reporting) on their own initiative or with the encouragement of community based organizations. Those that have come to the Commission's attention include Fresno, Glendale, Oakland, Pacifica, Pasadena, Sacramento, San Francisco, and San Jose Police Departments, and the Sacramento County Sheriff's Departments. The district attorneys for Los Angeles and Contra Costa Counties adopted protocols for dealing with hate crime complaints.

Although progress is being made a number of California communities continue to ignore or deny the threat to community peace posed by hate violence; or simply lack the resources and skills necessary to act. Commissioners found in 1986, and again in 1989, that although

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<sup>10</sup> This partial list of anti-hate crime measures in California was compiled from testimony submitted to the Commission, staff and consultants.

hate violence occurs throughout the State, wide disparities exist in the knowledge, commitment, and resources California communities have to prevent and respond to increasing community tensions and conflicts resulting from bigotry. As a result, freedom from harassment is often dependent on one's real or perceived minority status and on where one lives.

The Commission is convinced that the enforcement of new state hate crime laws and the continued growth of community anti-hate violence initiatives will begin to turn the tide against violence motivated by bigotry. The State of California and dozens of dedicated community and public service workers around the State are beginning to provide the tools California will need to build harmonious, diverse communities. The long-term commitment of the local governments and community based organizations is needed to curb hate violence. The future of California demands nothing less.

Commissioners encourage concerned citizens and public officials to contact the Commission and other experienced groups for information and support in establishing effective hate violence reduction programs.

## **Chapter Two**

### **A Comprehensive Approach to Hate Violence**



## **CHAPTER TWO -**

### **A COMPREHENSIVE APPROACH TO HATE VIOLENCE**

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#### **FINDING:**

- 2. Effective hate violence prevention and response efforts require county-wide coordination of public agencies and community organizations.**

#### **Hate Violence: A Community Problem**

In 1986, the Commission concluded that hate violence is a community-wide problem that must be countered by coordinating local efforts. Public-private partnerships that include the participation of community based agencies, religious institutions, business, and labor are key to building successful hate violence reduction programs. Police, human relations commissions and community based agencies have worked independently to address the challenge of hate violence in a number of California communities, but Commissioners believe efforts need to begin concentrating on forging the public-private partnerships essential for safer communities.

The Commission received information on anti-hate violence initiatives, assessed the strengths and weaknesses of projects, and identified several program components critical to successful prevention and response strategies. Those elements include:

- commitment by elected officials;
- concern and cooperation of public agencies and private groups;
- strategies to assess and respond to the potential effects of demographic changes and other occurrences that may lead to the community tensions that cause hate violence;
- school and community programs aimed at preventing and combating bigotry;
- procedures for receiving, communicating, and analyzing information on hate incidents;
- uniform policies and procedures for responding to hate violence incidents that emphasize prompt attention to the needs of victims.

**RECOMMENDATION:**

1. **Legislation should be enacted to provide support for counties to:**
  - a. **gather and assess information on the frequency, type, and location of hate violence incidents from schools, law enforcement, and other governmental and community based agencies;**
  - b. **design and implement plans to respond to hate violence; and**
  - c. **provide an annual report to the California Department of Justice and the State Legislature on the incidence of hate violence and the steps being taken to counter it.**

**Monitoring Hate Violence**

Every California county needs the capacity to track hate incidents and respond quickly to the needs of victims. Victims of violence

motivated by bigotry frequently do not report crimes to police but seek assistance from community organizations. When victims do make police reports they generally do not receive the support community groups, trained to assist hate crime victims, can offer. Most law enforcement agencies are not equipped to prevent hate crimes or to meet the needs of victims independently. Tracking, preventing and healing the wounds of the violent manifestations of bigotry requires the involvement of the entire community.

Testimony before the Commission indicates that hate crime is seriously under-reported to police. The reasons hate crime victims are reluctant to report hate incidents to police are understandable:

- Latino, Asian, Arab, and other immigrant victims are often unfamiliar with American law, fearful of police, and face language and other cultural barriers to reporting hate crimes;
- Some victims believe that police harbor the same attitudes as the hate crime perpetrators and will ignore them or persecute them for reporting incidents;
- Many victims, particularly Lesbian women and Gay men, fear that reporting hate attacks will draw attention to them and make them vulnerable to further acts of bigotry and discrimination;



- Victims often fear that perpetrators will retaliate against them if they make reports to the police.<sup>11</sup>

Public agencies and private organizations must document reports of hate violence, exchange and assess information, and formulate and implement appropriate responses. Hate crimes are unique from most other criminal acts because their impact may quickly spread from the areas where crimes occur. For example, an act of bigotry on a high school campus may well spill over into street violence after school unless school officials, police, and community leaders are all aware of the incident and are ready to respond. After a widely-publicized incident community tensions frequently escalate quickly and rumors abound. Media attention may draw more people into the community and police, school, and community resources strain to prevent additional outbreaks of violence.

### **Providing Services For Victims**

The most important element of any hate violence response strategy is to provide immediate practical and emotional support for victims. A research study on victims of hate violence by The National Institute

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<sup>11</sup> Los Angeles Human Relations Commission, Community United Against Violence and Break the Silence Coalition, written reports and oral testimony submitted to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Los Angeles, July, 1989 and Oakland, October, 1989.

Against Prejudice and Violence identified victims' common reactions to hate crimes, including feelings of disillusionment with America, isolation, anger, sadness, and powerlessness.<sup>12</sup>

Crime victims encounter some of the same feelings as victims of hate violence but the reactions are intensified when victims are targeted for violence because of their intrinsic characteristics. Survivors of hate crimes told Commissioners about long lasting feelings of fear and anxiety that sometimes prevented them and their loved ones from going to work or school and about their struggles to teach their children not to hate themselves or people of the same ethnicity as those who attacked them. Love and acceptance are difficult to promote in the face of bigotry and hate.<sup>13</sup>

Without prompt, adequate assistance hate crime victims can experience serious disruption of their lives and may even act to seek revenge against perpetrators. Nothing will raise the ire of communities or engender loss of confidence in schools, law enforcement and civic leaders more quickly than reports that victims of hate violence have been treated with disdain. Failure to provide services to hate crime victims sensitively

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<sup>12</sup> National Institute Against Prejudice and Violence, The Ethnoviolence Project, Institute Report, 1986.

<sup>13</sup> Testimony submitted to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, 1989.

and quickly has deleterious effects on the victims and the community where the crime occurred. In the words of the New York State Governor's Task Force on Hate Violence, "We must do more than acknowledge their suffering and credit their resolve. We must resolve to develop and provide the best care possible for bias crime victims."<sup>14</sup>

The best care possible is delivered by neighbors who speak the victim's language, arrive quickly, offer practical assistance by attending to injuries and property damage, and take steps to ensure the immediate safety of victims. They provide emotional support by letting victims know that they are not at fault and they are not alone; and that their community is standing with them. Models for effective victim assistance are found in the work of Community United Against Violence in San Francisco and other community based service providers. Critical elements include practical assistance, counseling, referrals, advocacy, and safety education.

#### **RECOMMENDATION:**

- 2. Legislation should be enacted to support prototypes of county comprehensive hate violence reduction programs to serve as models for replication by other California counties.**

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<sup>14</sup> New York State Governor's Task Force on Bias Related Crime, Final Report, March, 1988, p. 5.

Recently, hate violence attacks against women in Montreal, Afro-Americans in New York and Southeast Asian children in a Stockton schoolyard have drawn attention to the insidious effects of hate crimes and the urgent need for prevention and response strategies nationally and in California.<sup>15</sup>

Proven model hate crime prevention and response programs are necessary to provide California counties with the guidance and practical information they require to use scarce resources productively to combat bigotry. One such program, the Contra Costa County Hate Violence Prevention Project, formulated in response to the Commission's 1986 recommendations, illustrates how the core elements of a county program can be woven together to form an integrated strategy for preventing and responding to hate violence. Important features of the Contra Costa project include:

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<sup>15</sup> For further information on the Stockton, California incident, see, A Report to Attorney General John K. Van de Kamp on Patrick Purdy and the Cleveland School Killings, prepared by Nelson Kempsey, Chief Deputy Attorney General, et al., October, 1989.

### **Policy Planning Body**

A policy planning body which includes representatives from the criminal justice system, schools, community based organizations and other relevant public agencies and private groups.

### **Objectives**

Program objectives to create a cooperative effort for preventing and responding to hate violence, such as implementation of:

1. Law enforcement policies, procedures, and training for responding to hate crimes;
2. District attorney policies and procedures for the prosecution of hate crimes;
3. Procedures for ensuring that all public schools maintain curricula for promoting appreciation for diversity and methods for resolving disputes without violence;
4. School guidelines for responding to hate incidents; and
5. Training for religious institutions and community-based organization workers to provide assistance to victims of hate violence.

### **Conflict Resolution**

Provision for assessing and resolving issues that may lead to hate violence, including training of community leaders, religious leaders, criminal justice personnel and

human relations commissioners on methods to assess, intervene in, and resolve conflicts that have the potential to lead to hate violence.

### **Promoting Communication Among Diverse People**

Community programs to foster communication among the diverse people in the community to shatter myths and stereotypes and encourage mutual concern for each others' well being.

Hate violence reduction projects, such as the one in Contra Costa County, can serve as laboratories for strategies to respond to and prevent hate crimes. Projects can provide access to information on what works, what fails, and what diverse communities need to counter violence motivated by bigotry. Reports should reflect shifts in the nature and incidence of hate crime and identify successes and gaps in anti-hate violence initiatives in a timely manner.

# **Chapter Three**

## **Hate Crime Reporting**



## **CHAPTER THREE - HATE CRIME REPORTING**

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### **FINDING:**

- 3. California urgently needs a hate violence data reporting and collection system to enable State and local policy-makers assess the frequency, type, and location of incidents of bigotry so that strategies can be devised to eliminate them.**

### **Critical Lack of Information**

Five years after the Commission identified the need for a uniform hate crime reporting system California still cannot answer critical questions about the nature and incidence of crimes motivated by bigotry.

The State and most communities do not know:

- how many hate crimes occurred last year;
- what type of hate crimes occurred;
- which groups were victimized by hate crimes most often;
- the trends in hate crimes;
- where organized hate groups are most active and how extensive their activities are;
- if hate crime perpetrators are more likely to be children or adults.



The lack of data makes informed policy making impossible on both the State and local level. Moreover, it perpetuates denial of the risk and severity of hate crimes until tragic incidents make headlines.

What information is available on hate violence has been collected by civil rights organizations and some local law enforcement agencies.

The accessible data provides some clues to the magnitude of hate violence in California.

- Approximately 300 hate violence incidents have been reported to police in Concord since data collection procedures were implemented in 1986;
- The National Lesbian and Gay Task Force reported 561 hate crimes against Lesbians and Gays in California in 1988, including 317 physical assaults;
- In 1988, the Los Angeles County Human Relations Commission documented 95 racial hate crimes, 731 religious hate crimes, and 61 hate crimes against Lesbian women and Gay men in the community and 2,265 hate incidents on K-12 school campuses.

Data collected by the Los Angeles County Human Relations Commission points out significant disparities between the frequency and types of hate crimes reported in the community compared to those reported on primary and secondary school campuses. African-Americans and Jews are the primary targets of hate crimes reported to the police and the Commission in Los Angeles County. More than 60 percent of

the hate crimes reported against racial groups on off school campuses victimized African-Americans. Over 90 percent of crimes motivated by religious bigotry targeted Jews. In the reporting schools, however, Latinos were reportedly the targets of hate violence more frequently than any other group and slightly more than 50 percent (40 of 79) of crimes motivated by religious bigotry targeted Jews.

The Los Angeles data provides valuable information about hate crime perpetrators as well. In 1987, arrests were made in 31 of 194 documented hate crimes. Fifteen suspects were adults and 13 were teenagers. Few perpetrators were linked to organized hate groups.<sup>16</sup>

A growing number of law enforcement agencies are adopting reporting procedures and maintaining records on hate violence. Law enforcement officials report that when the chief executive is supportive, police agencies quickly overcome attitudinal and practical problems and track hate crime reports with limited expenditures of resources. They credit hate crime monitoring with preventing the escalation of hate crimes, assisting investigations, and enhancing community relations.<sup>17</sup>

In February, 1990 the United States Senate passed a federal hate

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<sup>16</sup> Gene Mornell, Executive Director, Los Angeles Human Relations Commission, oral testimony and written report submitted to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Los Angeles, July, 1989.

<sup>17</sup> Chief George Straka, Concord Police Department, oral testimony and written report presented to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, October, 1989.

crime reporting law similar to one that had passed the House in 1989. Federal legislation may soon be enacted to require all law enforcement agencies to identify and report crimes motivated by hate against a victim's race, ethnicity, religion or sexual orientation. In California the incorporation of training on the identification of hate crimes in law enforcement academies and the passage of legislation authorizing the Department of Justice to require hate crime reporting by law enforcement may finally serve to fulfill the Commission's 1986 recommendation for the statewide recording of hate crimes.

Reporting on hate violence helps alert public safety and community agencies to the potential for serious hate crimes and provides opportunities to act before incidents escalate to disrupt the community. When a criminal hate act occurs, data collected on earlier incidents motivated by bigotry can aid police in identifying suspects and in other aspects of their investigations. The process of collecting and publicizing

data gives communities the message that police consider hate violence to be a priority and will respond to acts of bigotry.<sup>18</sup>

Consistent hate crime data collection provides the information necessary to formulate effective public policy to respond to and prevent violence motivated by bigotry. The implementation of recently enacted legislation (Senate Bill 202) authorizing the California Department of Justice to require law enforcement agencies to report hate crimes will provide the State and our communities with critical information.

The Legislature in passing SB 202, did not allocate funds to support the establishment of the reporting system by the Department of Justice.

The Commission implores the Legislature and the Governor to provide financial support as rapidly as possible to support the ongoing operation of the reporting system by the Department of Justice.

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<sup>18</sup> Commander Bill Johnston, Boston Police Department, Community Disorders Unit, Interview.

## **RECOMMENDATION:**

- 3. The Legislature and the Governor should immediately allocate funds to create a state-wide system for collecting and reporting data on crimes motivated by bigotry as authorized by Senate Bill 202.**
  - a. The Department of Justice should draft a plan for training local law enforcement agencies to report hate crimes;**
  - b. The Department of Justice should distribute guidelines and procedures for reporting hate crimes to local law enforcement agencies;**
  - c. The Department of Justice should draft a protocol for the release of hate crime data to county and local agencies on a quarterly basis;**
  - d. The Department of Justice should publish an annual report profiling hate crimes reported in California counties;**
  - e. Legislation should be enacted to appropriate additional funding for the Department of Justice to provide training to local law enforcement agencies and to maintain the hate crime data collection and reporting system.**

Senate Bill 202 gives the Attorney General the authority to mandate California law enforcement agencies to report hate crimes to the Department of Justice. In 1984, Senate Bill 2080 directed the Department of Justice to recommend an appropriate State agency to implement collection of data on hate crimes; to recommend an appropriate method for collecting data; and to establish uniform guidelines for the consistent identification of hate crimes. The

Department of Justice Bureau of Criminal Statistics conducted a pilot project involving eight law enforcement agencies and designed a model for data reporting, collection, and analysis.<sup>19</sup> Senate Bill 202 will now allow the Department of Justice to implement the model data collection system developed by the Bureau of Criminal Statistics in 1985.

Key components of the model include: criteria and guidelines for identifying hate crimes; simple procedures for marking existing crime reports to indicate hate crime; Department of Justice procedures for compiling data; and provisions for regular reports to the State Legislature, counties, and the public.<sup>20</sup> Connecticut, New York, Virginia, and other states have used the California model to establish their reporting systems. The Commission, law enforcement officials, and community representatives have reviewed and recommended implementation of the model.

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<sup>19</sup> California Department of Justice, Racial, Ethnic and Religious Crimes Project.

<sup>20</sup> Ibid.

# **Chapter Four**

## **Law Enforcement Response to Hate Crimes**



## **CHAPTER FOUR - LAW ENFORCEMENT RESPONSE TO HATE CRIMES**

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### **FINDING:**

- 4. New police training efforts are needed to ensure that officers have the information and skills necessary to work with the diverse populations of California communities so that a greater proportion of victims of hate crimes will use law enforcement services.**

Since 1986, a number of California law enforcement agencies have acted on Commission recommendations for implementing policies, procedures and training on hate crimes. POST recently included the recognition of hate crimes as a learning goal in basic law enforcement academy curricula, and some local law enforcement agencies have initiated advanced officer training on violence motivated by bigotry.<sup>21</sup> These and other law enforcement efforts are to be commended, but more work remains to be done.

Despite the commitment of some law enforcement agencies to set hate violence as a priority, many victims of crimes motivated by bigotry

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<sup>21</sup> Hal Snow, California Commission on Peace Officer Standards and Training, oral testimony before the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, October, 1989.



do not see police officers as allies or sources of support.<sup>22</sup> Many members of minority groups associate police officers with discriminatory treatment and abuse, and reports of alleged misconduct received by the Commission reinforce their perceptions.

Public confidence, always integral to the effectiveness of law enforcement, is essential to successful hate crime responses. When victims of violence motivated by bigotry do not trust police, they may not report crimes or cooperate with investigations; they may even take vigilante action that can lead to widespread community disruption. Moreover, their fear of law enforcement and hesitancy to report hate crime often prevents them from receiving the basic protection and services that victims of any crime deserve.

Minority group members' mistrust of police officers is not a new issue, however, the growing diversity of California communities and the apparent recent increase in hate crimes make it more pressing than ever before. Existing programs to train police officers on cultural awareness in basic academies and in some local agencies have not yet solved the problem and a crisis will develop as the diversity of the population grows

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<sup>22</sup> Asian Law Caucus, Community United Against Violence, and National Association for the Advancement of Colored People oral testimony and written reports represented to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, October, 1989.

unless there are rapid and broad improvements in police community relations. Bold new approaches are necessary.

The Commission believes that academies, operating in an institutional setting, can only go so far in attempting to prepare officers to work with people from various cultures and backgrounds in a community setting. Commissioners believe that, ideally, the primary responsibility for training an officer to work with the diverse people in the community, should belong to the local police agency. However, the testimony demonstrates that not all chief executives of local law enforcement organizations recognize the need for additional training.

