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Dr. Sydney Brickman, Deputy Superintendent
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Diane Spencer, President
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ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS
AND MINORITY VIOLENCE

REPORT OF THE EDUCATION/COMMUNITY RELATIONS SUBCOMMITTEE

A major goal of the Education Subcommittee is to develop strategies to increase public awareness of the reality and nature of violence against minorities; to provide information to the public and victims on their rights under the law and the resources and remedies available.

The subcommittee recommends the following actions:

Community Relations

1. That the Attorney General introduce legislation urging creation of Human Relations Commissions in each county and that funding be provided to allow them to fulfill their mandate.
 - that funding be provided for translators to work with hate crime victims; and for the development of intensive community training seminars on the judicial system.
 - that the Human Relations Commissions be encouraged to establish a statewide network for information sharing, identification of model programs which can be implemented in other areas and statewide as appropriate.
2. That the Department of Justice Civil Rights Section annually update and distribute the civil rights handbook to: community organizations, law enforcement agencies, schools, and other appropriate agencies.
3. That a brochure be developed for distribution to the public as an information handout on victims rights and remedies, and that it be distributed in mass quantities to community groups, agencies, churches, etc.; and that it be translated into other languages as appropriate.
4. That the Attorney General consider development of a Civil Rights newsletter, and that it be given wide distribution to community groups, schools, etc. to raise public awareness of the problem of RERMV crimes, and current events in the area of civil rights.
5. That the Department of Justice Crime Prevention Center update its brochures on how to avoid becoming a victim for the elderly and disabled, and that these brochures be made available in other than English languages.
6. That the media be made aware of their responsibility to portray a positive image of all ethnic, religious and minority groups; and that sensitivity in reporting crimes is an important factor in fighting RERMV.

7. That the Attorney General consider establishment of an "800" number to serve as a hotline for victims of RERMV crimes to provide information on where and how to report these crimes.

Education/Training

California has a rich history of racial, ethnic, religious and lifestyle differences, and tensions seem to reappear with each new generation. One of the best places to start to reduce these generational antagonisms is our schools. According to one report, 46.8% of the students in our schools are minority students. In order to reduce the tensions which lead to violence we must teach our young people how to relate to one another. Therefore, the subcommittee recommends the following actions:

8. That the Attorney General impress upon the Superintendent of Public instruction the necessity for cultural relations programs in the public school curricula, and encourage implementation of such programs on a statewide basis.
9. That the Department of Education provide training for teachers and administrators on sensitivity to cultural diversity; effective teaching of human relations and cultural awareness; and response to racial, ethnic, religious, and minority violence.
10. That the Department of Education evaluate curricula to insure it includes accurate information, not stereotypes, about immigrant cultures.
11. That the Department of Education produce a booklet on the myths and stereotypes about homosexuality.
12. That the Attorney General stress to law enforcement the need for sensitivity to diverse cultures and human relations; and that he request that the time assigned to community/cultural relations segment of the POST basic training course for law enforcement officers be increased.
13. That the POST Commission study the issue of sexual orientation nondiscrimination and issue guidelines governing local law enforcement employment policies and practices.

In addition, the Subcommittee recommends that the Commission stress to the Attorney General that, while not specifically within its mandate, to the degree that the movement to provide sanctuary for persons from Central America seeking refuge in this country results in exploitation and violence, it must be addressed by our criminal justice system to assure full protection of their civil rights.

Likewise, the problems of undocumented persons, particularly as they become victims of crime and violence because they are an especially vulnerable group who easily become targets for exploitation should be addressed, and the Subcommittee recommends that the Commission urge the Attorney General to explore means of addressing and alleviating these problems.

The issues of school and gang violence, as well as prison violence, while also not in this Commission's mandate, cannot be ignored when dealing with the whole issue of violence based on bigotry and hatred. The Subcommittee recommends that the Commission urge the Attorney General to explore means of alleviating and/or eliminating these problems.


Bishop Will Herzfeld
Education/Community Relations
Subcommittee Chairperson

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

REPORT OF LEGISLATIVE SUBCOMMITTEE

The goal of the Legislative subcommittee is to inquire whether or not legislation affecting the racial, ethnic, religious and minority violence is adequate or whether better and stronger remedies, civil and criminal, should be instituted in order to combat this type of violence.

The Committee held two public hearings - one in Los Angeles and one in San Francisco to determine the effectiveness of the Ralph Civil Rights Act, and to hear testimony regarding other remedies to make the Act more effective.

Testimony was received from private individuals, attorneys and lay persons, law enforcement officers, as well as community and minority civil rights organizations such as the NAACP, MALDEF, Chinese for Affirmative Action, Asian Law Caucus, APAAC, etc.

Based on this testimony the Legislative subcommittee recommends the following actions:

Recommendations:

1. The Ralph Act should be amended to include the awarding of legal fees for legal representation in successful actions.
2. A criminal statute patterned after the Massachusetts Civil Rights Act of 1979 should be enacted to deter and respond to hate crimes.
3. California Penal Code Section 628 et. seq. should be amended to include specific notation of incidents of racial, ethnic, religious or minority violence. Reports should be required to be sent to local school boards and local human rights agencies as well as those agencies specified in existing legislation.
4. A statute patterned after California Civil Code Section 48.7 should be enacted to bar libel and other counter claims in Ralph Act actions until the Ralph Act action has been resolved.
5. Legislation should be enacted to provide for calendar preference for Ralph Act actions.
6. The Ralph Act and Unruh Act should be amended to clearly state that the Fair Employment and Housing Commission has jurisdiction in actions involving violence motivated by bigotry.
7. The Attorney General should recommend the development of Judicial Council forms and procedures patterned after those utilized in domestic violence cases to facilitate restraining orders and other forms of injunctive relief for victims of hate crimes.

8. The Ralph Act should be amended to treble the actual damages awarded.
9. Legislation should be enacted to extend S.B. 2080 and require the California Department of Justice to collect and disseminate information on the incidence of hate crimes.
10. Legislation should be enacted to authorize state funds to provide costs and attorneys fees for plaintiffs who prevail in Ralph Act actions and in seeking injunctive relief against hate violence when the defendant(s) is (are) judgement proof.
11. Legislation should be enacted to amend California Penal Code section 1175.5, which identifies motivation by bias based on race, religion, or ethnicity as aggravating factors for consideration in sentencing, to include bias based on sexual orientation, disability, or age as aggravating factors for consideration at sentencing.