The Commission also believes that the inclusion of the training block on hate violence in the Community Relations section of the academy curriculum is inappropriate. Hate crime identification should be integrated into everyday policework and not treated as a separate category. One of the routine procedures conducted during patrol and investigation should be the identification of hate crimes and the Commission believes that the learning goal properly belongs in those sections of the curriculum.

The Commission's recommendations focus on training, however, Commissioners recognized other critical steps toward building confidence in police. Law enforcement agencies should reflect the diverse

demographics of the communities they serve and be genuinely accountable to those communities. To that end, police departments should aggressively work to recruit, retain, and promote diverse officers and non-sworn personnel. When community residents make complaints about police conduct, local units of government should respond quickly with thorough and impartial investigations to protect the rights of community members and police officers.

Measures to gain the trust of documented and undocumented immigrants are of special importance. In 1986, the Commission, upon hearing reports that undocumented immigrants usually do not report hate crimes because they fear police will notify the U.S. Immigration and Naturalization Service (INS), recommended the creation of law enforcement policies for addressing violence perpetrated against undocumented immigrants. Although Commissioners are encouraged by the growing number of law enforcement agencies adopting policies limiting interaction with INS, they are disturbed by persistent media reports of local police participating in INS raids that go awry.

*Commissioners urge law enforcement agencies to replicate the steps taken in Fresno, San Jose, and other communities to allow immigration agencies to carry out their responsibility while local police maintain the perspective that their role is to ensure the safety of all people in their community.*

#### **RECOMMENDATIONS:**

- 4. The California Commission on Peace officer Standards and Training (POST) should involve members of this Commission, local human relations commissions, and representatives of community organizations that monitor hate crimes in a comprehensive review of strategies for training about cultural awareness and hate violence.**
- 5. Local law enforcement agencies should provide training on working in diverse communities following strategies designed in a cooperative effort with POST.**
- 6. Current POST learning goals on hate crimes should be extended to include responses and integrated into patrol and investigative techniques.**

The Commission encourages POST to devise new performance objectives to gauge the ability of officers to work with diverse people in community settings. POST should work with representatives of a cross-section of the diverse populations of California and experts in the field of community relations to provide local law enforcement agencies with the resources and technical assistance they need to provide training. The recommendations intend to convey the Commission's concern that training should be conducted in the community setting with the objective of

enabling the various segments of the population and the officer to communicate easily and effectively so that myths, stereotypes and negative images can be set aside.

*Specifically, the Commission commends POST to consider measures including but not limited to:*

1. *Re-examining the training block on community relations, and when appropriate moving each category into patrol procedures and investigations, particularly those items relating to hate crimes;*
2. *Setting performance objectives for officers to work in communities with diverse populations, then creating a strategy designed to ensure that local law enforcement agencies assume the responsibility for integrating the officer into the community so that both the officer and the people in the community will be able to communicate effectively and comfortably regardless of their race, ethnicity, religion, sex, sexual orientation, or disability. This should include, but not be limited to:*
  - a. *Preparing and distributing training materials to local law enforcement agencies that are designed to enable police to work effectively in diverse communities and to prevent and respond to hate crimes. The materials should include learning goals, training objectives, course outlines, reference materials and lists of resource people; and*
  - b. *Certifying training for line supervisors on identifying police officers' problems working in diverse communities and supervisory action to rectify problems.*

Training on working with diverse communities and responding to hate crimes cannot stop at the basic academy level or be confined to special POST certified technical classes.

## **Chapter Five**

### **Protecting the Rights of Hate Crime Victims**



## **CHAPTER FIVE - PROTECTING THE RIGHTS OF HATE CRIME VICTIMS**

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### **FINDING:**

- 5. Attorneys and judges in California need more information on criminal and civil laws adopted to protect the rights of hate crime victims.**

The California legislature responded to the Commission's 1986 recommendations with the enactment of strong new criminal laws and important amendments to civil laws intended to protect the rights of hate crime victims. The Commission was unable to gather complete information on how the new laws have been utilized, however, reports received by Commissioners indicate that many attorneys and judges are unaware of the Bane Civil Rights Act and amendments to the Ralph Civil Rights Act that afford new protections for hate crime victims.

The Bane Civil Rights Act provides uniform and clear standards for prosecuting hate crimes. When acts of hate violence are prosecuted under other laws, those laws typically address only specific criminal acts involved, such as vandalism or assault, without regard to the civil rights they violate. As a result, perpetrators are seldom held accountable for the insidious nature of their crimes. The Bane Act is designed to

prosecute hate crime perpetrators specifically and to enhance punishments for those convicted.

Furthermore, the Bane Act enables hate violence victims to get court ordered injunctions against harassment, intimidation, or other interference by hate violence perpetrators. The Commission has learned that hate violence often increases in both severity and frequency, even when criminal and civil legal actions are pending. Bane Act court injunctions enable police to take action against non-criminal harassment of hate crime victims.

Amendments to the Ralph Civil Rights Act adopted in 1987 facilitate effective civil redress for victims of hate violence. In 1986, the Commission found that civil actions were seldom brought under the Ralph Act by hate crime victims. New provisions for increased awards and attorneys' fees were intended to promote Ralph Act actions against hate crime perpetrators.

**RECOMMENDATION:**

- 7. The California Bar Association should provide informational and training materials on the Bane Civil Rights Act and the Ralph Civil Rights Act to lawyers and attorneys.**

Department of Justice and Fair Employment and Housing Commission staff have presented training on the new laws for some attorneys and developed informational materials. More effort and the



cooperation of the California Bar Association is needed to reach more attorneys and judges. Unless attorneys are fully informed about the laws, the Bane Civil Rights Act and the Ralph Civil Rights Act will not be used to their full potential for protecting the rights of hate crime victims and deterring hate violence.

The Commission recommends that the California Bar Association publish an article about these Acts in The California Lawyer.

# **Chapter Six**

## **Hate Crime Sanctions**



## CHAPTER SIX - HATE CRIME SANCTIONS

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### FINDING:

- 6. A broader of range of sanctions are needed to deal with perpetrators of hate violence, particularly juvenile offenders.**

Laws to enhance sentences for crimes motivated by bigotry recognize the malicious intent and profound effects of hate violence, however probation departments and the judiciary need to devise appropriate sanctions for juveniles who commit hate crimes and alternative punishments for adult offenders who are not sentenced to jail.

Children arrested for hate crimes are given the same penalties as young people arrested for crimes not motivated by bigotry.<sup>23</sup> General probation supervision, police reprimands, diversion counseling, and incarceration fail to address prejudice and intolerance. Unless the myths, stereotypes, and fears that cause bigotry are addressed, youthful offenders run the risk of growing up misunderstanding and hating people who are different from them, a fate with serious implications for their futures and the future of our communities.

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<sup>23</sup> Jack Waddell, Contra Costa County District Attorney's Office oral testimony and written report submitted to the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, October, 1989.

**The future of our communities depends on helping youth unlearn prejudice. However, environments in many correctional institutions only serve to foster and reinforce racism and homophobia and to escalate the potential for continued hate violence. The juvenile justice system needs to develop special programs in cooperation with schools and community organizations, to intervene and attempt to alter the behavior and attitudes of youth who commit hate crimes. Commissioners believe creative sanctions are needed to prevent young offenders from continuing to commit hate violence.**

**Currently, many hate crime offenders are placed on probation under general supervision. Some are ordered to pay restitution. Such sanctions provide for a measure of punishment but fail to make perpetrators accountable for the effects of their acts and do nothing to address the motivation for hate violence.**

**Sanctions and meaningful probation conditions for adult hate violence perpetrators are needed to supplement existing sentencing options. Judges need thorough probation reports with careful attention to the motivation of hate crimes and creative options for punishment.**

**A number of creative approaches should be examined including, but not limited to:**

- 1. Having the perpetrator(s) assigned to work for a service group that serves people sharing the ethnicity, gender, sexual orientation or other characteristic that motivated the perpetrator to commit violence;**

2. Having the perpetrator(s) meet with and acknowledge guilt to the hate violence victim, and perform community service tasks that the victim feels are appropriate;
3. Having the perpetrator attend classes designed to assist people unlearn prejudice;
4. Having the perpetrator engage in some activity requiring cooperative efforts between people of various groups including the group targeted by the hate violence.

Community service requirements, developed with input from victims and their communities, can punish offenders, hold them accountable for their crimes, and make repeat crimes less likely. Effective monitoring is an essential component of any alternative punishment.<sup>24</sup>

**RECOMMENDATION:**

8. **The California Board of Corrections should appoint an advisory committee of representatives of local human relations commissions, community agencies that monitor hate incidents, and representatives of the California Department of Education to:**
  - a. **set objectives and standards for training probation officers for working with juvenile and adult hate crime offenders;**
  - b. **review course materials, curricula, and resumes of trainers; and**
  - c. **distribute recommended materials, curricula, and lists of trainers to county probation department training officers.**

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<sup>24</sup> New York State Governor's Task Force on Bias Related Violence, "Survey of County Prosecutors," Final Report, March, 1988.

**Probation officers need specific information and skills to work effectively with perpetrators of hate crimes. Training topics should include but not be limited to the following:**

- the effects of hate crimes on victims and communities;**
- community and governmental organizations involved with hate violence prevention and response;**
- techniques for working with juveniles (and their parents) and adults who commit hate crimes;**
- effective sanction options for hate crimes; and**
- probation reports in hate crime cases.**

9. **Legislation should be enacted to require the California Office of Criminal Justice Planning (OCJP) to fund model juvenile justice programs designed to change the behavior and attitudes of children who commit hate crimes.**

Documentation and evaluation of model program approaches for working with other types of youthful offenders has provided valuable information for California courts and probation departments. OCJP has provided start-up funds for ground-breaking treatment programs for adolescent sex offenders and intensive supervision programs for young people who commit serious violent crimes. Similar resources should be devoted to programs for young perpetrators of hate violence.

Jurisdictions in New York and Maryland have designed probation programs that combine community service and anti-prejudice education for individual children arrested for hate crimes. Several New York jurisdictions, after consulting victims, have placed young hate crime offenders in service positions in victim communities.<sup>25</sup> Montgomery County, Maryland operates a counseling and education program that stresses the effects of hate crimes.<sup>26</sup> California should create model programs in major population areas then monitor, and disseminate

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<sup>25</sup> Ibid.

<sup>26</sup> See the Montgomery County Human Relations Commission, Project STOP Brochure appended to this report.

**information on successful approaches for working with young people who  
commit violence motivated by bigotry.**



# **Chapter Seven**

## **Schools and Hate Violence**



## **CHAPTER SEVEN - SCHOOLS AND HATE VIOLENCE**

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### **OVERVIEW**

Despite a number of tragic hate crimes on school campuses, little action has occurred since the Commission's finding in 1986, that hate violence on school campuses needed to be addressed. Statistics on the incidence of hate crimes occurring at public schools were unavailable because schools were not required to specifically report those crimes. Few schools addressed the issue of hate violence in their curricula and none trained staff to respond. The Commission was unable to identify any resources to help teachers or administrators prepare for outbreaks of hate violence in schools.<sup>27</sup> Even today most primary, secondary and unified public school districts are reluctant to acknowledge the existence of hate violence on school campuses.

State curriculum frameworks contain objectives designed to promote appreciation for different cultures. However, primary and secondary public schools still need to plan response strategies if they are going to provide the learning environment necessary to attain their own educational objectives.

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<sup>27</sup> Op. Cit. Attorney General's Commission Final Report, 1986, p. 35.

## **PRIMARY AND SECONDARY SCHOOLS**

### **FINDING:**

- 7. More primary and secondary schools need to adopt curricula and programs that promote appreciation for diverse people.**

The California Department of Education has taken significant steps to provide leadership for the adoption of school curricula that will promote religious, ethnic and cultural understanding. The State curriculum frameworks for History-Social Science, English and Dramatic Arts, are used as guides by primary and secondary school districts and textbook publishers, and include objectives which encourage students to dispel derogatory myths and stereotypes and to appreciate cultural differences.<sup>28</sup>

In some communities, school districts and community organizations are working together to develop and implement cultural awareness curricula. The curriculum directors for the primary and secondary school districts in Contra Costa County have agreed to work with the Hate Violence Reduction Task Force to review History-Social Science and English-Dramatic Arts curricula to ensure that objectives that encourage mutual understanding and a reduction of bias and prejudice are

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<sup>28</sup> See the learning objectives extracted from the History-Social Science and English-Dramatic Arts frameworks in the Contra Costa County Hate Violence Reduction Progress Report appended to this report.

incorporated. The National Conference of Christians and Jew's Green Circle Program, the American Jewish Committee's Hands Across the Campus Program, and the B'nai B'rith' Anti-Defamation League's World of Difference Program are other examples of worthwhile programs combatting prejudice in primary and secondary schools.

The California Department of Education is currently implementing Assembly Bill 920 which calls for the selection of three school districts within the state to develop model human relations programs.

The Commission calls on the Department to use this opportunity to provide support and encouragement for school human relations efforts to include plans for responding to hate violence on the campus.

**FINDING:**

- 8. Acts of bigotry and hate group organizing activities are occurring with alarming frequency on campuses, but very few schools have developed formal programs to track and respond to hate violence.**

The Commission received reports of hate violence occurring at every school level in every region of the State. Testimony submitted to the Commission indicated that a continuing pattern of hate incidents on campus is usually a sign that insensitivity and discrimination against minority students is pervasive and tolerated. Schools where officials have little or no experience identifying and addressing inter-cultural conflict,

and where the non-White student population has burgeoned quickly, appear to be most susceptible to hate incidents. The Commission also heard that school personnel's failure to recognize cultural differences created misunderstandings and conflict in a number of schools attended by Southeast Asian Refugee students. Lack of any staff who spoke the students' primary languages exacerbated tensions in those schools.

A survey conducted by the Los Angeles County Human Relations Commission during the 1988-89 school year indicates the extensive nature of hate violence in schools.<sup>29</sup> Nine hundred fifty-six primary and secondary schools, voluntarily responding to the survey, reported 2,265 hate incidents during the school year. Six hundred fifty-one incidents were reportedly directed against Latinos, 624 against African-Americans, 337 against Whites, 309 against Asians and Pacific Islanders, 104 against Arab and other Middle Eastern students, 65 against Filipinos, 31 against other ethnic groups. Sixty-five hate acts were perpetrated against Gays and Lesbians. Forty were reportedly committed against Jewish students, 17 against Christians, and 22 against other students of other religions. Four hundred seventy-one (22%) of the total incidents were reported to be anti-immigrant in origin.

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<sup>29</sup> Los Angeles County Human Relations Commission, Intergroup Conflict in Los Angeles County Schools, Report on a Survey of Hate Crime, October, 1989.

## **Tracking Hate Violence in Schools**

Information on the extent and nature of hate violence in California school districts is not available. Current laws mandating school districts to report violence and crimes do not require that reports indicate whether acts were related to hate violence.<sup>30</sup> As long as hate violence reporting remains voluntary the schools that wish to gather the data may face serious repercussions since parents will not want their children to attend schools where hate violence occurs. As a result, school districts may lose not only credibility but also funds which are allocated on the basis of attendance.

Voluntary reporting presents school district administrators with a dilemma: maintaining records on hate incidents provides the information necessary to assess the problem and respond effectively; but public awareness of the existence of hate violence at a particular school, or in a particular school district, may also lead parents to enroll their children in schools that do not keep records on hate acts. Some school officials apparently believe that the loss of students to other schools and consequent depletion of funds poses too great a danger to risk public accounting of hate incidents.

The Commission believes the solution to the school officials'

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<sup>30</sup> See Penal Code sections 628 et. seq.

dilemma lies in legislation that mandates reporting of hate violence by all California primary and secondary school districts and provides for consistent monitoring of reporting procedures. Monitoring is necessary to insure that hate violence records are accurate and to allay concerns that some school districts may be penalized because others under-report hate crimes.

### **Responding to Hate Violence in Schools**

Acknowledging and responding to hate violence is the responsibility of every parent and every school employee. Failure to take strong and prompt action against hate incidents on school campuses poses an obvious risk to student and employee safety and grave danger to an environment intended to promote learning. However, school personnel generally lack skills and resources for responding to hate violence.

School personnel need training on how to respond to hate violence effectively. Commissioners heard disturbing reports of what can happen when teachers and school officials do not take acts of bigotry seriously. In San Leandro, for example, when a White student brought a doll dressed like a Ku Klux Klan member to school African-American students were upset and offended. School officials initially considered the incident to be a harmless prank. They were not aware of its negative impact on the community until African-American teachers and community groups publicly raised the incident as an indicator of the ongoing problem of

racism in the district. The Commission has also received reports of teachers ignoring comments by students proudly claiming they are bigots in classroom settings.

According to the Los Angeles survey of hate crimes on primary and secondary school campuses, when schools do take action against hate violence the range of their responses is limited. In almost half the of 2,441 disciplinary actions for hate crimes, discipline consisted of "counseling" by an administrator and return to class. Suspension was used as discipline in 633 instances, detention 379 times and expulsion in 52 cases.

Disciplinary action may be instrumental in deterring hate violence, however, discipline alone fails to address the needs of students who are victims or to address the tensions that led to the incident. Ideally, responses to hate violence would hold perpetrators accountable, include services for victims, and result in creating environments conducive to changing the attitudes and behaviors of students who commit hate crimes.

### **Affirmative Action**

The Attorney General's Asian and Pacific Islander Advisory Committee noted in its December, 1988 Final Report that "within many of our schools, racial and ethnic prejudice are an integral part of the social fabric." The Commission was concerned that the "climate of racial



insensitivity on a school campus often reflects the biases of school leadership..."<sup>31</sup>

School personnel should represent the demographics of the communities they serve so that they can demonstrate how people can work together without hostility and not continue to serve as an example of a divided society. The State Legislature, school administrators, and other decision makers need to implement effective programs to recruit classified and certificated personnel that are representative of the communities schools they serve if they expect students to take the pronouncements of the need to appreciate diverse people seriously.

## **POST-SECONDARY INSTITUTIONS**

### **FINDING:**

- 9. Acts of bigotry and hate group organizing activities are occurring with alarming frequency on college and university campuses.**

Increased awareness of the detrimental effects of hate incidents on victims and learning environments has led state colleges and universities in California to take steps to address these problems. Some campuses have established hate violence reporting procedures, created centers for

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<sup>31</sup> Attorney General's Asian and Pacific Islander Advisory Committee, Final Report, December, 1989, pp. 50-51.

providing assistance to victims, and formulated policies to govern disciplinary actions against perpetrators of hate violence.

Academic offerings have been expanded to include classes that emphasize the values of cultural diversity. The University of California is also attempting to increase the number of ethnic minorities currently under-represented in positions primarily responsible for student conduct and development of educational programs outside the classroom (i.e. student affairs, residential housing, and student counseling and services).<sup>32</sup>

**FINDING:**

- 10. Efforts by a few colleges and universities to design and implement measures to respond to and prevent campus hate violence should be replicated at all public and private postsecondary educational institutions.**

The number of assaults and racial and ethnic slurs against students, and the incidence of racist and sexist graffiti on college and university campuses in California and across the nation appears to be increasing. An incident at Fresno State University seems typical of these. A Latina student returning from a student protest against racial and sexual discrimination was subjected to the chants of "KKK is the way, KKK is here to stay," by six White students in the school cafeteria.

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<sup>32</sup> Ibid., at pp. 57-60.

Bigotry expressed in classrooms and public areas affects not only the immediate victims, but also all those who share the inherent characteristics of the victim. The incident described above caused Latinos and women on the campus to suffer in their education because they were distracted from their studies. The terrible tragedy at a university in Montreal, Canada in December, 1989 where a man shot and killed 14 women because of their gender affects not only the friends and families of the women killed but all women who hear of it, particularly women students.

Research on publicly reported incidents of hate violence on 161 college campuses throughout the nation showed that hate incidents and crimes are pervasive. A National Institute Against Prejudice and Violence research survey projected that one out of five ethnic minority college students has been the victim of "ethnoviolence" (i.e. hate violence) on a college campus. Violence against Gay and Lesbian students occurs at a similar or even greater rate. Perpetrators are generally not known to the victim, and a substantial proportion of such incidents are committed by a small group of perpetrators. The majority of incidents reported

involve verbal hate harassment; 80 percent of the victims interviewed in the study did not report incidents to school officials.<sup>33</sup>

The University of California campuses have not been immune from numerous hate incidents and violence. The California Senate Special Committee on University of California Admissions recently held hearings and conducted an investigation on racial/ethnic tensions and hate violence on University of California Campuses.<sup>34</sup>

The Senate Committee received testimony that hate incidents and other acts of discrimination against students and staff occurred on every University of California campus during the period 1985-1988. These incidents included reports of assaults and harassment and complaints of differential treatment and insensitivity. Incidents occurred on campus, in the classroom and in residential dormitories.<sup>35</sup> The Senate Committee received reports from students that even school sanctioned activities such as "slave days" promote culturally insensitive stereotypes.

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<sup>33</sup> National Institute Against Prejudice and Violence, Campus Ethnoviolence (September 1987-September 1988).

<sup>34</sup> California Legislature Senate Special Committee on University of California Admissions, Hearing on Racial/Ethnic Tensions and Hate Violence on University of California Campuses, Los Angeles, October 4, 1988.

<sup>35</sup> Ibid., at pp. 4-14.

One complaint was made against a student newspaper for publishing racist student comments.<sup>36</sup> In September 1989, an article appeared in the College of San Mateo's weekly student paper entitled, "Who do you hate?" The opening paragraph stated:

*"I never used to think of them as a minority. But I do now. I never used to hate them. But I do now. The group of people I'm talking about are Asians."*

The editor of the student newspaper defended her decision to publish the article by citing constitutional protections for freedom of speech and said she would publish anything submitted to her. Asian civil rights and community groups were outraged by the newspaper staff's insensitivity, and viewed the racist sentiment published as another serious manifestation of the increasing level of anti-Asian sentiment in the State.<sup>37</sup>

While freedom of speech and press are important constitutional rights not to be infringed, school officials need to address the serious problems of racism and cultural insensitivity which cause hate violence.

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<sup>36</sup> Kerry Massoni, Member, Board of Trustees, Novato Unified School District, written report and testimony before the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, October 6, 1989.

<sup>37</sup> Robin Wu, Civil Rights Program Developer, Chinese for Affirmative Action, written summary and testimony before the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Oakland, October 6, 1989.

## **RECOMMENDATION:**

- 11. Penal Code Section 628 et seq. should be amended to require the inclusion of hate violence in school crime reporting, and the Department of Education should be encouraged to ensure compliance with the reporting requirements.**

School districts are currently required to report crimes occurring on campuses. If districts are provided with guidelines for recognizing hate violence, officials could add a code to existing reports to identify hate incidents without incurring significant cost or creating complex new procedures. Model guidelines for reporting of hate incidents are available.<sup>38</sup>

## **RECOMMENDATIONS:**

- 12. Legislation should be enacted to require training for school administrators and teachers on how to recognize and respond to hate violence.**
- 13. Legislation should be enacted to require public and primary school districts to adopt guidelines and plans for responding to hate violence.**
- 14. Legislation should be enacted and funds appropriated to enable the Department of Education to support the development of model programs aimed at modifying the behavior of student perpetrators of hate violence who have demonstrated their inability to function effectively in an integrated school setting.**

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<sup>38</sup> Contra Costa County Hate Violence Reduction Project.

Contra Costa County's Hate Violence Reduction Task Force drafted model guidelines for recognizing and responding to hate violence on the K-12 campus that have been endorsed by the California Teachers' Association. Every California school district should have similar criteria for identifying hate violence and plans for responding to it.

**RECOMMENDATION:**

- 15. Legislation should be enacted to require public colleges and universities to report incidents of hate violence.**

The Commission received testimony from post-secondary institutions attempting to respond to hate violence on the campus and staff has had the opportunity to review work reported by universities and colleges throughout the country. A model checklist was presented to the Commission. (See Appendix T.)

The Senate Committee concluded that the student media seems to be the major source of information on hate incidents for employees and officials of the University of California.<sup>39</sup> State and community colleges and other post-secondary institutions also lack reporting procedures and, therefore the information necessary to formulate hate violence prevention and response policies and programs. New law requires publicly funded

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<sup>39</sup> Ibid., at pp. 3, 15-24.

post-secondary institutions to report crimes committed on campuses annually. Those reports should specifically identify hate crimes.

**RECOMMENDATIONS:**

- 16. Legislation should be enacted to require public post-secondary institutions to provide staff with training on how to recognize and respond to hate violence.**
- 17. Legislation should be enacted to require post-secondary institutions to adopt guidelines and plans for responding to hate violence.**

Hate violence threatens the safety and sanctity of college and university campuses and demands that post-secondary institutions take action to respond to and prevent it. Responsible staff need information about the signals of impending hate violence, the effects of hate crimes, and the special needs of victims. In order to prevent the escalation of hate violence, campuses need clear procedures to follow when hate crimes do occur.



# **Chapter Eight**

## **Other Issues**



## **CHAPTER EIGHT - OTHER ISSUES**

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This Commission has been actively involved in addressing the issues related to hate violence in the State of California for five years. The task is a challenging one, and considering the limited resources, the Commission believes real progress has been made in the recognition of the problem of hate violence. Whether the increased attention is due in part to the efforts of the Commission or whether the concern has been heightened only in response to the changing demographics of the State is open to conjecture. However, the Commission is optimistic that sincere efforts are beginning that will eventually enable people from different backgrounds and lifestyles to live together in harmony.

Unfortunately the Commission was unable to expand its scope to give youth and adult penal institutions the attention they so desperately need. The Commission recognizes that racism, sexual harassment and other forms of bigotry are serious issues for those who are incarcerated and for those who administer the institutions. However, commissioners did not delve into the area, because they believed the issues were so large that they would not be able to do an adequate job without diverting attention from the Commission's mandate.

Any effort to deal with hate violence must include violence committed against people because of their gender. The recent murder of students in Montreal because they were women provides a terrible reminder of the unabated violence motivated by bias against people because of their gender.

Reporting the motivation for crimes committed against someone because of their race, ethnicity, religion or sexual orientation is not required in California, and data is unavailable to justify any action to deal with those types of bigotry. Therefore, the Commission continues to recommend actions to require the reporting of crime committed on those bases. The Commission recognizes that domestic violence and rape laws permit data on crimes against women to be retrieved and is trying to expand the type of hate violence that is being recorded. The Commission includes violence motivated because of someone's gender in its definition of hate violence and encourages all measures taken to prevent and respond to hate violence to include violence motivated by someone's gender when appropriate.

The Commission continues to recognize the need for special actions to respond to crimes perpetrated against people because they appear to be more vulnerable, particularly people who have disabilities or who appear to be weakened by the aging process. The Commission reiterates its statements in previous reports recommending the use of self-defense classes, senior escort services and other programs designed to protect people from violence.

Finally, the Commission commends Attorney General John Van de Kamp for creating this Commission and urges its continuation to assist in the implementation of the recommendations and to monitor progress made in preventing and responding to hate violence.

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# Appendices



## APPENDICES

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### **Hate Crime Legislation**

|                                                           |   |
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| AB 63 Chapter 1277<br>(Bane Civil Rights Act)             | A |
| SB 202 Chapter 1172<br>(Watson Hate Crime Reporting)      | B |
| Civil Code Section 51 et seq.<br>(Unruh Civil Rights Act) | C |
| Civil Code Section 52<br>(Ralph Civil Rights Act)         | D |
| Penal Code Section 422.6                                  | E |
| Penal Code Section 422.7                                  | F |
| Penal Code Section 594.3                                  | G |
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**Assembly Bill No. 63**

**Chapter 1277**

An act to Amend Section 51.7 of, and to add Section 52.1 to, the Civil Code, and to amend Section 1170.75 of, and to add Title 11.6 (commencing with Section 422.6) to Part 1 of, the Penal Code, relating to crimes.

[Approved by Governor September 28, 1987.  
Filed with Secretary of State September 28, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AB 63, Bane. Crimes: civil rights,

Existing law, among other things, provides that all persons have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of race, color, religion, ancestry, or other specified reasons. Existing law provides for certain civil remedies for aggrieved persons. Among other things, the Attorney General or any district attorney or city attorney or any person aggrieved by a pattern or practice of resistance to the full exercise of those rights is authorized to bring a civil action, as specified, requesting such preventive relief as he or she deems necessary, including injunctive relief, to ensure the full enjoyment of those rights.

This bill would recast those provisions, as specified, to, among other things, exempt speech alone from supporting such a civil action, as specified, and would provide that any action for such preventive relief be filed in the superior court and if an injunction is granted, the order would be required to state the violation of the order is a crime, as specified. The bill would provide for notice to law enforcement officials of any order, or extension, modification, or termination thereof, as specified. The court would be authorized to award the petitioner reasonable attorney fees. The bill in requiring the clerk of the court to notify law enforcement officials of any order, or extension, modification or termination thereof, and in imposing, or termination thereof, and in imposing new duties upon local law enforcement agencies, would impose state-mandated local programs. It would also make a violation of those provisions, as specified, a misdemeanor, thus imposing a state-mandated local program by creating a new crime.

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The bill would also provide that no person shall by force or threat of force injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege, as specified, or knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege, as specified, based upon the other person's race, color, religion, ancestry, national origin, or sexual orientation. Speech alone, as specified, would be exempted from certain provisions of that prohibition. A violation of the foregoing would constitute a misdemeanor; however, the bill would provide that any other crime which is not made punishable by imprisonment in a state prison may constitute a felony if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that person's free exercise or enjoyment of any right, as specified, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation under specified circumstances. This bill would create new crimes and thereby impose a state-mandated local program.

With specified exceptions, existing law provides that a prior felony based on a victim's race, color, religion, nationality, or country of origin is a circumstance in aggravation of the crime for purpose of sentencing.

The bill would add "ancestry" and "sexual orientation" to those stated factors which constitute a circumstance in aggravation of a felony for purposes of imposing a sentence, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons, except as specified.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and may be cited as the Tom Bane Civil Rights Act.

SECTION 2. Section 51.7 of the Civil Code is amended to read:

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**51.7. (a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.**

**This section does not apply to statements concerning positions in a labor dispute which are made during otherwise lawful labor picketing.**

**(b) As used in this section "sexual orientation" means heterosexuality, homosexuality, or bisexuality.**

**SECTION 3. Section 52.1 is added to the Civil Code, to read:**

**(a) Whenever a person or persons, whether or not acting under color of law, interferes by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or law of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the peaceable exercise or enjoyment of the right or rights secured.**

**(b) Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United State, or of rights secured by the Constitution or laws of this state, has been interfered with, or attempted to be interfered with, as described in subdivision (a), may institute and prosecute in his or her own name and on his or her own behalf a civil action or injunctive and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured.**

**(c) An action brought pursuant to subdivision (a) or (b) may be filed either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which a person whose conduct complained of resides or has his or her place of business. An action brought by the Attorney General pursuant to subdivision (a) may also be filed in the superior court for any county wherein the Attorney General has an office, and in any such case, the jurisdiction of the court shall extend throughout the state.**



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(d) Whenever a court issues a temporary restraining order or a preliminary or permanent injunction in an action brought pursuant to subdivision (a) or (b), ordering a defendant to refrain from conduct or activities, the order issued shall include the following statement:  
**VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE UNDER SECTION 422.9 OF THE PENAL CODE.**

(e) The court shall order the plaintiff or the attorney for the plaintiff to deliver, or the county clerk to mail, two copies of any order, extension, modification, or termination thereof granted pursuant to this section, by the close of the business day on which the order, extension, modification, or termination was granted, to each local law enforcement agency having jurisdiction over the residence of the plaintiff and any other locations where the court determines that acts of violence against the plaintiff are likely to occur. Those local law enforcement agencies shall be designated by the plaintiff or the attorney for the plaintiff. Each appropriate law enforcement agency receiving any order, extension, or modification of any order issued pursuant to this section shall forthwith serve one copy thereof upon the defendant. Each appropriate law enforcement agency shall provide to any law enforcement officer responding to the scene of reported violence, information as to the existence of, terms, and current status of, any order issued pursuant to this section.

(f) A court shall not have jurisdiction to issue an order or injunction under this section if that order or injunction would be prohibited under Section 527.3 of the Code of Civil Procedure.

(g) Actions under this section shall be independent remedies or procedures that may be available to an aggrieved person under any other provision of law.

(h) In addition to any injunction or other equitable relief awarded in an action brought pursuant to subdivision (b), the court may award petitioner reasonable attorney's fees.

(i) Violation of any order described in subdivision (d) may be punished either by prosecution under Section 422.7 of the Penal Code, or by a proceeding for contempt brought pursuant to Title 5 (commencing with Section 1209) of Part 3 of the Code of Civil Procedure. However, in any such proceeding pursuant to Title 5 (commencing with Section 1209)

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of Part 3 of the Code of Civil Procedure, if it be determined that the person proceeded against is guilty of the contempt charged, in addition to any other relief, a fine may be imposed not exceeding one thousand dollars (\$1,000), or the person may be ordered imprisoned in the county jail not exceeding six months, or the court may order both the fine and imprisonment.

(j) Speech alone shall not be sufficient to support an action under subdivision (a) or (b), except upon a showing that the speech itself threatens violence against a specific person or group of persons; and the person or group of persons against whom the threat is directed reasonably fears that, because of the speech, violence will be committed against them or their property and that the person threatening violence had the apparent ability to carry out the threat.

(k) No order issued in any proceeding under subdivision (a) or (b) shall restrict the content of any person's speech. An order restricting the time, place, or manner of any person's speech shall do so only to the extent reasonably necessary to protect the peaceable exercise or enjoyment of constitutional or statutory rights, consistent with the constitutional or statutory rights, consistent with the constitutional rights of the person sought to be enjoined.

**SECTION 4.** Title 11.6 (commencing with Section 422.6) is added to Part 1 of the Penal Code, to read:

### **TITLE 11.6. CIVIL RIGHTS**

**422.6. (a)** No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or 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 other person's race, color, religion, ancestry, national origin, or sexual orientation.

(b) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or

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laws of the United States, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation.

(c) Any person convicted of violating subdivision (a) or (b) shall be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed five thousand dollars (\$5,000), or by both the fine and imprisonment; provided, however, that no person shall be convicted of violating subdivision (a) based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat.

422.7. Except in the case of a violation of subdivision (a) or (b) of Section 422.6, any crime which is not made punishable by imprisonment in state prison shall be punishable by imprisonment in state prison or in county jail not to exceed one year, or by fine not to exceed ten thousand dollars (\$10,000), or by both the fine or imprisonment, if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that other person's free exercise or enjoyment of any right 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 other person's race, color, religion, ancestry, national origin, or sexual orientation, under any of the following circumstances, which shall be charged in the accusatory pleading:

(a) The crime against the person of another either include the present ability to commit a violent injury or causes actual physical injury.

(b) The crime against property causes damages in excess of one thousand dollars (\$1,000).

(c) The person charged with a crime under this section has been previously convicted of a violation of subdivision (a) or (b) of Section 422.6, or has been previously convicted of a conspiracy to commit a crime described in subdivision (a) or (b) or Section 422.6.

422.8. Except as otherwise required by law, nothing in Section 422.6, or 422.7 shall be construed to prevent or limit the prosecution of any person pursuant to any provision of law.

## APPENDIX A

422.9. (a) Any willful and knowing violation of any order issued pursuant to subdivision (a) or (b) of Section 52.1 of the Civil Code shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.

(b) A person who has previously been convicted one or more times of violating an order issued pursuant to subdivision (a) or (b) of Section 52.1 of the Civil Code upon charges separately brought as tried shall be imprisoned in the county jail for not more than one year. Subject to the discretion of the court, the prosecution shall have the opportunity to present witnesses and relevant evidence at the time of the sentencing of a defendant pursuant to this subdivision.

(c) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders issued pursuant to Section 52.1 of the Civil Code.

SECTION 5. Section 1170.75 of the Penal Code is amended to read:

1170.75. Except in a case in which the person has been convicted of an offense subject to Section 1170.8, the fact that a person committed a felony or attempted to commit a felony because of the victim's race, color, religion, nationality, country of origin, ancestry, or sexual orientation, shall be considered a circumstance in aggravation of the crime in imposing a terms under subdivision (b) of Section 1170.