Signed: _____

Diane C. Yu
Diane C. Yu

Chairperson

Legislative Subcommittee

January 15, 1986

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

REPORT OF LITIGATION SUBCOMMITTEE

Purpose:

The subcommittee is to develop strategies to assist the Attorney General in exercising his enforcement authority under applicable statutes with particular emphasis on the Ralph Act.

Background:

At the first meeting of the RERMV Commission, the suggestion was made that the Attorney General explore the possibility of bringing a civil action under the Ralph Act. The Act provides that all citizens have the right to be free from violence, or intimidation by threat of violence because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation or position in a labor dispute....(Civil Code, Section 51.7)

Subdivision (b) of the Act provides that whoever denies the right or aids, incites, or conspires in the denial of the Section 51.7 right is liable for actual damages and an additional \$10,000 in punitive damages.

Subdivision (c) of the Act allows the Attorney General, the District Attorney, or the City Attorney to bring a civil action based on section 51.7 if there is reasonable cause to believe that persons are engaged in a pattern or practice of resistance to the full enjoyment of the rights embodied in the Act.

The first meeting of the subcommittee was confined to a discussion of possible strategies under the Ralph Act with subsequent meetings to be devoted to the Attorney General's general enforcement powers. The Subcommittee first identified criteria the Attorney General could use in selecting cases for Ralph Act enforcement. Two considerations were paramount in identifying the criteria. They were the need to 1) utilize limited Attorney General resources in a manner designed to produce the most successful result; 2) avoid a perception on the part of local officials that the Attorney General is unilaterally interfering in essentially local matters.

Criteria:

The criteria identified by the subcommittee are the following:

- (1) Multi-jurisdictional acts constituting a pattern and practice that crosses county lines;

- (2) Complexity of issues - Local officials may lack the resources to handle a factually or legally complicated matter;
- (3) High degree of controversy - Serious political or other constraints may impair the ability of local officials to handle a particular set of circumstances;
- (4) Egregiousness of the acts forming the basis of the suit. This criterion is further subdivided as follows:
 - a) great property or personal injury.
 - b) numerous victims;
 - c) series of acts of long duration;
 - d) serious threats of future violence.
- (5) Case is of general "public interest" - This may include acts of violence against school children or acts of violence occurring in areas experiencing violence, in the recent past; e.g., Watts.
- (6) Perpetrator of violence is a group as opposed to individuals.

There is some degree of overlap in these criteria, but they are sufficiently distinguishable from one another to serve as convenient guidelines.

Recommendations:


The Subcommittee felt that certain administrative and political steps should be taken by the Attorney General to ensure that the office is properly prepared to handle a new type of case. The recommendations are:

- (1) An administrative procedure should be created within the Attorney General's office to provide for referral to the Civil Rights Enforcement Unit of matters involving possible Ralph Act violations
- (2) At the same time these matters should be referred to the Division of Law Enforcement, Bureau of Organized Crime & Criminal Intelligence (BOCCI), for possible inclusion into its statistical network. There should also be developed a "feedback" mechanism from BOCCI to the Civil Rights Enforcement Unit whenever the BOCCI notes circumstances indicating a pattern and practice of violence. Sources for "pattern and practice" information could be: 1) complaints coming into the Attorney General's office, 2) Department of Fair Employment and Fair Employment and Housing Commission files, 3) newspaper articles and TV news items, 4) local law enforcement files; etc.;
- (3) Screening procedures for the selection of Ralph Act cases should be developed for use at the initial intake stage and at the Civil Rights Enforcement Unit level;
- (4) Intake personnel in Attorney General's office should be trained in the use of appropriate criteria for use in screening cases;

- (5) A Referral policy should be utilized within the Civil Rights Enforcement Unit for cases that are unsuitable for Attorney General's Ralph Act enforcement but have potential for Ralph Act or regular Penal Code enforcement at the local level;
- (6) The Attorney General should provide training in Ralph Act enforcement for local district attorneys, city attorneys and law enforcement using P.O.S.T. and other mechanisms. In this regard the Attorney General should explore the possible use of the California Specialized Training Institute (CSTI) as an additional training vehicle for local law enforcement.
- (7) The Attorney General should take steps to heighten the sensitivity of local law enforcement to the importance of attaching more priority to Ralph Act type cases. One method of beginning this process would be through distribution of a letter expressing the Attorney General's new enforcement policy in this regard attached to a press release announcing the policy.
- (8) The Attorney General should solicit the assistance of district attorneys and city attorneys early in the development of Ralph Act enforcement policy.
- (9) The Attorney General should explore the feasibility of directly prosecuting under selected Penal Code provisions cases of racial violence unsuited for the Ralph Act or other civil enforcement.
- (10) The Attorney General should explore the possibility of Ralph Act enforcement against local law enforcement in appropriate cases. Such cases would, of necessity, require a showing of a "pattern and practice" within a police or sheriff agency. Moreover given the importance of honest, unbiased police enforcement to the safety and well-being of the community such an action would certainly be within the public interest.
- (11) The Attorney General should explore intervention into Ralph Act cases brought by district attorneys, city attorneys or private individuals. The letters mentioned earlier should include notification of this aspect of the Attorney General's enforcement policy.

It should be noted that one recommendation coming out of the Subcommittee dealt with an issue within the purview of the Legislative subcommittee. The Litigation Subcommittee submits the following recommendation: The Attorney General should be given express statutory authority to train police, district attorneys and city attorneys in the area of racial, ethnic, religious and minority violence.

Signed:


Alice A. Lytle, Chair

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UNIFORM DEFINITIONS AND GUIDELINES
For Identification of Crimes Motivated, All or in Part, by
Race, Ethnicity, Religion, and Sexual Orientation

DEFINITIONS

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 variable 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 and preference, which may be primarily towards persons of the opposite sex (heterosexuality), primarily towards persons of the same sex (gay, lesbian), or toward both in some proportion (bisexuality).

GUIDELINES TO IDENTIFY REPORTABLE CRIMES**A. Criteria**

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 singularly and in combination, are not all inclusive but provide a general guideline for consistent identification of such crimes.

1. A symbol(s), word(s), or act(s) which is 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/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. Community response to the crime.