SECTION 6. No reimbursement is required by Sections 4 and 5 of this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Furthermore, no reimbursement is required by this act pursuant to Section 6 of Article VIII B of the California Constitution due to the requirement in subdivision (e) of Section 52.1 of the Civil Code, as added by Section 3 of this act, for law enforcement agencies to serve copies of orders issued pursuant to this act on defendants because self-financing authority is provided in Section 26721 of the Government Code to cover any costs that may be incurred in carrying out any program or performing

## **APPENDIX A**

any service required by that portion of this act.

However, the requirement in subdivision (e) of Section 52.1 of the Civil Code, as added by Section 3 of this act, for county clerks to mail copies of orders issued pursuant to this act to law enforcement agencies mandates a new program or higher level of service on local government. As required by Section 6 of Article XIII B of the California Constitution, reimbursement to local agencies and school districts for costs mandated by the state pursuant to this act shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code and, if the statewide cost of the claim for reimbursement does not exceed five hundred thousand dollars (\$500,000), it shall be made from the State Mandates Claims Fund.

**Senate Bill No. 202**

**Chapter 1172**

**An act to add Section 13023 to the Penal Code, relating to criminal records.**

**[Approved by Governor September 30, 1989.  
Filed with Secretary of State  
September 30, 1989.]**

**LEGISLATIVE COUNSEL'S DIGEST**

**SB 202, Watson. Criminal records.**

**Existing law requires local law enforcement agencies and designated state agencies to install and maintain records needed for the reporting of statistical data required by the Attorney General and to report statistical data to the Department of Justice. Existing law requires local enforcement agencies to report information relative to misdemeanor violations relating to obscene matter and justifiable homicides committed within their jurisdiction.**

**This bill would require local law enforcement agencies, at the direction of the Attorney General and subject to the availability of adequate funding for the Department of Justice, to report to the Department of Justice, in a manner to be prescribed by the Attorney General, such information as may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability.**

**This bill would require the Department of Justice to submit an annual report to the Legislature, commencing July 1, 1992, analyzing the results of the information obtained from local law enforcement agencies.**

**This bill would impose a state-mandated local program by imposing new reporting duties on local law enforcement agencies.**

## APPENDIX B

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

*The people of the State of California do enact as follows:*

SECTION 1. Section 13023 is added to the Penal Code, to read:

130223. Commencing July 1, 1990, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, such information as may be required relative to any criminal acts or attempted property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability. On or before July 1, 1992, and every July 1 thereafter, the Department of Justice shall submit a report to the Legislature analyzing the results of the information obtained from local law enforcement agencies pursuant to this section.

SECTION 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the state Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

**California Civil Code § 51**

§ 51. (Citation of section: Civil rights of persons in business establishments)

This section shall be known, and may be cited, as the **Unruh Civil Rights Act**.

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or blindness or other physical disability are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This section shall not be construed to confer any right or privilege on a person which is conditioned or limited by law or which is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, or blindness or other physical disability.

Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever to any new or existing establishment, facility, building, improvement, or any other structure, or to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other provisions of the law.

Nothing in this section shall require any person renting, leasing, or otherwise providing real property for compensation to modify his or her property in any way, or to provide a higher degree of care for a blind or other physically disabled person than for a person who is not physically disabled.



**California Civil Code § 51.5**

**§ 51.5. (Discrimination by business establishment prohibited)**

No business establishment of any kind whatsoever shall discriminate against, boycott or blacklist, refuse to buy from, sell to, or trade with any person in this state because of the race, creed, religion, color, national origin, sex, or blindness or other physical disability of the person or of the person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

As used in this section "person" includes any person, firm, association, organization, partnership, business trust, corporation, or company.

Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever to any new or existing establishment, facility, building, improvement, or any other structure, or to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other provisions of the law.

Nothing in this section shall require any person renting, leasing, or otherwise providing real property for compensation to modify his or her property in any way, or to provide a higher degree of care for a blind or other physically disabled person than for a person who is not physically disabled.

**California Civil Code § 51.7**

**§ 51.7.(Freedom from violence)**

(a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

This section does not apply to statements concerning positions in a labor dispute which are made during otherwise lawful labor picketing.

(b) As used in this section, sexual orientation means heterosexuality, homosexuality, or bisexuality.

(g) Nothing in this section shall be construed to require any construction, alteration, repair, structural, otherwise, or modification of any sort whatsoever to any new or existing establishment, facility, building, improvement, or any other structure, or to augment, restrict, or alter in any way the authority of the State Architect to require construction alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other provisions of the law.

Nothing in this section shall require any person renting, leasing, or otherwise providing real property for compensation to modify his or her property in any way, or provide a higher degree of care for a blind or other physically disabled person than for a person who is not physically disabled.

**California Civil Code § 52**

**Ralph Civil Rights Act**

(a) Whoever denies, or who aids, or incites such denial, or whoever makes any discrimination, distinction or restriction on account of sex, color, race, religion, ancestry national origin, or blindness or other physical disability contrary to the provisions of section 51 or 51.5, is liable for each and every such offense for the actual damages, and such amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than two hundred fifty dollars (\$250), and such attorney's fees as may be determined by the court in addition thereto, suffered by any person denied the rights provided in section 51 or 51.7.

(b) Whoever denies the right provided by Section 51.7, or whoever aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition:

(1) an amount to be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages;

(2) a civil penalty of ten thousand dollars (\$10,000) to be awarded to the person denied the right provided by Section 51.7; and

(3) attorney fees as may be determined by the court. In the case of multiple offenders, the ten thousand dollar (\$10,000) civil penalty shall be prorated between them.

(c) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights hereby secured, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General, any district attorney or city attorney, or any person aggrieved by the pattern or practice may bring a civil action in the appropriate court by filing with it a complaint

(1) signed by the officer (or in his or her absence the individual acting on behalf of the officer) or by the person aggrieved,

(2) setting forth facts pertaining to the pattern or practice, and

## **APPENDIX D**

(3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, as he or she deems necessary to insure the full enjoyment of the rights herein described.

(d) Whenever an action has been commenced in any court seeking relief from the denial of equal protection of the laws under the Fourteenth Amendment to the constitution of the United States on account of race, color, religion, sex, national origin, or blindness or other physical disability, the Attorney General or any district attorney or city attorney for or in the name of the people of the State of California may intervene in the section upon timely application if the Attorney General or any district attorney or city attorney certifies that the case is of general public importance. In that action the people of the State of California shall be entitled to the same relief as if it had instituted the action.

(e) Actions under this section shall be independent of any other remedies or procedures that may be available to an aggrieved party.

(f) Any person claiming to be aggrieved by an alleged unlawful practice in violation of Section 51 or 51.7 may also file a verified complaint with the Department of Fair Employment and Housing pursuant to Section 12948 of the Government Code.

**California Civil Code § 52.1**

**Active relief from interference with enjoyment of legal rights**

(a) Whenever a person or persons, whether or not acting under color of law, interferes by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the peaceable exercise or enjoyment of the right or rights secured.

(b) Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of this state, has been interfered with, or attempted to be interfered with, as described in subdivision (a), may institute and prosecute in his or her own name and on his or her own behalf a civil action for injunctive and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured.

(c) An action brought pursuant to subdivision (a) or (b) may be filed either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which a person whose conduct complained of resides or has his or her place of business. An action brought by the Attorney General pursuant to subdivision (a) may also be filed in the superior court for any county wherein the Attorney General has an office, and in any such case, the jurisdiction of the court shall extend throughout the state.

(d) Whenever a court issues a temporary restraining order or a preliminary or permanent injunction in an action brought pursuant to subdivision (a) or (b), ordering a defendant to refrain from conduct or activities, the order issued shall include the following statement: **VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE UNDER SECTION 422.9 OF THE PENAL CODE.**

(e) The court shall order the plaintiff or the attorney for the plaintiff to deliver, or the county clerk to mail, two copies of any order, extend modification, or termination thereof granted pursuant to this section, by the close of the business day on which the order, extension, modification, or termination was granted, to each local law enforcement agency having jurisdiction over the residence of the plaintiff and any other locations where the

## **APPENDIX D**

court determines that acts of violence against the plaintiff are likely to occur. Those local law enforcement agencies shall be designated by the plaintiff or the attorney for the plaintiff. Each appropriate law enforcement agency receiving any order, extension, or modification of any order issued pursuant to this section shall forthwith serve one copy thereof upon the defendant. Each appropriate law enforcement agency shall provide to any law enforcement officer responding to the scene of reported violence, information as to the existence of, terms, and current status of, any order issued pursuant to this section.

(f) A court shall not have jurisdiction to issue an order or injunction under this section if that order or injunction would be prohibited under Section 527.3 of the Code of Civil Procedure.

(g) Actions under this section shall be independent of any other remedies or procedures that may be available to an aggrieved person under any other provision of law.

(h) In addition to any injunction or other equitable relief awarded in an action brought pursuant to subdivision (b), the court may award petitioner reasonable attorney's fees.

(i) Violation of an order described in subdivision (d) may be punished either by prosecution under Section 422.7 of the Penal Code, or by a proceeding for contempt brought pursuant to Title 5 (commencing with Section 1209) of Part 3 of the Code of Civil Procedure. However, in any such proceeding pursuant to the Code of Civil Procedure, if it be determined that the person proceeded against is guilty of the contempt charged, in addition to any other relief, a fine may be imposed not exceeding one thousand dollars (\$1,000), or the person may be ordered imprisoned in the county jail not exceeding six months, or the court may order both the fine and imprisonment.

(j) Speech alone shall not be sufficient to support an action under subdivision (a) or (b), except upon a showing that the speech itself threatens violence against a specific person or group of persons; and the person or group of persons against whom the threat is directed reasonably fears that, because of the speech, violence will be committed against them or their property and that the person threatening violence had the apparent ability to carry out the threat.

## **APPENDIX D**

**(k) No order issued in any proceeding under subdivision (a) or (b) shall restrict the content of any person's speech. An order restricting the time, place, or manner of any person's speech shall do so only to the extent reasonably necessary to protect the peaceable exercise or enjoyment of constitutional or statutory rights, consistent with the constitutional rights of the person sought to be enjoined.**

**California Penal Code § 422.6**

**§ 422.6. (Injury or threat to person or damage to property because of specified beliefs or characteristics; Punishment)**

(a) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or 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 other person's race, color, religion, ancestry, national origin, or sexual orientation.

(b) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation.

(c) Any person convicted of violating subdivision (a) or (b) shall be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed five thousand dollars (\$5,000), or by both the fine and imprisonment; provided, however, that no person shall be convicted of violating subdivision (a) based upon speech alone, except upon showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat.



**California Penal Code § 422.7**

**§ 422.7. (Punishment for crime committed to intimidate another because of specified beliefs or characteristics)**

Except in the case of a violation of subdivision (a) or (b) of Section 422.6, any crime which is not made punishable by imprisonment in state prison shall be punishable by imprisonment in state prison or in county jail not to exceed one year, or by fine not to exceed ten thousand dollars (\$10,000 or by both the fine and imprisonment, if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that other person's free exercise or enjoyment of any right 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 other person's race, color, religion, ancestry, national origin, or sexual orientation, under any of the following circumstances, which shall be charged in the accusatory leading,

(a) The crime against the person of another either includes the present ability to commit a violent injury or causes actual physical injury.

(b) The crime against property causes damage in excess of one thousand dollars (\$1,000).

(c) The person charged with a crime under this section has been previously convicted of a violation of subdivision (a) or (b) of Section 422.6, or has been previously convicted of a conspiracy to commit a crime described in subdivision (a) or (b) of Section 422.6.a

**California Penal Code § 594.3**

**§ 594.3. (Vandalism of place of worship)**

(a) Any person who knowingly commits any act of vandalism to a church, synagogue, building owned and occupied by a religious educational institution, or other place primarily used as a place of worship where religious services are regularly conducted is guilty of a crime punishable by imprisonment in the state prison or by imprisonment in the county jail for not exceeding one year.

(b) Any person who knowingly commits any act of vandalism to a church, synagogue, building owned and occupied by a religious educational institution, or other place primarily used as a place of worship where religious services are regularly conducted, which is shown to have been committed by reason of the race, color, religion, or national origin of another individual or group of individuals and to have been committed for the purpose of intimidating and deterring persons from freely exercising their religious beliefs, is guilty of a felony punishable by imprisonment in the state prison.

**California Penal Code § 1170.75**

**§ 1170.75. (Victim's race, color, religion, nationality, or country of origin as aggravating circumstance.)**

**Except in a case in which the person has been convicted of an offense subject to Section 1170.8, the fact that a person committed a felony or attempted to commit a felony because of the victim's race, color, religion, nationality, country.**

**California Penal Code § 1170.8**

**§ 1170.8. (Activity within or against church aggravating circumstance)**

(a) The fact that a robbery or an assault with a deadly weapon or instrument or by means of any force likely to produce great bodily injury was committed against a person while that person was in a church, synagogue, or building owned and occupied by a religious educational institution, or any other place primarily used as a place of worship where religious services are regularly conducted, shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

(b) Upon conviction of any person for a violation of Section 451 or 453, the fact that the person intentionally burned, or intended to burn, a church, synagogue, or building owned and occupied by a religious educational institution, or any other place primarily used as a place of worship where religious services are regularly conducted, shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

**California Penal Code § 1170.85**

**1170.85. (Aggravation of crime of felony assault or battery offense)**

(a) Upon conviction of any felony assault or battery offense, it shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170 if the offense was committed to prevent or dissuade a person who is or may become a witness from attending upon or testifying at any trial, proceeding, or inquiry authorized by law, or if the offense was committed because the person provided assistance or information to a law enforcement officer, or to a public prosecutor in a criminal or juvenile court proceeding.

(b) Upon conviction of any felony it shall be considered a circumstance in aggravation in imposing a term under subdivision (b) of Section 1170 if the victim of an offense is particularly vulnerable, or unable to defend himself or herself, due to age or significant disability.

**California Penal Code § 11410**

§ 11410. (Legislative findings and declarations)

The Legislature finds and declares that it is the right of every person regardless of race, color, creed, religion or national origin, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of rights protected by the Constitution of the United States. The Legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The Legislature further finds however, that the advocacy of unlawful violent acts by groups against other persons or groups under circumstances where death or great bodily injury is likely to result is not constitutionally protected, poses a threat to public order and safety and should be subject to criminal and civil sanctions.

**California Penal Code § 11411**

§ 11411. (Desecration of religious symbols; Terrorizing)

Any person who burns or desecrates a cross or other religious symbol, knowing it to be a religious symbol, or places or displays a sign, mark, symbol, emblem, or other physical impression, including but not limited to a Nazi swastika on the private property of another without authorization for the purpose of terrorizing another or in reckless disregard of the risk of terrorizing another shall be punished by imprisonment in the county jail not to exceed one year or by fine not to exceed five thousand dollars (\$5,000) or by both such fine and imprisonment for the first such conviction and by imprisonment in the county jail not to exceed one year or by fine not to exceed fifteen thousand dollars (\$15,000) or by both such fine and imprisonment for any subsequent conviction. As used herein, terrorize. means to cause a person of ordinary emotions and sensibilities to fear for personal safety.

**California Penal Code § 11412**

§ 11412. (Intentions interference with religious worship of another)

Any person who, with intent to cause, attempts to cause or causes another to refrain from exercising his or her religion or from engaging in a religious service by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out is guilty of a felony.

**California Penal Code § 11413**

(a) Any person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive, or who commits arson, in or about any of the places listed in subdivision (b), for the purpose of terrorizing another or in reckless disregard of terrorizing another is guilty of a felony, and shall be punished by imprisonment in the state prison for three, five, or seven years and a fine not exceeding ten thousand dollars (\$ 10,000).

(b) Subdivision (a) applies to the following places:

(1) Any health facility licensed under Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, or any place where medical care is provided by a licensed health care professional.

(2) Any church, temple, synagogue, or other place of worship.

(3) The buildings, offices, and meeting sites of organizations that counsel for or against abortion or among whose major activities are lobbying, publicizing, or organizing with respect to public or private issues relating to abortion.

## **APPENDIX K**

(4) Any place at which a lecture, film-showing, or other private meeting or presentation that educates or propagates with respect to abortion practices or policies, whether on private property or at a meeting site authorized for specific use by a private group on public property, is taking place.

(5) Any bookstore or public or private library.

(c) As used in this section, "terrorizing" means to cause a person of ordinary emotions and sensibilities to fear for personal safety.



**H.R. 1048**

To provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity.

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**IN THE HOUSE OF REPRESENTATIVES**

February 22, 1989

Mr. Conyers (for himself, Mr. Fish, Mr. Edwards of California, Mrs. Kennelly, Mr. Dellums, Mr. Traxler, Mr. Berman, Mr. Wyden, Mr. Lewis of Georgia, Mr. Kastenmeier, Mr. Manton, Mr. Studds, Ms. Oakar, Mr. Molinari, Mr. Conte, Mr. Brown of California, Mr. Udall, Mr. Moakley, Mr. Moody, Mr. Miller of Washington, Mr. Campbell of Colorado, Mr. Synar, Mr. Pease, Mr. Blaz, Mr. Green, Mr. DeFazio, Mr. Levine of California, Mr. Bates, Mr. Florio, Mr. Panetta, Mr. Mineta, Mr. Weiss, Mr. Breenan, Mr. Hochbrueckner, Mr. Ackerman, Mr. Fauntroy, Mr. Stark, Mrs. Morella, Mr. Frank, Mr. AuCoin, Mr. Hayes of Illinois, Mr. Dymally, Mr. Garcia, Mr. Sikorski, Mr. Vento, Mr. Shays, Mr. Dixon, Mr. Matsui, Ms. Pelosi, Mr. Fascell, Mr. Feighan, Mr. Henry, Mr. Hoyer, Mr. Bilbray, and Mr. Petri) introduced the following bill; which was referred to the Committee on the Judiciary

---

**A BILL**

To provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity.

*Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled.*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

**SECTION 2. ACQUISITION AND PUBLICATION OF DATA**

(a) **IN GENERAL** - Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1991 through calendar year 1995, data on the incidence of criminal acts that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) **CONSTRUCTION** - Nothing in this Act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

(c) **LIMITATION ON USE AND CONTENT OF DATA** - Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(d) **ANNUAL SUMMARY** - The Attorney General shall public an annual summary of the data acquired under this Act.