B. 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/groups or for other reasons (childish pranks, unrelated vandalism, school rivalry, etc.)?
2. Has the victim or victim 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?
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/conventions, 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, correctness of the spelling of words, symbols or signs used, etc.)? Is it similar to other documented incidents?
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, area juveniles, etc.)?
10. Does the crime indicate possible involvement by an organized group? For example:
 - a. Is the literature printed or handwritten?
 - b. Does the name signify a "copy-cat" syndrome?
 - c. Is there any 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 a true understanding of the impact of the crime on the victim or other group members?

Senate Bill No. 2080

CHAPTER 1482

An act to add Chapter 8 (commencing with Section 13870) to Title 6 of Part 4 of the Penal Code, relating to crime, and making an appropriation therefor.

[Approved by Governor September 25, 1984. Filed with
Secretary of State September 26, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2080, Watson. Racial, ethnic, and religious crimes.

Under existing law, the Attorney General has various powers and duties relative to criminal justice.

This bill would require the Attorney General, for one year, to develop a program model to collect, compile, and analyze information about racial, ethnic, and religious crimes and submit a report to the Legislature, as specified.

The bill would appropriate \$75,000 to the Department of Justice for that purpose.

Appropriation: yes.

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

SECTION 1. Chapter 8 (commencing with Section 13870) is added to Title 6 of Part 4 of the Penal Code, to read:

CHAPTER 8. INFORMATION ON RACIAL, ETHNIC AND RELIGIOUS CRIMES

13870. The Legislature finds that racial, ethnic, and religious crimes occur throughout California and that no single agency now either provides assistance or monitors the full range of this crime in the state on a consistent basis. The Legislature further declares that exposure of the facts about racial, ethnic, and religious crimes will lead to greater public awareness of the problem of bigotry and prejudice and will provide a foundation for developing remedies to the problem.

In enacting this chapter, the Legislature intends to take the preliminary steps needed to establish a statewide information center to receive and evaluate information reflecting racial, ethnic, and religious crime. It is intended that this information will provide a precise picture of the geographic distribution of these crimes and trends over time.

13871. The Attorney General shall, on January 1, 1985, commence a one-year project to develop a program model to collect, compile, and analyze information about racial, ethnic, and religious crimes. The project shall include, but not be limited to, all of the following duties:

(a) Develop uniform guidelines for consistent identification of racial, ethnic, and religious crimes.

(b) Recommend an appropriate means for statewide collection of data on racial, ethnic, and religious crimes.

(c) Recommend an appropriate state agency to implement collection of this information.

(d) Submit to the Legislature a final report describing the findings of the study by January 1, 1986.

13872. The crimes that shall be the focus of this chapter shall include a wide variety of incidents, which reflect obvious racial, ethnic, or religious motivations, ranging from vandalizing a place of worship to assaults between members of gangs, including, but not limited to, incidents that occur on school grounds and between gang members and any other incidents that law enforcement officers on a case-by-case basis identify as having a racial, ethnic or religious motivation. They shall not include incidents of discrimination in employment.

SEC. 2. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated from the General Fund to the Department of Justice for the purposes of this act. The funds appropriated by this section shall be available for encumbrance until January 1, 1986.

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.

(Added by Stats.1984, c. 1607, p. —, § 1.)

1933 Legislation.

Former § 628 was repealed by Stats.1897, c. 89, p. 90, § 1; Stats.1933, c. 73, p. 511, § 1421. See Historical Note preceding § 626 in the Main Volume.

§§ 628a to 628m. Repealed by Stats.1897, c. 89, p. 90, § 1; Stats.1933, c. 73, p. 511, § 1421

See Historical Note, under chapter heading preceding § 626 in the Main Volume.

§ 628.1. Standard form

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.

(Added by Stats.1984, c. 1607, p. —, § 1.)

1961 Legislation.

Former § 628.1, added by Stats.1951, c. 359, p. 807, § 1, providing that failure to render aid to a hunting injury

victim was a misdemeanor, was repealed by Stats.1961, c. 1815, p. 3864, § 3. See now, Fish & G.C. § 3009.

§ 628.2. Reports by schools; compilation of data; distribution; use for evaluation of crime prevention programs; public documents

On forms prepared and supplied by the State Department of Education, each school in a school district shall forward a completed report of crimes committed on school grounds at the end of each reporting period to the district superintendent.

The district superintendent 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.

Asterisks * * * indicate deletions by amendment

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 and the summary of statewide aggregated data. This information shall be supplied not later than January 1 of each year for the previous school year. The department shall also submit to the Legislature a summary of the statewide aggregated data not later than January 1 of each year for the previous school year. In addition, commencing with the second annual report, the department shall also evaluate school district crime prevention programs by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of previous years.

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.

(Added by Stats.1984, c. 1607, p. —, § 1.)

C. 265

ANNOTATED LAWS OF MASSACHUSETTS

Sec. 35

Sec. 37. Civil Rights Violations; Sentence and Punishment.

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted of violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both. (1979, 801 Sec. 2, approved Nov. 16, 1979, effective 90 days thereafter.)

CALIFORNIA CIVIL CODE

PERSONAL RIGHTS

§ 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 race, color, religion, ancestry, or national origin 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 color, race, religion, ancestry, or national origin.

DISCRIMINATION

§ 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, or sex of such person or of such 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.

Added Stats 1976 ch 366 § 1.

Note—Stats 1976 ch 366 also provides: § 3. It is the intent of the Legislature that the State of California by the provisions of this act not preempt this area of concern so that other jurisdictions in the state may take actions appropriate to their concerns.

14 Am Jur Proof of Facts 2d 511, Racial Discrimination in Sale of Real Estate, §§ 17 et seq. (Proof of refusal to sell property because of racial discrimination).

Mohr and Weber, The Unruh Civil Rights Act: Just how far does it reach. (1977) 11 Bev Hills BJ 32.

Kids allowed: Children may not be excluded from apartments and condominiums, but mobile home parks are a different matter. (1983) 3 Cal Law No. 11 p 22.

Review of Selected 1976 California Legislation. 8 Pacific LJ 201.

Trailer park as place of public accommodation within meaning of state civil rights statutes. 70 ALR3d 1142.

Refusal to rent residential premises to persons with children as unlawful discrimination. 30 ALR4th 1187.