**SECTION 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1991 through fiscal year 1996.

**HATE VIOLENCE REDUCTION TASK FORCE**  
**PROGRESS REPORT**  
**October, 1989**

A project of the Contra Costa County Human  
Relations Commission and the Friends of  
Human Relations

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CONTRA COSTA COUNTY HUMAN RELATIONS COMMISSION

TESSIE BRAVO-PAREDES

LARRY CUSTUS

RUTH DIXON

CY EPSTEIN

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LEE HOWARD

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DAVE JACKSON

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KAT QUISENBERRY

LOU ROSEMAN

DOLORES SANCHES

MARGO SEGURA

KEN STANLEY

WENDELL WILLIAMS

WINNIE WOO

INTRODUCTION

Hate violence (violence, harassment, intimidation or threats of violence motivated by prejudice) in the United States dates back to the conflicts between the settlers and the American Indians. However, despite the abundance of rhetoric deploring acts of bigotry, no community has coordinated the efforts of the schools, law enforcement and community organizations to systematically prevent and respond to it on an ongoing basis. Many exemplary programs can be found that are effective in dealing with a particular aspect of bigotry in a specific setting, but there is no model for weaving efforts to prevent and respond to hate violence into the fabric of the community.

This project is designed to demonstrate how communities can systematically organize efforts to control bigotry. The motivating force for the plan is the belief that hate violence has the potential to be so disruptive to the community and to victims that the concerted efforts of schools, law enforcement and public and private organizations are needed to respond to it.

Community awareness of hate violence is growing rapidly. California, Maryland and New York have commissioned special task forces to recommend ways to control it within the last few years and new legislation has been passed in a number of states. The timing for developing a model community approach to reduce hate violence is excellent.

A model county hate violence system would have, at a minimum,

the following characteristics:

Prevention

1. Tailored educational curricula and programs designed to promote appreciation for differences among people reaching all students within the county;
2. School conflict resolution, and other programs, designed to defuse conflicts that have the potential to promote prejudice and bigotry operating within every school;
3. Community programs designed to promote understanding and prevent conflicts among the diverse population of the county;
4. Ongoing staff training for personnel in relevant private and public organizations.

Response

1. A sustained effort to encourage victims of bigotry to report incidents and a simple well publicized process for making reports;
2. Uniform reporting by public and private agencies designated to receive complaints of bigotry, and a protocol for funneling reports into a county repository for analysis;
3. A procedure for ensuring immediate victim support and protection;
4. A response plan that goes beyond apprehension of the perpetrators to include strategies to prevent recurrence;
5. Contingency plans to prevent the escalation of incidents into broader community conflict;
6. A monitoring and assessment process designed to identify precursors of hate violence and provide recommendations to prevent potential flare-ups.

While no definitive data exists on the incidence of hate violence because of the absence of a national or statewide official reporting process, increases are being reported by organizations that routinely track incidents. Relatively few incidents of hate

## APPENDIX M

violence perpetrated in California are traceable to organized groups but the number of organizations promoting acts of bigotry are proliferating (Skinheads, The Order, White Aryan Resistance and the Aryan Brotherhood), and few areas are free of their influence.



BACKGROUND

The Contra Costa County Human Relations Commission received a San Francisco Foundation grant to begin designing a countywide integrated plan for reducing hate violence. The Contra Costa County Hate Violence Reduction Task Force representing relevant public agencies and private organizations has designed this county system for preventing and responding to hate violence.

The Task Force is comprised of representatives of the:

Contra Costa County Human Relations Commission  
Concord Human Relations Commission  
Richmond Human Relations Commission  
Contra Costa County District Attorney  
Contra Costa County Sheriff  
Brentwood Police Department  
Concord Police Department  
Pittsburg Police Department  
Richmond Police Department  
Contra Costa County Probation Department  
California Department of Justice  
California Fair Employment and Housing Commission  
Contra Costa County Department of Health  
Contra Costa County Housing Authority  
Richmond Housing Authority  
Acalanes Unified School District  
Mount Diablo Unified School District

Pittsburg Unified School District  
Richmond Unified School District  
San Ramon Unified School District  
Parent Teachers' Association (PTA)  
California Teachers' Association  
Association of California School Administrators  
Pittsburg Community Organizing Committee  
NAACP Racial Intolerance Task Force  
Black Families Association  
Hispanic Roundtable  
GLAD (a gay/lesbian organization)  
Japanese American Citizens League  
Asian Law Caucus  
Center for New Americans  
Filipino-American Association  
Churches and Synagogues  
Self Esteem Task Force  
Crisis Hotline  
Housing Alliance  
Contra Costa Conflict Resolution Panels

Three committees (Criminal Justice, Education, Community) were charged with drafting appropriate models for preventing and responding to hate violence in Contra Costa County, and a steering committee, composed of representatives from each working committee, is responsible for molding the separate models into an integrated county system. The Committees are staffed by the Contra Costa

County Human Relations Commission.

The design phase of the project is completed. It consists of:

- Policies, procedures and training for police response to hate crimes;
- Policies and procedures for the prosecution of hate crimes by the District Attorney.<sup>1</sup>
- Policies and guidelines for K-12 school responses to bias-related incidents;<sup>2</sup>
- Curriculum development to integrate appreciation of diverse peoples and violence prevention in appropriate subject areas;<sup>3</sup>
- Information sharing on school programs designed to prevent and respond to bias-related incidents;
- Training curriculum designed to enable neighborhood watch programs, religious institutions, and community organizations to provide assistance to victims of hate violence;
- an outreach plan to facilitate "living room" discussions among diverse people to break down stereotypes through open communication.
- A conflict resolution project to train community leaders to assess, intervene in and resolve disputes that might lead to hate violence.<sup>4</sup>

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<sup>1</sup>These procedures have been implemented and are operational.

<sup>2</sup> A 1989 bill introduced by Senator Torres of Los Angeles drafted in consultation with the Hate Violence Reduction Task Force to require all K-12 schools in California to have policies and guidelines similar to those adopted in Contra Costa County passed the Legislature but was vetoed.

<sup>3</sup> The Education Committee is working with curriculum directors from school districts in Contra Costa County to integrate appropriate curricula into frameworks for History-Social Science, English and Performing Arts.

<sup>4</sup>The Contra Costa County Human Relations Commission has been awarded a portion of county court filing fees to serve as the central referral center for dispute resolution programs in the county and to train community leaders to assess community tensions, and to intervene in and resolve disputes that have the potential

GOALS AND OBJECTIVES

GOAL: TO IMPLEMENT PLANS FOR A MODEL COUNTY SYSTEM TO PREVENT AND RESPOND TO BIGOTRY.

OBJECTIVES:

1. To provide training to law enforcement agencies to ensure that they will appropriately implement hate crime response policies and protocols.
2. To ensure that each school within the County utilizes curriculum designed to promote appreciation for diversity and to prevent bias-related conflict.<sup>5</sup>
3. To implement guidelines for responding to bias-related incidents in three selected K-12 school districts representing urban, suburban and rural areas in Contra Costa County.
4. To provide ongoing information to teachers and school administrators about programs that promote appreciation for diversity and help to prevent bias-related incidents in the school.
5. To train 30 agencies consisting of neighborhood watch programs, religious institutions and relevant community agencies to:
  - a. maintain a network of staff and volunteers to provide emergency counseling and support to victims of bias-related incidents;
  - b. calm community tensions, resolve conflicts, and control rumors;<sup>6</sup>
  - c. respond to incidents of harassment and intimidation motivated by bigotry that are referred by law enforcement because they lack the necessary elements of a "crime".

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to lead to hate violence.

<sup>5</sup> This objective is being implemented by the Chair of the Education Committee of the Hate Violence Reduction Task Force in cooperation with curriculum directors of all school districts in Contra Costa County.

<sup>6</sup> The Contra Costa County Human Relations Commission has received a grant under Garamendi legislation to train community leaders in the assessment, intervention and resolution of bias-related conflict.

6. To involve a cross-section of 1,000 diverse people in Contra Costa County in "living room" dialogues where they can communicate openly about differences and negative stereotypes can be challenged in a non-confrontational manner.
  
7. To draft and gain approval of memoranda of understanding delineating policies and protocols for cooperative working relationships among the local, state and federal public and private organizations that will participate in the countywide system for preventing and responding to hate violence.

HATE VIOLENCE REDUCTION CENTER

PURPOSE:

The Hate Violence Reduction Center serves several purposes:

1. It gathers data on hate violence from community organizations and law enforcement agencies so that an accurate analysis can be made of the:
  - a. types of hate violence are occurring within the county;
  - b. locations where hate violence is occurring;
  - c. frequency of hate violence incidents and trends;
  - d. need for additional strategies and resources.
2. It serves as a catalyst to maintain an ongoing dialogue among criminal justice, education and community agencies to assess needs and develop programs based on analyses of incidents of hate violence.
3. It provides for training of staff of neighborhood watch, religious and community organizations to provide assistance to victims of hate violence and monitors the provision of the services.
4. It serves as a central referral center for victims of hate violence.

STRUCTURE

The Hate Violence Reduction Task Force, made up of three committees (criminal justice, education and community) serves as the assessment, planning and program development board to the Center. The County Human Relations Commission serves as the office of record.

PROCEDURES -

Referral Source

Victim (When the victim reports directly to the Center)

1. A report of the incident is taken and the details entered into a database for statistical analysis.
2. When a crime is involved the Center will encourage the victim to notify the appropriate law enforcement agency.
3. The Center may provide direct victim assistance through the auspices of the County Human Relations Commission or refer the victim to an appropriate victim assistance project and follow up to ensure that the victim receives needed services.

Criminal Justice

1. Hate Violence Crime Reports or Summaries received from local police departments:
  - a. Will be coded for type of hate crime, location and date and entered into database;
  - b. When victim assistance appears to be needed, staff will call the law enforcement agency to inquire whether a referral was appropriate and whether one was made;
    - 1) if a referral was made staff will confirm the that services were rendered;
    - 2) if a referral is needed staff will refer the victim to an appropriate agency and confirm the provision of services.
  - c. If the need for public response to a report becomes apparent because of the nature of the incident or because of community or media attention, Center staff will discuss appropriate responses with the Police Chief, Sheriff or their designee and confer on how media inquiries will be addressed.
2. Quarterly summaries of data on hate crimes from all sources will be submitted to all law enforcement agencies within the county and to the California Department of Justice.

3. The Hate Violence Reduction Task Force will analyze the data identify particular areas needing attention and confer with appropriate law enforcement agencies, schools, and community groups to design and implement strategies to meet the identified needs.

#### Education

1. Bias-related incident reports received from school districts in Contra Costa County:
  - a. will be coded for type of incident, school and date and entered into a database;
  - b. when victim assistance appears to be needed, the school will be called to inquire whether a referral was appropriate and whether one was made or needed;
    - 1) if a referral was made staff will confirm that services were rendered;
    - 2) if a referral is needed staff will refer the victim to an appropriate agency.
  - c. if, the need for public response to a report becomes apparent because of the nature of the incident, or because of community or media attention, Center staff will meet with the Principal, School Superintendent or their designee to confer on appropriate responses, and to discuss how media inquiries will be addressed.
2. Quarterly summaries of data on bias-related incidents received from schools will be submitted to the Contra Costa County Superintendents' Association and the Contra Costa County Office of Schools.
3. The Hate Violence Reduction Task Force will analyze the data identify particular areas needing attention and work with appropriate school districts, law enforcement agencies and community groups to design and develop programs to meet the identified needs.

#### Community

1. Bias-related incident and hate crime reports will be received from community organizations including religious organizations and neighborhood watch programs:
  - a. If it appears that a crime may have been committed the Center will contact the reporting agency to determine if law enforcement has been contacted and



- if not, whether the victim can be contacted to encourage the filing of a report;
- b. Reports will be coded for type of bias-related incident or hate crime, location and date, and entered into database;
  - c. When victim assistance appears to be needed, the agency will be called to inquire whether appropriate service was provided or if additional assistance is needed;
    - 1) if a referral was made to another agency staff will confirm that services were provided;
    - 2) if a referral is needed staff will refer the victim to an appropriate agency;
    - 3) Center staff will provide technical assistance and consultation to victim assistance providers.
  - d. if, the need for public response to a report becomes apparent because of the nature of the incident or because of community or media attention, Center staff will meet with the community agency to confer on appropriate responses and to discuss how media inquiries will be addressed.
- 2. The Hate Violence Reduction Center will provide for training community agencies to render assistance to victims of hate violence, and coordinate and monitor hate violence victim assistance efforts within the County. Data relating to the type of victim assistance provided will be reported to the Center by service providers and summarized in quarterly reports.
  - 3. Quarterly summaries of data on bias related incidents and the provision of victim assistance will be submitted to the Board of Supervisors and appropriate agencies.
  - 4. The Hate Violence Reduction Task Force will analyze the data, identify particular areas needing attention, and work with appropriate law enforcement agencies, schools and community groups to design and implement strategies to meet the identified needs.

CRIMINAL JUSTICE COMPONENTObjective

To provide training to law enforcement agencies to ensure that they will appropriately implement hate crime response policies and protocols.

Steps

1. Meet with the District Attorney to develop and implement guidelines for the prosecution of hate crimes.<sup>7</sup>
2. Produce police hate crime response training films that provide information on; how to distinguish hate crimes from other types of crime, how to report it, and the response protocol for officers at the scene and support personnel after the incident is reported.
  - a. A subcommittee of the Hate Violence Reduction Task Force will script a police training film that demonstrates how supervisory and line police officers should respond to hate crimes in accord with the procedures adopted by the Contra Costa County Police Chiefs' Association.
  - b. The subcommittee will review and select appropriate footage from newstapes provided by KRON-TV (The NBC channel in the San Francisco Bay Area) and local law enforcement agencies of bias-related incidents occurring within the county to demonstrate the relevance and importance of specific procedures for responding to hate crimes.
  - c. Comments by the sheriff or police chief will be appended to the film provided each agency .

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<sup>7</sup> This step has already been taken. See Attachment for a copy of the District Attorney procedures. These procedures are considered a model for the State of California, and the California Department of Justice has designated the Contra Costa County District Attorney as the primary resource referral for district attorneys seeking information on establishing systems to process hate crimes.

- d. Police Academy film editors will create a training film for each police agency in the county. The film will consist of a 2 minute trailer by the chief law enforcement executive, illustrations of the impact of hate violence using actual footage of incidents occurring in the county, and a combination of actual and simulated scenes to demonstrate how hate crimes should be handled by law enforcement agencies.
3. Prepare written tests to law enforcement personnel to ensure that they have the necessary knowledge to identify and respond appropriately to hate crimes.
4. Work with each police department to ensure that the film is shown to all personnel and that the test is taken and scored to ensure that personnel are familiar with the policies and procedures for responding to hate crimes.

CRIMINAL JUSTICE POLICIES AND PROTOCOL<sup>8</sup>

HATE CRIME DEFINITION <sup>9</sup>

A reportable crime is any act or attempted act to cause physical injury, emotional suffering, or property damage which is or appears to be motivated, all or in part, by race, ethnicity, religion and sexual orientation.

Motivation - Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

Race- Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc. that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of various traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - The direction of sexual, emotional, and/or physical attraction which may be primarily towards persons of the same sex (homosexuality), persons of the opposite sex (heterosexuality) or toward both in some proportion (bisexuality).

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<sup>8</sup> These policies and protocols were adopted by the Contra Costa County Police Chiefs' Association for inclusion in each of their jurisdictions.

<sup>9</sup> This definition was drafted by the California Department of Justice, Bureau of Criminal Justice Statistics.

**GUIDELINES TO IDENTIFY REPORTABLE CRIMES**

The following criteria should be used in determining whether a crime was motivated, all or in part, by race, ethnicity, religion and sexual orientation. The criteria which should be applied are not all inclusive but provide a general guideline for consistent identification of such crimes.

1. The presence of symbols, words, or acts which are, or may be, offensive to a specific race, ethnic group, religious group, or persons with differing sexual orientation (swastika, cross burning, "nigger", "queer", etc.)
2. Statements or actions of the victim(s), suspect(s), and other involved parties.
3. Prior history of similar crimes in same area or against the same victim group.
4. Whether community organizations, leaders or a number of residents perceive or claim the crime to be motivated by bias against an individual or group's race, ethnicity, religion or sexual orientation.

**Questions to consider when identifying crimes motivated, all or in part, by race, ethnicity, religion and sexual orientation:**

1. Did the crime occur all or in part because of racial, ethnic, religious, or sexual differences between the persons or for other reasons?
2. Has the victim or victim's group been subjected to repeated attacks of a similar nature?
3. Is the victim the only minority group member in the neighborhood or one of a few?
4. Did the victim recently move into the area; is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all victims of the same race, ethnicity, religion or sexual orientation?

## APPENDIX M

6. Has the victim been associated with recent or past activities relating to his/her race, ethnicity, religion, or sexual orientation? (e.g. gay rallies, demonstrations, holiday celebrations, conferences, religious meetings, etc.)
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (e.g. color of paint, manner of spelling words, symbols or signs used, etc.)?
9. Is there an ongoing neighborhood problem that may have initiated or contributed to the act (e.g. could the act be retribution for some conflict with neighbors, juveniles, etc.)?
10. Does the crime indicate possible involvement by an organized group? For example:
  - a. Is the literature printed?
  - b. Does the name signify a "copy-cat" syndrome?
  - c. Is there documented or suspected organized group activity in the area?
  - d. Was this group "involved" in a true sense, or as a fear or scare tactic?
11. Does the party(s) responsible have an understanding of the impact of the crime on the victim and other group members?

POLICY <sup>10</sup>

It is the policy of this Department to ensure that all rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all appropriate steps to identify responsables of criminal offenses, arrest them and assist in their vigorous prosecution.

All criminal offenses of violence, intimidation or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and an investigation shall be considered high priority as such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.<sup>11</sup>

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<sup>10</sup> This policy is derived from the report prepared by the National Organization of Black Law Enforcement Executives under the auspices of the United States Department of Justice.

<sup>11</sup> Departments, at their option, may wish to develop a policy for dealing with reports of incidents that may not be chargeable as a crime, but are likely to have similar impact on the victim(s) and members of the victim(s) group.

Concord Police Department's policy on racial, religious, ethnic and sexual orientation complaints contains the following provision:

All reported incidents that are non-criminal that were motivated all or in part by race, ethnicity, religion and/or sexual orientation shall be documented by a police report. An administrative follow-up and disposition will be made on appropriate incidents by the Community Relations Unit.