Under Civ. Code, § 51.5, which provides that "No business establishment of any kind whatsoever shall discriminate against . . . refuse to buy from, sell to, or trade with any person . . . because of the race, creed, religion, color, national origin or sex of such person . . ." and under the Unruh Civil Rights Act "in general (Civ. Code, §§ 51, 51.5, 52) "business establishment" had the broadest meaning reasonably possible, including all commercial and noncommercial entities open to and serving the general public. Thus, publishers of a "Christian Yellow Pages" limiting advertisements to those placed by born-again Christians, which clearly had business-like attributes and fit both the commercial and noncommercial aspects of the meaning of "business establishment," were a "business establishment" within the meaning of the Unruh Civil Rights Act, notwithstanding the fact that they operated under the aegis of a nonprofit religious corporation and believed their work was a ministry. *Pines v Tomson* (1984, 2d Dist) 160 Cal App 3d 370, 206 Cal Rptr 866.

Sec. 51.7. Freedom from violence or intimidation

(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.

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

(Amended by Stats. 1984, c. 1437, p. ---, Sec. 1; Stats. 1985, c. 497, p. ---, Sec. 1.)

1984 Amendment. Inserted subdivision designation (a) at the beginning of the existing paragraph; added to subd. (a), "sexual orientation, age, disability,"; and added subd. (b).

1985 Amendment. Added the last sentence of subd. (a).

Law Review Commentaries

Unruh Civil Rights Act: An uncertain guarantee. (1983) 31 U.C.L.A. Law Rev. 443.

PERSONAL RIGHTS

§ 52. Denial of civil rights or discrimination; damages; civil action by people or person aggrieved; intervention

§ 52. [Actions for damages and other relief]

(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, or national origin 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 51.5.

(b) Whoever denies the right provided by Section 51.7, or whoever aids, incites, or conspires in such denial, is liable for each and every such offense for the actual damages, and ten thousand dollars (\$10,000) in addition thereto, suffered by any person denied such right. In the case of multiple offenders, the ten thousand dollar (\$10,000) fine 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 (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, or national origin, 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 action upon timely application if the Attorney General or any district attorney or city attorney certifies that the case is of general public importance. In such 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.

Amended Stats 1974 ch 1193 § 2; Stats 1976 ch 366 § 2, ch 1293 § 2.5; Stats 1978 ch 1212 § 1; Stats 1981 ch 521 § 1, effective September 16, 1981.

Amendments:

1974 Amendment: (1) Added "sex,"; and (2) deleted the comma after "national origin".

1976 Amendment: (1) Designated the former section to be subd (a); (2) amended subd (a) by adding (a) "or 51.5" wherever it appears; (b) "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" after "damages, and"; and (c) ", and such attorneys fees as may be determined by the court" before "in addition"; and (3) added subds (b)-(c).

1978 Amendment: (1) Added "or any district attorney or city attorney" after "Attorney General" wherever it appears in subds (c) and (d); and (2) substituted subd (c)(1) for former subd (c)(1) which read: "(1) signed by him (or in his absence the Acting Attorney General)".

1981 Amendment: (1) Deleted "of this code" after "Section 51 or 51.5" wherever it appears in subd (a); (2) generally eliminated "such"; and (3) amended subd (c) by (a) substituting "there is" for "the Attorney General or any district attorney or city attorney has" after "Whenever"; (b) substituting the comma after "Attorney General" for "or"; (c) adding ", or any person aggrieved by the pattern or practice" after "city attorney"; and (d) adding "or she" near the end of the subdivision.

Aggrieved person alleging violation of section prohibiting discrimination in publicly assisted housing accommodation to file verified complaint with State Fair Employment Practice Commission only upon waiver of his rights or claims under this Section: H & S C § 35731.

Witkin Summary (8th ed) pp 3143, 3719, 3720, 3721, 3723, 3731.

Cal Jur 3d Amusements and Exhibitions § 18, Civil Rights §§ 2, 3, 7, 11, 15, Damages § 119, Hotels, Motels, and Restaurants § 20.

Cal Practice Rev. Ch 8A, Class Actions, Action for Violation of Unruh Civil Rights Act, Ch 109, Proceeding To Obtain Redress for Violation of State Fair Housing Laws (Rumford Act).

6 Fed Proc, L Ed, Civil Rights §§ 11:1 et seq.

3 Am Jur Proof of Facts 2d 221, Racial Discrimination in Employment—Recruiting and Hiring Practices, §§ 12 et seq. (proof of racially discriminatory recruiting practices, or discriminatory application and operation of facially neutral, hiring policies).

4 Am Jur Proof of Facts 2d 477, Racial Discrimination in Employment—Post-Hiring Practices, §§ 11 et seq. (Racially discriminatory post-hiring practices).

14 Am Jur Proof of Facts 2d 511, Racial Discrimination in Sale of Real Estate, §§ 17 et seq. (Proof of refusal to sell property because of racial discrimination).

21 Am Jur Trials pp 1, 9 (Employment discrimination action under Federal Civil Rights Acts).

Mohr and Weber, The Unruh Civil Rights Act: Just how far does it reach. (1977) 11 Bev Hills BJ 32.

Discrimination under the Unruh Civil Rights Act. 60 CLR 1024.

Kids allowed: Children may not be excluded from apartments and condominiums, but mobile home parks are a different matter. (1983) 3 Cal Law No. 11 p 22.

Housing discrimination against children: The legal status of a growing social problem. (1977-78) 16 J of Fam L 559.

May private clubs lawfully discriminate? (1975) 51 LA BJ 9.

Review of Selected 1976 California Legislation. 8 Pacific LJ 201.

Review of Selected 1978 California Legislation. 10 Pacific LJ 374.

Review of 1981 Legislation. 13 Pac LJ 784.

California's approach to racial discrimination in employment; complaint process or voluntary affirmative action. 5 USF LR 404.

CALIFORNIA PENAL CODE

§ 1170.75. Felony attempted or committed because of victim's race, color, religion, nationality, or country of origin; aggravation of crime

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, or country of origin, shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

(Added by Stats.1984, c. 1449, § 1.)

Library References

Criminal Law ⇐986.2(1).
C.J.S. Criminal Law §§ 1573, 1983(2).

§ 1170.8. Arson, robbery, or assault in places of worship; aggravation of crime

(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.

(Added by Stats.1982, c. 929, p. 3383, § 1.)

§ 11400

PENAL CODE

ARTICLE 4. CRIMINAL SYNDICALISM

§ 11400. Definition

Law Review Commentaries

Right of publicity: Dispelling survivability, preemption and first amendment myths threatening to eviscerate a

recognized state right. Michael J. McLane, (1984) 20 C.W. L.R. 415.

ARTICLE 4.5. TERRORIZING

Section

11410. Legislative findings, declaration and intent.

11411. Terrorism; burning or desecration of religious symbols; placement or display of physical impressions; punishment.

11412. Threats obstructing exercise of religion.

11413. Terrorism; use of destructive device, explosive or commission of arson; places of worship; places or meetings involving abortion; punishment [New].

Article 4.5 was added by Stats.1982, c. 1624, p. 6489, § 2.

§ 11410. Legislative findings, declaration and intent

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.

(Added by Stats.1982, c. 1624, p. 6489, § 2.)

Library References

Breach of the Peace ⇨1(1).

C.J.S. Breach of the Peace § 2 et seq.

§ 11411. Terrorism; burning or desecration of religious symbols; placement or display of physical impressions; punishment

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.

(Added by Stats.1982, c. 1624, p. 6490, § 2.)

Library References

Breach of the Peace ⇨1(4).

C.J.S. Breach of the Peace § 2 et seq.

§ 11412. Threats obstructing exercise of religion

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

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PENAL CODE

§ 11501

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.

(Added by Stats.1984, c. 1119, p. —, § 1.)

§ 11413. **Terrorism; use of destructive device, explosive or commission of arson; places of worship; places or meetings involving abortion; punishment**

(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.

(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.

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

(Added by Stats.1985, c. 1489, p. —, § 2.)

CODE OF CIVIL PROCEDURE

§ 527.6

Executive Bd. of Culinary Workers, Bartenders, Hotel, Motel and Club Service Workers (1981) 177 Cal.Rptr. 690, 124 C.A.3d 666.

§ 527.6. Harassment; temporary restraining order and injunction; procedure; costs and attorney fees; punishment

(a) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order, and an injunction prohibiting harassment as provided in this section.

(b) For the purposes of this section, "harassment" is a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the plaintiff. "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(c) Upon filing a petition for an injunction under this section, the plaintiff may obtain a temporary restraining order in accordance with * * * subdivision (a) of Section 527 * * *. A temporary restraining order may be granted with or without notice upon an affidavit which, to the satisfaction of the court, shows reasonable proof of harassment of the plaintiff by the defendant, and that great or irreparable harm would result to the plaintiff. A temporary restraining order granted under this section shall remain in effect, at the court's discretion, for a period not to exceed 15 days, unless otherwise modified or terminated by the court.

(d) Within 15 days of the filing of the petition, a hearing shall be held on the petition for the injunction. The defendant may file a response which explains, excuses, justifies, or denies the alleged harassment or may file a cross-complaint under this section. At the hearing, the judge shall receive such testimony as is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an injunction shall issue prohibiting the harassment. An injunction issued pursuant to this section shall have a duration of not more than three years. At any time within the three months before the expiration of the injunction, the plaintiff may apply for a renewal of the injunction by filing a new petition for an injunction under this section.

(e) Nothing in this section shall preclude either party from representation by private counsel or from appearing on his or her own behalf.

(f) Upon filing of a petition for an injunction under this section, the defendant shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition.

(g) The court shall order the plaintiff or the attorney for the plaintiff to deliver, or the clerk to mail, a copy of each temporary restraining order or injunction, or modification or termination thereof, granted under this section, by the close of the business day on which the order was granted, to the law enforcement agencies within the court's discretion as are requested by the plaintiff. Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment.

(h) The prevailing party in any action brought under this section may be awarded court costs and attorney's fees, if any.

(i) Any willful disobedience of any temporary restraining order or injunction granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(j) This section does not apply to any action covered by Section 4359 or 7020 of the Civil Code, or by Chapter 4 (commencing with Section 540) of this title, or by Title 1.6C (commencing with Section 1788) of the Civil Code. Nothing in this section shall preclude a plaintiff's right to utilize other existing civil remedies.

(k) The Judicial Council shall promulgate forms and instructions therefor, rules for service of process, scheduling of hearings, and any other matters required by this section. The petition and response forms shall be simple and concise.

(Amended by Stats.1979, c. 795, p. 2708, § 8, operative July 1, 1980; Stats.1980, c. 1158, p. 3878, § 5; Stats.1981, c. 182, p. 1101, § 2; Stats.1982, c. 423, p. 1774, § 1; Stats.1984, c. 1163, p. —, § 1.)

Asterisks * * * indicate deletions by amendment

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1979 Amendment. Substituted "The court shall order the plaintiff or the attorney for the plaintiff to deliver and the clerk to mail" for "The clerk shall transmit" at beginning of subd. (g), and substituted reference to "Section 4359 or 7020 of the Civil Code, by Chapter 4 (Commencing with Section 540) of this title" for "subdivision (b) of Section 527 of this code" in subd. (j).

1980 Amendment. Substituted in the first sentence of subd. (b) "the person" for "such person"; substituted in subd. (f) "shall be personally served" for "be personally served"; substituted in the first sentence of subd. (g) "to deliver or the clerk to mail" for "to deliver and the clerk to mail", "the order" for "such order" and "the law enforcement agencies" for "such law enforcement agencies"; and substituted in the second sentence of subd. (g) "shall make available" for "may make available".

1981 Amendment. Inserted in subd. (i) "Section 273.6 of the Penal Code" for "Section 166 of the Penal Code".

1982 Amendment. Substituted "punishable" for "a misdemeanor" in subd. (i).

1984 Amendment. Deleted "the provisions of" before and "of the Code of Civil Procedure" after "subdivision (a) of Section 527" in first sentence of subd. (c); inserted "or may file a cross-complaint under this section" in second sentence of subd. (d); substituted "is" for "shall be" before "punishable" in subd. (i); substituted "does" for "shall"

before "not apply" in subd. (j); and made other nonsubstantive changes.

Law Review Commentaries

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

Notes of Decisions

1. In general

Activities of former resident of mobile home park in exercising his right of petition to administrative agencies, executive or judicial branch of government regarding park conditions, improvements, inspections, and permits could not be classified as harassing "course of conduct" within meaning of this section so as to entitle park owner to injunction against them. *Smith v. Silvey* (App. 2 Dist.1983) 197 Cal.Rptr. 15, 149 C.A.3d 400.