REPORTING <sup>12</sup>

The goal of reporting "hate crime" is to depict the nature and volume of criminal activity within a given geographical area. In order to achieve the goal the data collected must be accurate, consistent and complete.

Determining the motivation of a crime is difficult. Officers may be called upon to make a subjective determination using whatever information the victim or crime scene can provide. Even an experienced crime analyst may not be able to clarify the motivation in all cases. Every officer may not become an expert in hate crime identification, but their degree of expertise can be increased through training.

Officers may feel that the data will not help the police department but will be used against it, or that their time is better used doing other activities. To counter this attitude, training should not only focus on the technical aspects of reporting, but should also include the purpose and benefits of reporting.

Existing police reports can be used for reporting hate crimes, but a box or part of the report should be designated for officers to put in a code letter or symbol indicating whether or not the

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<sup>12</sup> The discussion of issues pertaining to reporting is derived from a document prepared by the California Department of Justice Bureau of Criminal Justice Statistics as part of a legislatively mandated study.



crime should be considered a "hate crime". Since reports may vary slightly from agency to agency, each department should choose their own space and symbol for the entry. Many departments have chosen to use the letter "R" to signify a hate crime. The Criminal Justice Committee recommends that departments consider utilizing a forced entry requiring officers to enter some symbol in the designated space to indicate whether or not a hate crime was committed, e.g. R = hate crime, NR = not a hate crime.

Officers should be trained to include information within the narrative of the report to indicate why a crime is classified as a "hate crime" when they classify it as such.

**RESPONSE PROTOCOL <sup>13</sup>**

The Criminal Justice Committee recognizes that there is wide variance in departmental resources among the law enforcement agencies within Contra Costa County and has opted to identify the minimal response elements that should be adopted by each law enforcement agency within Contra Costa County. Each department should review their existing policy (when appropriate) to ensure that the minimal elements are included within it. Departments who have no policy or who want to review their personnel assignments relative to responding to "hate crimes" should review the models for large and small departments provided by the Hate Violence Reduction Task Force.

**RESPONSE PRIORITY**

All hate crimes are priority calls and shall require dispatch of an officer to the scene. In the event the complainant specifically requests that an officer not respond, the Department shall follow up with the complainant for details of the report, or to make referrals.<sup>14</sup>

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<sup>13</sup> This protocol is adapted from the Concord Police Department General Order No. 61.

<sup>14</sup> Concord Police Department dispatches an officer to the scene of incidents that are not considered crimes but may have similar impact on the victim and community. These are treated as "hate incidents" and an officer is sent as soon as practical unless the Watch Commander modifies the priority or type of response.

RESPONSIBILITIES <sup>15</sup>

Each department should have a policy which includes, at a minimum, the following

At the crime scene

- Ensure that there are appropriate personnel;
- Apprehend the responsible (if applicable);
- Protect the crime scene and evidence;
- Stabilize the victim
- Conduct a preliminary investigation, including a neighborhood survey for witnesses when appropriate;
- Reassure the victim that the crime will be treated seriously and refer the victim to appropriate resource agencies;
- Collect and process evidence.<sup>16</sup>

Following the initial response

Complete an Offense Report, enter the letter R or other designated symbol in the appropriate space (box) and ensure that the description of the incident includes information indicating why the motivation appears all or in part to be based on differences in race, religion, ethnicity or sexual orientation;

The report of the responding officer is analyzed by a supervisor to make a final determination of the classification of the incident as a "hate crime".

Notify the senior on duty Supervisor (in smaller departments this may be the Chief).

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<sup>15</sup> These are responsibilities which shall be included in each department's policy. Suggested personnel assignments to carry out the responsibilities for large and small law enforcement agencies are available in the United States Department of Justice study contracted to the National Organization of Black Law Enforcement Executives.

<sup>16</sup> This procedure may be modified when a Department has an evidence collection unit.

Provide for increased patrol in the area as appropriate.

Refer cases to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office for prosecution.

Keep the victim informed of the status of the case.

Keep the arresting officer informed of the status of the case;

Reports should be filed with the California Department of Justice and may be provided to the Hate Violence Reduction Task Force for analysis.

Take appropriate steps to prevent the situation from escalating including meeting with concerned community organizations and notifying appropriate agencies.

Ensure that all physical remains of the crime are removed after processing is completed. If the remains are not easily removable (i.e. paint on walls and vehicles), the supervisor shall attempt to notify the appropriate parties of the need for removing the remains and shall report the presence of the remains to the local or county human relations commission director for follow-up.

Identify training needs relative to responding to hate crimes and hate incidents

**TRAINING**

**LEARNING GOAL: The student will be able to identify and respond appropriately to crimes motivated by hatred against the victim's race, ethnicity, religion, or sexual orientation.**

**LEARNING OBJECTIVES:**

1. The student will be able to define a reportable hate crime.
2. When responding to a report of criminal activity the student will be able to identify clues indicating that the incident should be classified as a hate crime.
3. The student will demonstrate the ability to designate a hate crime on the crime report.
4. The student will be able to identify the responding officer's procedural responsibilities at the scene of a suspected hate crime.

Advanced Officers' learning objectives are all of the above and:

5. The student will be able to identify the supervising officer's procedural responsibilities following the initial response.

**OFFICER INFORMATION**

Each department will make information available through an appropriate vehicle to assist officers in identifying hate crimes, following the appropriate procedures, and in locating victim assistance resources

SCHOOL COMPONENTK-12 SCHOOL CURRICULUMObjective

To ensure that each school within the County utilizes curriculum designed to promote appreciation for diversity and to prevent bias-related conflict.<sup>17</sup>

Steps

1. The Education Committee will review existing frameworks for History-Social Science, English, and Performing Arts to identify objectives related to the promotion of appreciation for diversity and the prevention of bias-related conflict.
2. The Chair of the Education Committee met with the County School Superintendents' Association and was directed to meet with each district's curriculum director to ensure that the curriculum meets the objectives of promoting appreciation for diversity and the prevention of bias-related conflict.
3. The Education Committee will work with curriculum directors of each district in Contra Costa County to review and, if necessary, set curriculum to promote appreciation for diversity and prevent bias-related conflict.
4. The curricula objectives and plans will be gathered by the Hate Violence Reduction Center and incorporated in the project report.

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<sup>17</sup> This objective is being implemented by the Chair of the Education Committee of the Hate Violence Reduction Task Force in cooperation with curriculum directors of all school districts in Contra Costa County.

GUIDELINES FOR  
RESPONDING TO BIAS-RELATED INCIDENTS  
ON THE SCHOOL CAMPUS

Objective

To implement guidelines for responding to bias-related incidents in three selected K-12 school districts representing urban, suburban and rural areas in Contra Costa County.

Steps

1. Staff to the Hate Violence Reduction Task Force will meet with officials for the Mount Diablo Unified School District, Concord; Richmond Unified School District, Richmond; and the Liberty Union High School District, Brentwood and select appropriate middle and secondary schools for implementing guidelines for responding to bias related incidents.<sup>18</sup>
2. Education Committee members will:
  - a. Meet with district and school site administrators to explain the purpose of the guidelines and the method proposed to gain their implementation;
  - b. Host a series of meeting with site administrators, and certificated and classified personnel to draft protocols for responding to bias-related incidents utilizing the hate violence reduction guidelines as the basis for the plan.
  - c. Meet with district and site administrators to draft a response protocol for coordinating efforts to respond to bias-related incidents.
  - d. Meet with site administrators and local law enforcement, mental health, and other appropriate public agencies groups to draft response protocols.
  - e. Meet with site administrators and the Hate Violence

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<sup>18</sup> This has been accomplished. High schools were selected in the Mount Diablo and Liberty Union High School Districts and a middle school in the Richmond Unified School District.

Reduction Center staff and other hate violence victim support groups to draft response protocols.

- f. Draft a comprehensive plan for response to bias-related incidents on the campus that has the support of district and site administrators.
  - g. Train site administrators and staff to administer and operate the response plan.
3. Evaluation and monitoring of the implementation of the guidelines will be conducted by the Hate Violence Reduction Task Force. A report will be prepared for distribution to other school districts to assist in replication of the process.
  4. The implementation of the guidelines will be integrated with each school district's staff development efforts to train teachers to work in multi-cultural environments.



GUIDELINES FOR A SCHOOL RESPONSE TO BIAS RELATED INCIDENTS<sup>19</sup>

DEFINITIONS:

Bias-related incident - any occurrence on the school campus that involves a verbal, written, or physical action that is intended to create emotional suffering, physical harm, or property damage to a pupil because of his or her race, ethnic background, national origin, religious belief, sex, sexual orientation, or physical or mental disability.

Race- Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc. that are genetically transmitted to classify it as a distinct human type.

Ethnic Group - Any group or class of individuals within a culture or social system that can be distinguished on the basis of various traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.

Religion - A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

Sexual Orientation - The direction of sexual, emotional, and/or physical attraction which may be primarily towards persons of the same sex (homosexuality), persons of the opposite sex (heterosexuality) or toward both in some proportion (bisexuality).

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<sup>19</sup> These are the only guidelines known to exist anywhere in the United States. The guidelines have been endorsed by the California Teachers' Association for implementation on a statewide basis and legislation that would mandate guidelines for all school districts in California has been passed by the State Legislature and is awaiting gubernatorial consideration.

Disability - What constitutes a disability in a school setting for purposes of identifying a bias-related incident goes beyond technical and legal definitions in order to identify the need to work with students to increase their appreciation for diversity. For purposes of these guidelines any inherent physical or mental characteristic of an individual can be considered a disability when it is the motivation for adverse treatment by other students.

CRITERIA

The following guidelines are adopted to assist schools identify bias-related incidents.

Clues to the identification of a bias-related incident

1. The presence of symbols, words, or acts which are, or may be, offensive to a specific race, ethnic group, religious group, or persons with differing sexual orientation (swastika, cross burning, "nigger", "queer", etc.)
2. Statements or actions of the victim(s), perpetrator(s), and other involved parties.
3. Prior history of involvement of the same perpetrators in similar incidents against the same victim group.
4. Pupil, parent or community response to the incident.

**RESPONSE PROTOCOL**

Personnel resources among schools varies widely and this protocol lists the minimal response elements that should be adopted by each school. The Task Force recommends that schools consider developing school based conflict resolution programs and integrating their services into the response protocol. Each district and school should designate duties to appropriate staff to ensure that staff responsibilities for responding to bias-related incidents are understood.

**RESPONSE PRIORITY**

All reports of bias-related incidents shall require staff response.

**RESPONSIBILITIES AT THE SCENE**

- A. Ensure that there are adequate personnel to prevent further activity, if necessary request law enforcement assistance;
- B. Apprehend the responsible (if applicable) and send them to an appropriate area of the school where they can be isolated from further activity and questioned, or when appropriate, referred to conflict resolution services.
- C. Isolate the area until evidence of the incident can be identified;
- D. Provide assistance to the victim(s) if applicable. Reassure the victim and his or her family that the incident will be treated seriously and provide references to victim support agencies;
- E. Conduct a preliminary investigation, including the questioning of witnesses when appropriate;

Instructions For Completing A Bias-Related Incident Report

Ensure that the description of the incident includes information indicating why the motivation appears all or in part to be based on differences in race, religion, ethnicity, sexual orientation or other bias.

The goal of reporting bias-related incidents is to depict the nature and volume of activity. In order to achieve the goal the data collected must be accurate, consistent and complete.

Determining the motivation behind an incident is difficult. Teachers and administrators are called upon to make a subjective guess using whatever information the victim, the perpetrator, or the scene of the incident can provide. Not every administrator or teacher should be expected to become an expert in determining whether an incident is bias-related but their degree of expertise can be increased through training.

Administrators may feel that the data will not help the school or school district but will be used against it, or that their time is better used doing other activities. To counter this attitude, training should not only focus on the technical aspects of reporting, but should also include the purpose and benefits of reporting.

School staff should be trained to include information within the narrative of the report to indicate why an incident is classified as "bias-related.

Questions to consider in reporting bias-related incidents:

1. Did the incident occur all or in part because of racial, ethnic, religious, or sexual differences between the persons or for other reasons?
2. Has the victim or victim's group been subjected to repeated attacks of a similar nature?
3. Is the victim the only minority group member in the school or one of a few?
4. Did the victim's family recently move into the area; is the victim's family acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all victims of the same race, ethnicity, religion or sexual orientation?
6. Has the victim been associated with recent or past activities relating to his/her race, ethnicity, religion, or sexual orientation? (e.g. holiday celebrations, religious meetings, etc.)
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (e.g. color of paint, manner of spelling words, symbols or signs, etc)
9. Is there an ongoing neighborhood problem that may have contributed to the act (e.g. could the act be retribution for some conflict with other juveniles, etc.)?
10. Does the incident indicate possible involvement by an organized group? For example:
  - a. Is the literature printed?
  - b. Does the name signify a "copy-cat" syndrome?
  - c. Is there documented or suspected organized group activity in the area?
  - d. Was this group "involved" in a true sense, or as a fear or scare tactic?
11. Does the party(s) responsible have an understanding of the impact of their activity on the victim and other group members?

**RESPONSIBILITIES AFTER THE INITIAL RESPONSE**

- A. Complete a bias-related incident report.
- B. The report of the responding staff member is processed by the principal or vice-principal.
- C. Notify the senior administrator on duty.
- D. Alert other staff and provide for increased supervision as appropriate.
- E. Keep the victim, the victim's family and community organizations expressing concern informed of the response being taken.
- F. Provide reports to the Superintendent and appropriate public agencies, including the county agency responsible for collecting data.
- G. Take appropriate steps to prevent the situation from escalating including, but not limited to:
  - 1. meeting with students, parents, concerned community organizations and others to demonstrate concern and enlist cooperation.
  - 2. meeting with all staff to provide accurate information and to prevent rumors as often as necessary.
  - 3. establishing a protocol for dealing with the media, when appropriate, to ensure accurate information.
- H. Ensure that all physical remains of the incident (e.g. graffiti) are removed after processing is completed.
- I. Identify training needs relative to responding to bias-related incidents

BIAS PREVENTION AND RESPONSE

INFORMATION SYSTEM PROJECT

Objective

To provide ongoing information to teachers, school administrators and concerned community agencies about programs that promote appreciation for diversity and prevent bias-related incidents in schools.

Steps

1. A survey will be conducted to identify existing school programs that could serve as model strategies for promoting appreciation for diversity and preventing and responding to bias-related incidents on the campus.
2. A monthly newsletter highlighting human relations programs operating within the schools of Contra Costa County will be distributed to all schools and educational groups within the County. Information on model programs will include its purpose and results, and who can be contacted for more information.
3. A resource person, familiar with the model projects will provide consultation and technical assistance to teachers and administrators seeking information to help them address a particular human relations issue.

HATE VIOLENCE VICTIM SUPPORT SYSTEM

The entire hate violence reduction system depends on the willingness of victims to report incidents. Some estimate that only one in ten incidents of hate violence are reported. There are several reasons for under-reporting:

- fear of police and other official agencies;
- fear of reprisal and the belief that bringing attention to oneself as a victim will lead to further attacks;
- fear of acknowledging membership in a group that is a target of hate violence (gay-lesbian).
- inability to communicate easily in oral English;
- lack of knowledge of where or how to report;
- belief that reporting hate violence is not worthwhile

The hate violence reduction effort in Contra Costa County is centered around the victim and the needs of the victim. The whole effort depends on getting the victim to report hate violence and bias-related incidents. The plan to train agencies and organizations to serve victims of hate violence is believed by the members of the Task Force to be the best design for ensuring that hate violence is reported and the needs of victims responded to appropriately. Contributions to the design of the plan were made by representatives from the Probation Department's Victim Assistance Program, the Crisis Hotline, and organizations representing people who are most frequently victims of hate crime.



Objective

To train 30 agencies consisting of neighborhood watch programs, religious institutions and relevant community agencies to:

- a. maintain a network of staff and volunteers to provide emergency counseling and support to victims of bias-related incidents;
- b. calm community tensions, resolve conflicts, and control rumors;<sup>20</sup>
- c. respond to incidents of harassment and intimidation motivated by bigotry that are referred by law enforcement because of the necessary elements of a "crime".

Steps

1. Select 30 organizations to provide services to victims of hate violence. Criteria for selections will include, but not be limited to:
  - a. the likelihood of a victim of hate violence to seek or accept services from the organization;
  - b. stability of the organization and its level of commitment to meeting the needs of victims of hate violence;
  - c. availability of volunteers or staff during evening hours or weekends;
  - d. location in areas of the county needing hate violence victim support services;
  - e. ability to communicate with victims who speak languages other than English, or who use other methods of communication because of a disability;

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<sup>20</sup> The Contra Costa County Human Relations Commission has received a grant under Garamendi legislation to train community leaders in the assessment, intervention and resolution of bias-related conflict.

Steps (Continued)

2. The Hate Violence Reduction Task Force will contract for services to supplement existing resources to provide training to staff and volunteers of organizations providing services to victims of hate violence.
3. Victim referrals to community agencies, other than direct contacts, will come from law enforcement, schools, human relations commissions, and the Hate Violence Reduction Center in accord with the protocols included in the hate violence reduction project.
4. The Hate Violence Reduction Center will be responsible for:
  - a. coordinating the training and monitoring the work of the victim support programs;
  - b. serving as the central collection point for data provided by victim support organizations.

HATE VIOLENCE VICTIM ASSISTANCE CURRICULUM

TRAINING MODULES

- A. A half-day curriculum designed for staff and volunteers whose responsibilities will be limited to receiving calls or visits from victims and witnesses of bias related incidents;
- B. A full-day curriculum designed for staff and volunteers whose responsibilities will include serving as a catalyst to identify and access resources to meet the needs of the victim of a bias-related incident.

LEARNING GOAL:

TO PROVIDE VOLUNTEERS AND STAFF OF APPROPRIATE ORGANIZATIONS THE KNOWLEDGE AND SKILLS NECESSARY TO ASSIST VICTIMS OF HATE VIOLENCE.

HALF-DAY FRAMEWORK

Training Objectives:

- 1. The trainee will understand the county hate violence prevention and response system and laws relating to "hate crimes".
- 2. The trainee will demonstrate their skill to de-escalate a caller in crisis.
- 3. The trainee will demonstrate their ability to focus a caller in crisis and obtain the information necessary to complete a report and identify the needs of the victim.
- 4. The trainee will demonstrate their knowledge of the reporting procedures and guidelines relating to confidentiality and follow-up.