Evidence that, following physician's termination from his staff position at defendant hospital, hospital continued course of conduct toward physician which could only be described as undue harassment to prevent his returning to the staff constituted evidence of repeated wrongful acts so as to make injunctive relief available, rather than evidence of "completed act" which could not be redressed by preliminary injunction. *Volpicelli v. Jared Sydney Torrance Memorial Hospital* (1980) 167 Cal.Rptr. 610, 109 C.A.3d 242.

§ 527.7. Groups meeting, advocating and acting in furtherance of unlawful force or violence against persons; injunctions; bad faith actions

(a) It shall be unlawful for any group, association, organization, society, or other assemblage of two or more persons to meet and to advocate, and to take substantial action in furtherance of, the commission of an unlawful act of violence or force directed to and likely to produce the imminent and unlawful infliction of serious bodily injury or death of another person within this state.

(b) Whenever it reasonably appears that any group, association, society, or other assemblage of two or more persons has met and taken substantial action in furtherance of the commission of an act of violence made unlawful by subdivision (a) and will engage in those acts in the future, any aggrieved individual may bring a civil action in the superior court to enjoin the advocacy of the commission of any act of violence made unlawful by subdivision (a) at any future meeting or meetings. Upon a proper showing by clear and convincing evidence, a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted.

(c) Whenever it appears that an action brought under this section was groundless and brought in bad faith for the purpose of harassment, the trial court or any appellate court may award to the defendant attorney's fees and court costs incurred for the purpose of defending the action.

(Added by Stats.1982, c. 1624, p. 6489, § 1.)

Library References

Conspiracy §23.
C.J.S. Conspiracy §§ 34, 35.

§ 529. Undertaking; objection; insufficiency; dissolution of injunction; exceptions

(a) On granting an injunction, the court or judge must require * * * an * * * undertaking on the part of the applicant * * * to the effect that * * * the applicant will pay to the party enjoined such damages, not exceeding an amount to be specified, as * * * the party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled * * * to the injunction. Within five days after the service of the injunction, the person enjoined may * * * object to the

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undertaking. If the court determines that the applicant's undertaking is insufficient and a sufficient undertaking is not filed within the time required by statute, the order granting the injunction must be dissolved.

(b) This section does not apply to any of the following persons:

- (1) Either spouse against the other in a proceeding for legal separation or dissolution of marriage.
- (2) The plaintiff in proceedings pursuant to Chapter 4 (commencing with Section 540).
- (3) The plaintiff in proceedings pursuant to Section 7020 of the Civil Code.
- (4) A public entity or officer described in Section 995.220.

(Amended by Stats.1979, c. 795, p. 2710, § 9, operative July 1, 1980; Stats.1982, c. 517, p. 2340, § 123.)

Law Revision Commission Comment 1982 Amendment

Section 529 is amended for consistency with the Bond and Undertaking Law. See Sections 995.220 (undertaking not required of public entity or officer), 995.310 (sureties on undertaking), 995.920 (grounds for objection), 995.930 (manner of making objection), 995.950 (hearing on objection), 995.960 (determination of sufficiency of undertaking).

Unlike Section 995.930, Section 529 requires objection to an undertaking to be made within 5 days after service of the injunction, rather than within 10 days after service of the undertaking. The other changes in Section 529 are technical. (16 Cal.L.Rev.Comm. Reports 501).

1979 Amendment. Substituted "either spouse against the other in a proceeding for legal separation or dissolution of marriage, or plaintiff in proceedings pursuant to Chapter 4 (commencing with Section 540) of this title, or plaintiff in proceedings pursuant to Section 7020 of the Civil Code" for "or either spouse against the other in an action for divorce or separate maintenance" in first sentence.

1982 Amendments. Added subdivision designation; deleted exception, substituted "an" for "a written" before "undertaking", deleted "with sufficient sureties," before "to the effect", substituted "the applicant" for "he" before "will pay" and "the" for "such" before "party" and substituted "to the injunction" for "thereto" in first sentence of subd. (a); rewrote former last sentence and added last sentence of subd. (a); and added subd. (b).

Bond or undertaking given before Jan. 1, 1983 to remain in effect notwithstanding repeal or amendment by Stats. 1982, c. 517 of all or part of statute, and law governing the bond or undertaking to be continued in effect, see note under Bus. & Prof. C. § 125.5.

Cross References

Bond and Undertaking Law, see § 995.010 et seq.

Law Review Commentaries

Injunction bonding in environmental litigation. Alexander T. Henson and Kenneth F. Gray (1979) 19 Santa Clara L.Rev. 541.

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

Security for costs requirement in California. (1978) 6 Pepperdine L.Rev. 191.

Library References

Recommendations relating to statutory bonds and undertakings, 16 Cal.L.Rev.Comm. Reports 501 (1982).

Notes of Decisions

Sufficiency of sureties 12.5

Asterisks * * * indicate deletions by amendment

2. Construction and application

Sections 1041 and 1057 containing general provisions relating to suretyship did not explicitly or implicitly require that plural language "sureties" in this section requiring that undertaking conditional to issuance of preliminary injunction be accompanied "with sufficient sureties" as meaning two or more sureties; §§ 1041 and 1057 simply prescribed what sureties must undertake and what officer taking bond must require in event noncorporate surety is furnished. *River Trails Ranch Co., Ltd. v. Superior Court In and For Modoc County* (1980) 168 Cal.Rptr. 747, 111 C.A.3d 562.

4. — Temporary restraining order, undertaking

The posting of security is not a prerequisite to the issuance of a valid temporary restraining order. *Wallace v. Miller* (1983) 189 Cal.Rptr. 637, 140 C.A.3d 636.

5. — Temporary or preliminary injunction, undertaking

Protective order, which prevented homeowners association from performing any topping, cutting, removal, replacement, installation or relocation of trees and bushes at town house project until completion of association's action for negligent design of landscaping because root systems of plants allegedly interfered with underground utility system, had purpose to preserve evidence, i.e., maintain status quo, and thus order was tantamount to a prohibitory injunction, with result that order was void without an undertaking. *Northpoint Homeowners Ass'n v. Superior Court In and For Santa Clara County* (1979) 157 Cal.Rptr. 42, 95 C.A.3d 241.

8. — Amount of undertaking

Upon granting preliminary injunction, court must require a bond or allow a deposit in lieu thereof to protect party against whom injunction lies, and amount of bond is fixed by the judge, exercising sound discretion, based on probable damage enjoined party may sustain because of the injunction. *Hummell v. Republic Federal Sav. & Loan* (1982) 183 Cal.Rptr. 708, 133 C.A.3d 49.

CODE OF CIVIL PROCEDURE

§ 540
NOTE 1

CHAPTER 4. PREVENTION OF DOMESTIC VIOLENCE

Article	Section
1. General Provisions	540
2. Protective Orders	545
3. Registration and Enforcement of Orders	550

Chapter 4 was added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.

ARTICLE 1. GENERAL PROVISIONS

- Section
- 540. Purpose.
 - 541. Short title.
 - 542. Definitions.
 - 543. Forms and instructions; promulgation.

Article 1 was added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

Law Review Commentaries

California's response to domestic violence. Honorable Billy G. Mills and Mary Lyons McNamar (1981) 21 Santa Clara L.Rev. 1.

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

§ 540. Purpose

The purposes of this chapter are to prevent the recurrence of acts of violence by a spouse or household member against another spouse or other family or household members, or by a putative parent against a person as provided in subdivision (d) of Section 542, and to provide for a separation of the persons involved in such domestic violence for a period of time sufficient to enable such persons to seek resolution of the causes of the violence.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1984, c. 1163, p. —, § 2.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1984 Amendment. Inserted “, or by a putative parent against a person as provided in subdivision (d) of Section 542.”

Library References

Divorce ¶87.
C.J.S. Divorce § 103.

an action for legal separation or dissolution of marriage from filing a concurrent action under the Act, clear intent of legislature was that spouses who were parties to an action for legal separation or dissolution of marriage would continue to obtain pendente lite injunctive relief under Fair Law Act (Civ.C. § 4000 et seq.). In re Marriage of Hook, (App. 3 Dist.1983) 195 Cal.Rptr. 541, 147 Cal.4th 970.

Notes of Decisions

- 1. In general
Although Domestic Violence Prevention Act (this section et seq.), does not explicitly prevent spouses who have filed

Asterisks * * * indicate deletions by amendment

§ 541

CODE OF CIVIL PROCEDURE

§ 541. Short title

This chapter may be cited as the Domestic Violence Prevention Act. (Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

§ 542. Definitions

As used in this chapter, the following words have the following meanings:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another.

(b) "Domestic violence" is abuse perpetrated against a family or household member, or against a person as provided in subdivision (d).

(c) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who within the last six months regularly resided in the household.

(d) A person who is the parent of a minor child shall be eligible to proceed under this chapter where there exists (1) the presumption that the male parent is the father of any minor child of the female parent pursuant to Section 7000 et seq. of the Civil Code and (2) one parent has perpetrated abuse against the other parent as defined in subdivision (a).

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1980, c. 1158, p. 3880, § 6; Stats.1984, c. 1163, p. —, § 3.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1980 Amendment. Inserted in subd. (a) "herself"; substituted in subd. (c) "a spouse" for "spouse"; deleted in subd. (d) "and has sexual relations with another family or household member residing in the household" following "residing in the household"; and deleted at the end of subd. (d) "during which time he or she had sexual relations with another family or household member presently residing in the household".

1984 Amendment. Inserted "or against a person as provided in subdivision (d)" in the definition of "Domestic violence"; and added subd. (d).

Library References Words and Phrases (Perm.Ed.)

§ 543. Forms and instructions; promulgation

The Judicial Council shall promulgate forms and instructions for applications for orders and orders granted pursuant to this chapter.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

ARTICLE 2. PROTECTIVE ORDERS

Section

- 545. Issuance upon affidavit which shows reasonable proof of past act or acts of abuse.
546. Ex parte protective orders; annulment, dissolution of marriage and certain nonmarital relationships; order to show cause if granted without notice.
547. Orders issuable upon notice and hearing.
547.5. Visitation limited to situations in which third person is present; best interest of child; considerations.

Underline indicates changes or additions by amendment

Section

- 548. Duration of order; extension.
- 549. Remedies in this chapter additional to other remedies.

Article 2 was added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.

Cross References

Certified copy of order, exemption from fee for indigent plaintiff, see Government Code § 26833.5.

Law Review Commentaries

Temporary restraining orders. (1982) 13 Pacific L.J. 675.

§ 545. Issuance upon affidavit which shows reasonable proof of past act or acts of abuse

A temporary restraining order may be granted with or without notice to restrain any person upon an affidavit which, to the satisfaction of the court, shows reasonable proof of a past act or acts of abuse for the purpose of preventing a recurrence of domestic violence and assuring a period of separation of the persons involved. A temporary restraining order may be granted pursuant to this chapter to any family or household member who, prior to or at the time such order is granted, was actually residing with the person or persons at whom such order is directed, or to a person provided in subdivision (d) of Section 542. The right to petition for relief shall not be denied because the plaintiff has vacated the household to avoid abuse, and in the case of a marital relationship, notwithstanding that a petition for legal separation, nullity of marriage, or dissolution of marriage has not been filed. Such order may be granted in the manner provided in Section 527.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1984, c. 1163, p. —, § 4.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1984 Amendment. Inserted "or to a person provided in subdivision (d) of Section 542" in the second sentence.

Law Review Commentaries

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

Library References

Divorce ⇐87.
C.J.S. Divorce § 103.

§ 546. Ex parte protective orders; annulment, dissolution of marriage and certain nonmarital relationships; order to show cause if granted without notice

The court may issue ex parte any of the orders set forth in subdivision (a) of Section 4359 of the Civil Code, or in the case of a nonmarital relationship between the plaintiff and the defendant any of the orders set forth in paragraphs (2), (3) and (6) of subdivision (a) of Section 4359 of the Civil Code and where there is a minor child of the plaintiff and the defendant an order determining the temporary custody of * * * such child. In the case in which a temporary restraining order is granted without notice, the matter shall be made returnable on an order requiring cause to be shown why the order should not be * * * dissolved, on the earliest day that the business of the court will permit, but not later than * * * 20 days or, if good cause appears to the court, * * * 25 days from the date the temporary restraining order is granted. The court may on motion of the plaintiff or on its own motion shorten the time for service on the defendant of the order to show cause.