FULL-DAY FRAMEWORK

Training Objectives: All of the above and -

- 5. Trainees will demonstrate their ability to identify resources available to meet the needs of victims of hate violence.
- 6. Trainees will demonstrate knowledge of methods to gain the use of resources to meet the needs of victims of hate violence.

## APPENDIX M

7. Trainees will demonstrate their ability to enable a victim of hate violence to understand what they must do to make use of available assistance.
8. Trainees will be able to explain civil and criminal laws and procedures necessary to bring suit against or prosecute perpetrators of hate violence.
9. Trainees will be able to identify law enforcement personnel who have agreed to work with them in their role as a victim support provider.
10. Trainees will be able to identify District Attorney's staff who have agreed to work with them in their role as a victim support provider.
11. Trainees will be able to identify local school personnel who have agreed to work with them in their role as a victim support provider.

**CURRICULUM:**

All Participants

- A. Autobiographical introduction relating to interest in providing assistance to victims of hate violence.
- B. Introduction to training:
  - 1. learning goal and training objectives
  - 2. definition of terms, i.e. "hate violence"
  - 3. multi-media (video, news clips) presentation on impact of hate violence on county
  - 4. expectations of trainees during sessions
  - 5. discussion/reaction/questions
- C. Where do you fit in? The County Hate Violence Reduction Plan and Applicable Laws
- D. The Nature of the Calls
- E. Introspection - coming to terms with the challenges and stresses of being a provider of victim support
- F. Communication Skills
  - 1. De-escalation of a victim or witness (role play)
  - 2. Active listening - clarifying and validation (interactive interview with another trainee about a crisis)
  - 3. Focusing a caller in crisis (role play)
  - 4. Discussion

**BREAK**

- G. Reporting Procedures (The County hate violence system and civil and criminal laws)
  - 1. What you should report and how
  - 2. What the caller should report, how and to whom
  - 3. Confidentiality
  - 4. Follow-up

**H. Half-Day Exercise**

- A. Receive a call
- B. Complete a report
- C. Describe the procedure
- D. Discussion

**HALF-DAY CURRICULUM COMPLETED FULL-DAY CURRICULUM CONTINUES**

**I. Presentations by resource agencies of their availability and access requirements.**

- 1. criminal justice
  - a. police
  - b. district attorney
  - c. victim/witness program
- 2. private attorneys
- 3. schools
- 4. health
  - a. emergency medical assistance
  - b. mental health
- 5. emergency aid and shelter
- 6. community support
  - a. churches
  - b. community based organizations
  - c. public agencies

**J. Report Analysis and Action Plan Exercise**

- 1. Trainees review their half-day exercise and list the steps they would take to ensure the victim received the appropriate resources.

2. Incident reports and lists are discussed in small groups  
(2-4)

3. Class discussion

K. Training Evaluation

LIVING ROOM DIALOGUES PROJECT

Objective

To involve a cross-section of 1,000 diverse people in Contra Costa County in "living room" dialogues where they can communicate openly about differences, and negative stereotypes can be challenged in a non-confrontational manner.

Steps

1. The Hate Violence Reduction Task Force will contract for services to plan and facilitate 100 "living room dialogues" in homes of Contra Costa County residents. The dialogues will bring people together from different racial, ethnic, religious and economic backgrounds to share information about the backgrounds, lifestyles and aspirations of the participants with the objective of enhancing communication to break down uninformed stereotypes. Services contracted for will include:
  - a. the training of volunteer facilitators
  - b. planning the logistics involved in hosting the dialogues
  - c. publicity
  - d. the formation of an evaluation process
  - e. overall coordination of the activities.
2. The Hate Violence Reduction Task Force will identify homes where the dialogues can occur and will help recruit participants.



**CONTRA COSTA COUNTY DISTRICT ATTORNEY**

**HATE CRIME PROCEDURES**

Office of District Attorney

Court House, Fourth Floor  
P.O. Box 670  
Martinez, California 94553  
(415) 372-4500

Contra  
Costa  
County

APPENDIX M-1 Gary T. Yancey  
District Attorney



November 9, 1988

Fred Persily  
Executive Director  
Contra Costa Human Relations Commission  
651 Pine Street  
Martinez, CA 94553

Dear Fred:

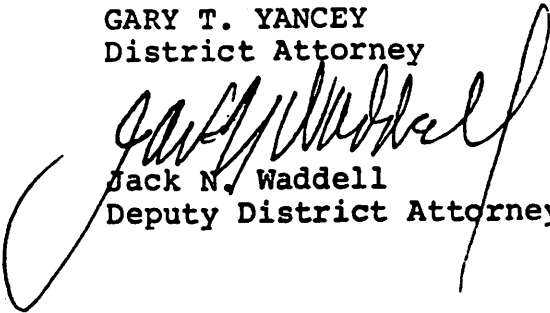
Enclosed is the Contra Costa County District Attorney's procedure and protocol for handling crimes involving hate violence. I believe this will mesh well with comparable policies from the various law enforcement agencies in our county.

The two important features of this plan are procedures for informing the District Attorney and involving him in the decision making process and the use of the strategy of vertical prosecution to ensure continuity in the handling of the case.

I will distribute copies to other members of our committee at the next meeting.

Sincerely,

GARY T. YANCEY  
District Attorney

  
Jack N. Waddell  
Deputy District Attorney



**RESPONSE TO RACIAL, RELIGIOUS, ETHNIC,  
AND SEXUAL ORIENTATION COMPLAINTS**

**A. POLICY**

1. It is the policy of the Contra Costa County District Attorney to ensure that rights guaranteed by State laws and the United States Constitution are protected for all people regardless of their race, color, ethnic background, religion, or sexual orientation. When such rights are infringed upon by violence, intimidation, or other harassment, the Department shall take all available steps to identify responsible parties and bring them to justice.
2. All criminal offenses of violence, intimidation, or harassment based on racial, religious, ethnic background, or sexual orientation shall be viewed as serious, and prosecution shall be considered a high priority. Such acts tend to generate fear and concern among victims and the public. They have a potential for recurrence and escalating to the point of counterviolence.

**B. DEFINITIONS**

1. R/R/E/S - Refers to race, religion, ethnic background, and sexual orientation.
2. R/R/E/S crimes are acts or attempts to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by race, ethnic background, religion, and/or sexual orientation.
3. R/R/E/S crimes are defined in Penal Code Sections 422.6 through 422.9 which are summarized as follows:
  - 422.6a Subdivision (a) of Section 422.6 generally makes it unlawful to interfere, by force or threat of force, with another person's free exercise of state or federal constitutional or statutory rights because of that person's race, color, religion, ancestry, national origin, or sexual orientation. A violation of this subdivision cannot be based on speech alone, unless the speech itself threatened violence against a specific person or group of persons and the defendant had the apparent ability to carry out the threat. [Penal Code Section 422.6, subd. (c).]

422.6b Subdivision (b) of Section 422.6 generally makes it unlawful to deface or damage another person's property because of that person's race, color, religion, ancestry, national origin, or sexual orientation.

Violation of subdivision (a) or (b) is a misdemeanor punishable by a fine of up to \$5,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.6, subd. (c).]

422.7 Penal Code Section 422.7 is a provision which, under certain circumstances, permits crimes which are presently misdemeanors to be charged as felonies if the crime was motivated by bigotry. This "wobbler" provision applies in any one of the following cases: (1) the crime was committed against the person of another and either included the present ability to commit violent injury, or caused action physical injury; (2) the crime was committed against the property of another and caused damage in excess of \$1,000; or (3) the defendant has previously been convicted of violating Penal Code Section 422.6, discussed above, or of a conspiracy to violate that section.

If any of these conditions are met, then a crime which would otherwise be a misdemeanor becomes a "wobbler," if the crime was committed against the person or property of another, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation, and for the purpose of interfering with the other person's state or federal constitutional or statutory rights. Felony arrest powers would apply in a case where an officer has reasonable cause to believe that a felony has been committed under this section [Penal Code Section 836, subd. (3).]

C. PROCEDURE

1. All cases involving possible R/R/E/S crimes shall be submitted to the FELONY FILING DESK of the appropriate branch of the District Attorney's Office. The normal appointment procedure shall be followed.
2. The Bane Civil Rights Act has both a civil and a criminal component. the civil provisions, found at Civil Code Section 52.1, permit the Attorney General, district or city attorneys, or a victim, to seek an injunction against threatened violent interference with state or federal constitutional or statutory rights.

The District Attorney will not accept cases for civil action.

Victims of all R/R/E/S incidents which cannot be criminally prosecuted but which may be actionable under Section 52.1 of the

Civil Code should be referred to the private bar or the Attorney General.

3. Orders issued under Civil Code Section 52.1 are enforced by local law enforcement agencies, much like restraining orders in domestic relations cases. [Civil Code Section 52.1, subd. (e); Penal Code Section 422.9, sub. (c).]

Willful violation of an order issued under Civil Code Section 52.1 is a misdemeanor, punishable by a fine of up to \$1,000, imprisonment in county jail for up to six (6) months, or both. [Penal Code Section 422.9, subd. (a).] However, a person who has previously been convicted of violating such an order is subject to imprisonment in county jail for up to one (1) year. [Penal Code Section 422.9, subd. (b).]

#### D. RESPONSIBILITIES

##### 1. Senior Deputy District Attorney

- a. Advise the District Attorney immediately of all R/R/E/S cases brought to his attention;
- b. Participate with the felony filing attorney in filing conference and advise District Attorney of proposed decision (whether or not to issue a complaint);
- c. Assign case to staff attorney for vertical prosecution;
- d. Submit suggested press release to the District Attorney for approval;
- e. Advise the District Attorney of any community leaders or victim support groups who have expressed an interest in the development of the case.

##### 2. Felony Filing Attorney

- a. Notify the Senior Deputy District Attorney in charge of the branch of any R/R/E/S case brought to the office for potential prosecution;
- b. Make filing decision and complete investigation request to local police agency when necessary. See Appendix A to aid in decision-making process;
- c. Use felony filing forms in Appendix B 1-3;
- d. Consider the applicability of additional codes, e.g.:
  - PC 11411 Terrorism: Burning or desecration of religious symbols; placement or display of physical impressions;

PC 11412 Threats obstructing exercise of religion;

PC 11413 Terrorism: Use of destructive device, explosive or commission of arson; places of worship, places or meetings involving abortion;

- e. Assign investigative follow-up duties to District Attorney Investigator;
- f. Prepare written "Decision Not to Issue" form explaining any decision why case cannot be prosecuted and forward copy to local chief of police and District Attorney;
- g. Make bail recommendations and file PC 1269 form, if appropriate.

3. Assigned Attorney

- a. Review all investigation reports and prepare supplemental investigation requests;
- b. Appear at bail study when necessary;
- c. Contact victim within five (5) days of filing to establish rapport and assess victim needs;
- d. Appear at all significant stages of the proceedings, including bail study, preliminary hearing, readiness conferences, trial, motions, and sentencing;
- e. Do not enter into a negotiated disposition of any R/R/E/S case without the express approval of the Senior Deputy District Attorney in charge or the District Attorney;
- f. File statement of aggravation in all sentencing hearings; include the following when applicable:

PC 1170.75 Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin: aggravation of time

PC 1170.8 Arson, robbery, or assault in places of worship: aggravation of time

PC 422.7  
CIVIL RIGHTS VIOLATION

SEV:

FORM: 0 ENHANCEMENT

ENHANCEMENT  
CIVIL RIGHTS VIOLATION

It is further alleged, pursuant to PENAL CODE SECTION 422.7, that the defendant

1 #NAME  
 , committed the above offense against the person or  
 property of  
 2 #NAME OF VICTIM  
 , for the purpose of intimidating or interfering with the  
 free exercise of his/her constitutional rights because of  
 3 #RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL  
 ORIENTATION. \*

It is further alleged that the offense was committed under the following circumstances:

4 #IT WAS A CRIME AGAINST THE PERSON OF ANOTHER, AND THE  
 DEFENDANT DID CAUSE OF HAVE PRESENT ABILITY TO INFLICT  
 PHYSICAL INJURY ON VICTIM./ THERE WAS PROPERTY DAMAGE,  
 IN EXCESS OF \$1,000 TO VICTIM./ BEFORE THE COMMISSION OF  
 THIS OFFENSE, THE DEFENDANT ON (DATE), IN (COURT),  
 DID COMMIT THE OFFENSE AND WAS CONVICTED OF A VIOLATION OF  
 SUBSECTION A OR B PENAL CODE SECTION 422.6.

\* Choose one or more if applicable

**Testimony of**  
**Eugene S. Mornell, Executive Director**  
**Los Angeles County Commission on Human Relations**  
**Before the**  
**Attorney General's Commission on**  
**Racial, Ethnic, Religious and Minority Violence**  
**June 30, 1989**

Since 1980 the Los Angeles County Commission on Human Relations has been monitoring and responding to incidents of racially and religiously motivated vandalism and violence in Los Angeles County.

We are not aware of any other agency in California, or the nation, that systematically gathers data, investigates individual cases, provides service to victims, develops preventive programs and reports regularly on what have now come to be known as "hate crimes."

I am leaving with you a copy of our most recent report, a 31-page summary of hate crime in Los Angeles County in 1988, which describes our highest level of activity in nine years: 95 racial incidents, 111 religious incidents and 61 incidents based on sexual orientation. (This was our first full year of reporting on crimes against Gays and Lesbians.)

These incidents included graffiti, disruption of religious services, vandalism, cross-burnings, arson, gunshots at persons and property and physical assaults, which accounted for almost 25 percent of the racial crimes and 64 percent of the crimes based on sexual orientation, the highest level of crimes against persons we have ever reported.

The report covers data collection, definitions of hate crime, non-criminal acts, hate group activity, perpetrators, reaction by public officials and the community, legislation and the Commission's own work.

Each of the 267 incidents documented in 1988 is summarized in the appendices of the report.

In the limited time available this morning, I do not want to cover what you will find in the report, but instead I want to mention briefly several key issues:



## **APPENDIX N**

1. Hate crime is the tip of an iceberg, and it reflects the greater level of prejudice, discrimination, anger and intergroup tension that generally remains below the surface of public awareness.

People who commit hate crimes, which we define very specifically in terms of law violations, are acting out the feelings of a larger group.

2. Hate crime is under reported, especially among Latinos, Asians, Arabs and other immigrant and refugee groups who are often unfamiliar with American law. fearful of the police, less proficient in English and faced with a variety of cultural barriers.

3. Although we have seen a larger number of different racial and religious groups affected by hate crime in the recent years, Blacks and Jews, the traditional victims of bigotry, continue to be the primary targets.

4. Most perpetrators of hate crime are not apprehended, and it is therefore difficult to suggest that most are Ku Klux Klan members, neo-Nazis, "skin-heads," or members of other hate groups.

In 1987, for example, we had the largest number of arrests for hate crime ever: 15 adults and 13 juveniles were arrested in connection with 31 crimes, out of 194 crimes documented. We are able to link only a few of these perpetrators to hate groups.

Although we reported an increase in hate group demonstrations and other non-criminal activity in 1987, which activity was down in 1988 and hate group membership seems to be at a low point nationally, primarily because of Federal prosecution. On the other hand, "skinhead" activity now seems to be rising, as does the general level of bigotry. Additionally, some hate groups are actively recruiting "skinheads" in an effort to expand their membership.

## **APPENDIX N**

Media attention to hate groups, however, such as the recent appearances of David Duke and Tom and John Metzger on the Phil Donahue and Oprah Winfrey television shows, and regular news coverage of hate group meetings, has served to give these groups unprecedented publicity and intensify community tension.

5. We have received forceful and unanimous support from the Los Angeles County Board of Supervisors for our Commission's recommendations regarding hate crime: public condemnation of bigotry, vigorous prosecution and increased penalties for perpetrators of hate crime, and improved coordination among the 50 law enforcement agencies in the County.

Last year a County Hate Crime Task Force, appointed by the Board of Supervisors and chaired by our Commission, consisting of representatives from law enforcement and related public agencies, issued a suggested policy and procedures statement on hate crime. It was disseminated to all police departments in the County by the Board of Supervisors, and I am also leaving a copy of this statement with you.

6. Let me mention several other Commission activities related to hate crime. Our Commission has developed, and now staffs, a Network Against Hate Crime, consisting of racial, ethnic and religious community groups, fair housing councils and other organizations. The goals of the Network are to improve data collection, provide assistance to victims and initiate preventive programs.

We have also developed a number of community coalitions to work on other aspects of intergroup tension, including a Latino-black Roundtable and a Black-Korean Alliance.

The Commission is very much involved with "A World of Difference," an anti-Defamation League of B'nai B'rith program that originated in Boston and began in Southern California in January of this year. This extensive effort, which is being supported by KCBS and the Los Angeles Times, aims at the reduction of racial, ethnic and religious prejudice in our community.

## **APPENDIX N**

7. We have just received the data from a school hate crime survey, jointly conducted with the Los Angeles County Office of Education and sent to all 1,500 public schools in the County. So far as we know, this is the most comprehensive school hate crime survey ever conducted in the United States. We expect to release a report on the survey this fall.

In conclusion, let me respond to the questions in your letter of invitation to this hearing.

We strongly support the recent amendment of the Ralph Civil Rights Act and establishment of the Bane Civil Rights Act, strengthening relief available for victims of hate crime. However, since only 16 percent of hate crime perpetrators were apprehended in our best year, it is realistic to assume that the effect of these laws will be limited.

The greatest need at this time is for greater awareness of hate crime on the part of law enforcement, including adoption of specific hate crime policies and procedures, and for a higher rate of apprehension and prosecution of hate crime perpetrators. Law enforcement sensitivity and diligence in connection with "Gay bashing" is particularly critical.

In addition, for several years we have strongly urged that there be mandatory reporting of hate crime by all law enforcement agencies in the State.

Based on a preliminary assessment of the data collected in our school hate crime survey, it is likely that we will call for the establishment of some mechanism to systematically track such incidents in primary and secondary schools, as well as suggest preventive action. Specific recommendations will be forthcoming in our report.

Thank you for this opportunity to appear before you, and thank you for holding this hearing.

**HATE CRIME IN LOS ANGELES COUNTY 1988\***

**A Report to the Los Angeles County Board of Supervisors**

**February 1989**

**\* For complete copy of report, contact:**

**Los Angeles County Commission on Human Relations  
320 West Temple Street,  
Suite 1184  
Los Angeles, California 90012**

**STOP PROGRAM  
MONTGOMERY COUNTY GOVERNMENT  
HUMAN RELATIONS COMMISSION**

The Stop program educates juvenile perpetrators of hate violence about the impact of their behavior on victims and the entire community.

The program was started in 1982 by the Office of the Human Relations Commission at the request of the Montgomery County Criminal Justice Commission for first offenders instead of sending them through the court system. The courts and police departments refer juveniles to STOP in addition to other penalties.

The program requires that juvenile perpetrators and their parents attend five two-and-a-half hour sessions, and juveniles are also required to perform 40 hours of community service. In November, 1988, the program expanded to include repeat juvenile offenders.\*

For more information, contact:

Elyse Rothschild  
Community Relations Specialist  
Montgomery County Government  
Office of the Human Relations Commission  
164 Rollins Avenue  
Rockville, Maryland 20852-4067  
Phone: (301) 468-4260

\*SOURCE: Montgomery County Government  
News Release, November 3, 1988  
and STOP Program literature

**Excerpts, California Department of Education  
History/Social Science and English/Dramatic Arts  
Framework Objectives**

**BACKGROUND**

The Education sub-committee of the Hate/Violence Reduction Task Force has met a number of times to discuss the role of the schools in efforts to reduce hate/violence incidents. Representatives from Martinez, Acalanes, San Ramon, Richmond and Mt. Diablo participated in the meetings. All were in agreement that:

1. State frameworks, county guides and district courses of study reflect clear objectives related to this issue. No new curricula need to be developed. Rather, existing documents should be examined to identify those basic objectives which must be emphasized in each district. (This task was completed by three members of the larger committee.) All committee members agree that a rich program includes lessons related to unlearning prejudice and appreciating diversity. New activity programs such as the World of Difference project will enhance what is currently in place.

2. Staff development is needed to provide training for teachers in dealing with sensitive issues related to the specific curricula, and for all school staff in dealing appropriately with the living curricula related to hate/violence and human relations which presents itself in formal and informal settings throughout the day. Staff needs include development response systems for detecting, reporting, intervention and victim support when a hate/violence incident occurs.

The State Department of Education provides a framework for each of the major disciplines. Each district develops courses of study reflective of these frameworks.

The Committee recommends that each district examine its curricula to determine that major objectives related to the reduction of hate/violence are prominent in their documents.

Districts will emphasize to teachers the importance of stressing these goals and objectives in their classroom activities. In service programs will be provided for school site staffs on both the effective delivery of the curriculum and the handling of unusual situations.

**HISTORY-SOCIAL SCIENCE FRAMEWORK**

I. The goal of knowledge and cultural understanding is pursued by developing students' literacy in history and other humanities (including ethics), geography, economics, sociology and political science. Certain essential learnings are integral to the development of each of these literacy strands.

A. Historical Literacy

Develop a sense of historical empathy. (In every age, knowledge of the humanities helps develop a keen sense of historical empathy by allowing students to see through the eyes of the people who were there.)

Understand the importance of religion, philosophy and other major belief systems in history. (By understanding a people's religion, philosophy, folkways and traditions, students gain an understanding of a culture's ethical and moral commitments.)

B. Ethical Literacy

Recognize the sanctity of life and the dignity of the individual.

Understand the ways in which different societies have tried to resolve ethical issues.

Understand that the ideas people profess, affect their behavior.

Realize that concern for ethics and human rights is universal and represents the aspirations of men and women in every time and place.

C. Cultural Literacy

Understand the rich, complex nature of a given culture. Learn about mythology, legends, values and beliefs of a people.



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Develop a multicultural perspective that respects the dignity and worth of all people.

### **D. Socio-political Literacy**

Understand the close relationship between social and political systems.

Understand the close relationship between society and the law.

Understand comparative political systems.

**II. The curricular goal of democratic understanding and civic values is centered on essential understanding of the nation's identity and constitutional heritage; the civic values that undergird the nation's constitutional order and promote cohesion across all groups in a pluralistic society; and the rights and responsibilities of all citizens.**

### **A. National Identity**

Recognize that American society is now and always has been pluralistic and multicultural.

Understand the American creed as an ideology extolling equality and freedom.

Recognize the status of minorities and women in different times in American history.

Understand the unique experience of immigrants from Asia, the Pacific Island and Latin America.

Understand the special role of the United States in world history as a nation of immigrants.

Understand the special role of the United States in world history as a nation of immigrants.

Realize that true patriotism celebrates the moral force of the American ideas a nation that unites as one people the

## APPENDIX Q

descendants of many cultures, races, religions and ethnic groups.

### B. Constitutional Heritage

Understand the basic principles of democracy.

Understand the historical origins of basic constitutional concepts.

### C. Civic Values, Rights and Responsibilities

Understand what is required of citizens in a democracy.

Understand individual responsibilities for the democratic system.

## ENGLISH-LANGUAGE ARTS FRAMEWORK

### I. Each student will have opportunities to:

Develop a clearly communicated sense of common values and common goals that respect diversity.

Develop a solid body of knowledge derived from a common cultural heritage.

Experience confronting important human issues and conflicts.

Develop a strong sense of values including personal, social and aesthetic values.

Prepare to function as informed and effective citizens in our democratic society.

Experience a literature-based program that encourages reading and exposes all students, including those whose primary language is not English, significant literary works.

Experience instructional programs that guide all students

## **APPENDIX Q**

through a range of thinking processes as they study content and focus on aesthetic, ethical and cultural issues.

Experience literature which reminds us of the best in human character, the most admirable human character, the most articulate human speech, whether those thoughts and feelings come from ancient Greece or modern Japan, from puritan New England or tribal Africa, from Renaissance England or contemporary Mexico.

Capture the breadth of human experience through a strong literature program which offers the language and literature of many nations and perspectives of racially, ethnically and culturally diverse societies; and of poems and narrations, fables and legends, and stories and plays.

Establish a climate for learning, respecting languages and dialects that are linguistically different from standard English.

Recognize the importance of minority languages and cultures in preventing alienation and inhibitions about language that prevent learning.

### **VISUAL AND PERFORMING ARTS**

#### **A. Aesthetic Perception**

Through increased perception students are sensitized to the individual and to the world through increased aesthetic perception. Students respond to the elements of an object or event and to express and appreciate it in greater depth.

#### **B. Arts Heritage**

Through knowledge of the artistic accomplishments of the great cultures of the world, students see the places of the arts in relation to those cultures and to grasp the relevance of the arts in contemporary society. Through knowledge of the arts of various cultures, past and present, students gain appreciation and understanding of these cultures and of their heritage.

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### C. Dance

Through dance education students understand and appreciate one's own culture and the cultures of others.

Through dance education students understand similarities and differences among races, religions and cultural traditions.

Students will recognize dance as a universal language in world cultures, will articulate the historical rules of dance in relation to social, ritual and performance contexts.

### D. Drama/Theater

Through experiences in drama students will be able to recognize major themes, historical periods and cultural backgrounds.

Students will recognize the importance of today's theater as a means of understanding and appreciating cultural differences.

### E. Music

Through the study of the music of the world and of historical periods and styles, students will recognize the relationships between music and the lives of people.

Students will recognize the uniqueness of each cultural heritage as well as the similarities to our own culture.

Students will recognize that different cultures express their beliefs, values, goals, rituals and customs in unique art forms.

Students will recognize that the visual arts of cultures from which this society emerged are relevant to our current life because they are links to our origins, guideposts to our future and starting points for new ideas.

**INTERGROUP CONFLICT IN LOS ANGELES COUNTY SCHOOLS\***

Report on a Survey of Hate Crime

October 1989

\* For complete copy of report, contact:

Los Angeles County Commission on Human Relations  
320 West Temple Street, Suite 1184  
Los Angeles, California 90012

**California Penal Code § 628**

**CHAPTER 1.2 REPORTING OF SCHOOL CRIME**

**§ 628. (Legislative Intent)**

It is the intent of the Legislature in enacting this section to ensure that schools, school districts, local government, and the Legislature have sufficient data and information about the type and frequency of crime occurring on school campuses to permit development of effective programs and techniques to combat crime on school campuses.

**§ 628.1. (Development of reporting form; Contents)**

By June 30, 1985, the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts which currently compile school crime statistics, shall develop a standard school crime reporting form for use by all school districts throughout the state. No individual shall be identified by name or in any other manner on this reporting form. The form shall define what constitutes the criminal activity required to be reported and shall include, but not be limited to, all of the following:

- (a) Description of the crime.
- (b) Victim characteristics.
- (c) Offender characteristics, if known.
- (d) Total students enrolled at the school reporting the crime on November 15 for the first reporting period and April 15 for the second reporting period.

**§ 628.2.**

On forms prepared and supplied by the State Department of Education, each principal of a school in a school district and each principal or director of a county-operated program, site, or school under the jurisdiction of the county superintendent of schools shall forward a completed report of crimes committed thereon at the end of each

## **APPENDIX S**

reporting period to the district superintendent or county superintendent of schools.

The district superintendent or, as appropriate, the county superintendent of schools, shall compile the school data and submit the aggregated data to the State Department of Education not later than February 1 for the reporting period of July 1 through December 31, and not later than August 1 for the reporting period January 1 through June 30.

The superintendent of any school district that maintains a police department pursuant to Section 39670 may direct the chief of police or other administrator of that department to prepare the completed report of crimes for one or more schools in the district, to compile the school data for the district, and to submit the aggregated data to the State Department of Education in accordance with this section. If the chief of police or other designated administrator completes the report of crimes, the chief of police or designated administrator shall provide information to each school principal about the school crime reporting program, provide information to each school principal about the school crime reporting program, the crime descriptions included in the reporting program, and validation criteria identified by the State Department of Education for each crime description.

The State Department of Education shall distribute, upon request, to each office of the county superintendent of schools and each county probation department, a summary of that county's district reports, county reports, and the summary of statewide aggregated data. This information shall be supplied not later than March 1 of each year for the previous school year. In addition, commencing with the second annual report, the department shall also identify trends in school crime by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of the previous year and the baseline reporting year.

All school district, county, and statewide reports prepared under this chapter shall be deemed public documents and shall be made available to the public at a price not to exceed the actual cost of duplication and distribution.

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### **§ 628.4.**

By June 30, 1991, the State Department of Education shall publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and reporting school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature.

### **628.5.**

The Legislature hereby recognizes that all pupils enrolled in California public schools have the inalienable right to attend classes on campuses that are safe, secure, and peaceful. The Legislature also recognizes the importance of accurate school crime data in development and implementing school safety strategies and programs.

By June 30, 1990, the State Department of Education, in consultation with school districts and county offices of education, shall identify criteria for validating the reported incidence of each crime description contained on the standard school crime reporting forms prepared pursuant to Sections 628.1 and 628.2. Validation criteria shall be established for each crime description, that include, but shall not be limited to, all of the following: assault, battery, assault with a deadly weapon, unlawful fighting, homicide, sex offenses, robbery, extortion, chemical substance offenses, possession of weapons, destructive devices, arson, burglary, theft, and vandalism. By January 1, 1991, the State Department of Education shall pilot test the validation criteria in a representative sampling of school districts and county offices of education.

### **§ 628.6**

Beginning July 1, 1991, the State Department of Education shall use tested validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.



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The State Department of Education shall inform school districts and county offices of education of the validation criteria for the crime description included on the standard school crime reporting forms specified in Section 628.1. Each district and county office of education shall in turn notify their respective schools, programs, and sites of the validation criteria.

**POST-SECONDARY HATE VIOLENCE  
RESPONSE CHECKLIST**

**Fred Persily, June, 1989**

**ELEMENTS NEEDED TO PREVENT AND RESPOND TO BIAS  
RELATED INCIDENTS**

1. An ongoing process for encouraging victims of bigotry to report incidents and a simple well publicized process for making reports.
2. Uniform reporting forms used by campus organizations (including campus police) designated to receive complaints of bigotry, and a protocol for funneling reports into a campus repository for analysis.
3. A procedure for ensuring immediate victim support and protection.
4. A response plan that goes beyond apprehension of the perpetrators to include strategies to prevent recurrence.
5. Contingency plans to prevent the escalation of incidents into broader campus conflict.
6. A monitoring and assessment process designed to identify precursors of hate violence and provide recommendations to prevent potential flare-ups.
7. Creation and support of ongoing programs designed to promote understanding and prevent conflicts among the diverse populations on the campus.
8. Ongoing training of relevant campus staff (including campus police) and student organization representatives to enable them to carry out their responsibility for preventing or responding to hate violence.

**CAMPUS HATE VIOLENCE REDUCTION CHECKLIST**

**PREVENTION**

- I. Recruitment materials reflect philosophy of appreciation for diversity and pluralism.
- II. Orientation includes commitment to diversity and importance of reporting and responding to bias-related incidents.
- III. Greek, dormitory and other campus living units include written material on commitment to diversity and system for reporting and responding to bias-related incidents.
- IV. Permanent posters on campus response system placed in conspicuous areas, e.g. student union, bookstore, administration building encouraging reporting of bias-related incidents.
- V. Student conflict prevention programs, i.e. community boards for campus approved living units.
- VI. Courses on unlearning prejudice and methods for preventing bigotry.

**RESPONSE**

- I. Campus Police
  - A. Policies and procedures for responding to hate violence;
  - B. Training on implementation of policies and procedures;
  - C. Procedures to include notification of administration and referral to resources for victim support.

**II. Campus Organizations and counselors**

- A. Training in responding to victim needs.
- B. Policies and procedures for working with campus officials in easing campus tensions.
- C. Reporting procedures.

**III. Campus Officials**

- A. Establish and maintain central depository for reports of bias-related incidents.
- B. Appoint committees or commissions to assess campus climate, review incident reports, and identify potential problems when action can still be taken to prevent incidents.
- C. Design and implement rumor control protocol in coordination with the faculty and classified office staff.
- D. Trained in crisis intervention and conflict resolution.
- E. Design crisis response procedures in collaboration with campus organizations to ease tensions and deal with media.

**Testimony of  
Carlotta Mellon, Special Assistant to the Chancellor  
University of California, Los Angeles**

**Before the**

**Attorney General's Commission on Racial, Ethnic,  
Religious and Minority Violence  
June 30, 1989 Hearing**

UCLA condemns acts of "hate violence" and shares that Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence's concern for minimizing such occurrences. Like college campuses across the nation, UCLA has experienced incidents of harassment and intimidation. During the past few years, it has taken a number of steps to create a climate on campus in which differences based on race, ethnicity, gender, physical capacity, religion, and sexual orientation are not barely tolerated or understood, but valued. This is particularly important to UCLA since as a result of twenty years of student affirmative action, it has the most ethnically mixed and culturally diverse student population of universities in the United States. Today ethnic minority students make up more than 40 percent of undergraduates and more than half of the new freshman.

Over the last year, under the leadership of the Student Affairs department, UCLA has developed a strategic plan to minimize tensions that had developed between various racial and ethnic groups and to foster mutual understanding and appreciation. Employing administrative, academic, political, community and human resource strategies, this "Campus Community Development" plan takes a comprehensive approach to creating a pluralistic campus community. The plan is an evolutionary one in which a number of students, faculty and staff have been involved. We believe it can be a model for other universities. A copy of it is attached to this statement.

Within a strategic framework, a number of actions have been taken to enhance intergroup relationships. They include:

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- 1. The development and issuance of interim harassment policies and procedures (see the attached "UCLA Interim Student Conduct Policies and Student Discipline Procedures In Cases of Harassment, Sexual Harassment, Exploitation or Intimidation). Procedures included the establishment of harassment information centers for the reporting and informal resolution of complaints. Announcements in the campus newspapers and in-service training by the Dean of Students' Office for Faculty, staff and student groups have brought the policies and procedures to the attention of the campus community. Recently, UCLA's Interim Policies and Procedures were reviewed favorably by the Office of the President.**

**In addition to to establishing its own policies and procedures, UCLA requested and the Office of the President has appointed a system-wide advisory task force to review the University of California Policies Applying to Campus Activities, Organizations, and Students.**

- 2. To help foster positive relationships among various groups, Student Affairs organized a retreat in the Fall Quarter 1988 for the undergraduate student council and members of special interest groups and special interest papers. The Chancellor and other top administrators, faculty and staff also participated in the retreat. Follow-up included skills building sessions.**
- 3. Through a variety of written and oral statements, including his speech at Freshman Convocation, a statement published in all campus newspapers at the beginning of Spring Quarter 1989, and a letter to new students, the Chancellor has communicated the value the campus places on diversity and pluralism and the unacceptability of intolerance, insensitivity and harassment.**
- 4. A number of multicultural programs in residence halls and other campus venues, including a week-long "Word Fest" (see attached brochure) and a multi-ethnic "Freedom Seder".**

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5. Educating members of the campus community to understand and value persons whose race, ethnicity, gender, physical capacity, religious beliefs, or sexual orientation is different from their own. Efforts include a diversity workshop series by Student Affairs entitled "Let's Be Different Together" (see attached brochure and Spring 1989 workshop booklet), the development of a similar program by Facilities Management (in process), the development of a Staff Affirmative of a model program that can be adapted by all units on campus (in process), and training for orientation counselors, Academic Advancement Program staff and counselors, and residence halls staff and counselors. The campus has sought the assistance of community groups with expertise in multicultural awareness training.
6. The establishment of a Chancellor's Community Advisory Commission, comprised of noted community leaders representative of the region's diverse population, to serve as a bridge between the campus and the community and to assist the campus in dealing with quality of campus life issues.

The initiatives that UCLA has undertaken are very much in the spirit of SB 1358 (Torres) and are at the forefront of steps being taken by other universities and colleges. Although most of UCLA's actions were taken prior to--or were in process at the time of--the October 4, 1988 hearing on "Racial/Ethnic Tensions on University of California Campuses" of the Senate Special Committee on University of California Admissions (Senator Torres, Chairman), that session enriched its awareness of the racism that exists on campuses and strengthened its resolve to do all it could to minimize harassment. Although it may not be possible to completely eradicate racism or prevent incidents of "hate violence," UCLA believes its efforts will contribute significantly to the creation of a pluralistic community on its campus. We will continually review and refine our programs and develop new initiatives as needed.