The court may issue an ex parte order pursuant to this article, excluding one party, from a residence or dwelling only when the affidavit in support of an application for the order affirmatively shows facts sufficient for the court to ascertain that the plaintiff has a right under color of law to possession of the premises.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1980, c. 1158, p. 3880, § 7; Stats.1981, c. 182, p. 1103, § 3.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

Asterisks * * * indicate deletions by amendment

1980 Amendment. Substituted in the second sentence of subd. (a) "why the order should not be granted" for "why the order should not be dissolved".

1981 Amendment. Substituted in the first sentence of the first paragraph "such child" for "the child"; substituted in the second sentence of the first paragraph "why the order should not be dissolved" for "why the order should not be

granted"; and substituted in the second sentence of the first paragraph "20 days" for "15 days" and "25 days" for "20 days".

Law Review Commentaries

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

§ 547. Orders issuable upon notice and hearing

The court may issue upon notice and a hearing, any of the following orders:

(a) Any of the orders set forth in subdivision (a) of Section 4359 of the Civil Code, or in the case of a nonmarital relationship between the plaintiff and the defendant, any of the orders set forth in paragraphs (2), (3), (5) and (6) of subdivision (a) of Section 4359 of the Civil Code and where there is a minor child of the plaintiff and the defendant an order determining the temporary custody of the child. After notice and a hearing, the court may order the exclusion of one party from the common dwelling of both parties or from the dwelling of the other party on a finding only that physical or emotional harm would otherwise result to the other party or any person under the care, custody, or control of the other party or to any minor child of the parties or of the other party.

(b) Where there exists a presumption that the defendant is the natural father of any minor child, pursuant to Section 7004 of the Civil Code, and the child is in the custody of the plaintiff, the court may order a party to pay any amount necessary for the support and maintenance of the child if such an order would otherwise be authorized in an action brought pursuant to Part 7 of Division 4 (commencing with Section 7000) of the Civil Code; however any order pursuant to this subdivision shall be without prejudice in any such action.

(c) An order that restitution be paid to the family or household member for loss of earnings and out-of-pocket expenses, including, but not limited to, expenses for medical care and temporary housing, incurred as a direct result of the abuse or any actual physical injuries sustained therefrom; an order that restitution be paid by plaintiff for out-of-pocket expenses incurred by a party as a result of any order issued ex parte which is found by the court to have been issued upon facts shown at a noticed hearing to be insufficient to support the order; or an order requiring that the defendant shall pay any public or private agency for the reasonable cost of providing services to a family or household member required as a direct result of the abuse inflicted by the defendant or any actual injuries sustained therefrom.

(d) An order requiring any party to participate in counseling where the parties so stipulate or where it is shown that the parties intend to continue to reside in the same household or have continued to reside in the same household after previous instances of domestic violence.

(e) An order for the payment of attorneys fees and costs of the prevailing party.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1980, c. 1158, p. 3881, § 8; Stats.1982, c. 578, p. 2598, § 1; Stats.1982, c. 1238, p. 4563, § 1; Stats.1984, c. 439, p. —, § 2.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1980 Amendment. Substituted "the" for "such" throughout the section.

1982 Amendment. Substituted "; an order that restitution" for ", or an order that restitution", and added "; or an order requiring that the defendant shall pay any public or private agency for the reasonable cost of providing services to a family or household member required as a direct result of the abuse inflicted by the defendant or any actual injuries sustained therefrom" in subd. (c).

1984 Amendment. Inserted the second sentence of subd. (a).

Cross References

Effect of amendment of section by two or more acts at the same session of the legislature, see Government Code § 9605.

Law Review Commentaries

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

Underline indicates changes or additions by amendment

§ 550

CODE OF CIVIL PROCEDURE

Section

- 551. Willful and knowing violation of order; penalty.
- 552. Statements on face of order; expiration date and notice.
- 553. Appointment of counsel to represent plaintiff; payment of attorneys' fees and costs.

Article 3 was added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.

§ 550. Transmittal of copy of order and proof of service to local law enforcement agency; availability to officers

The court shall order the plaintiff or the attorney for the plaintiff to deliver * * * or the county clerk to mail a copy of any order, or extension, modification or termination thereof granted pursuant to this chapter, by the close of the business day on which * * * the order, extension, modification or termination was granted, and any subsequent proof of service thereof, to each local law enforcement agency designated by the plaintiff or the attorney for the plaintiff, having jurisdiction over the residence of the plaintiff and such other locations where the court determines that acts of domestic violence against the plaintiff are likely to occur. Each appropriate law enforcement agency shall make available through an existing system for verification, information as to the existence, terms and current status of any order issued pursuant to this chapter to any law enforcement officer responding to the scene of reported domestic violence.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1980, c. 1158, p. 3881, § 9.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1980 Amendment. Substituted in the first sentence "to deliver or the county clerk to mail" for "to deliver and the county clerk to mail" and "the order" for "such order"

Law Review Commentaries
Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

§ 551. Willful and knowing violation of order; penalty

Any willful and knowing violation of any order authorized in this chapter granted in accordance with the terms of paragraph (2), (3) or (6) of subdivision (a) of Section 4359 of the Civil Code shall be a misdemeanor punishable under Section 273.6 of the Penal Code.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

Law Review Commentaries

Restraining order legislation for battered women: A reassessment. (1982) 16 U.S.F.L.Rev. 703.

§ 552. Statements on face of order; expiration date and notice

Any order issued pursuant to this chapter shall state on its face the date of expiration of the order and a notice in substantially the following form:

"NOTICE: These orders shall be enforced by all law enforcement officers in the State of California."

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

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CODE OF CIVIL PROCEDURE

§ 564

§ 553. Appointment of counsel to represent plaintiff; payment of attorneys' fees and costs

(a) The court may, in its discretion, appoint counsel * * * to represent the plaintiff in any proceeding to enforce the terms of an order issued pursuant to this chapter in accordance with the terms of paragraph (2), (3) or (6) of subdivision (a) of Section 4359 of the Civil Code.

(b) In any proceeding in which private counsel * * * was appointed by the court pursuant to subdivision (a), the court may order the defendant to pay reasonable attorneys' fees and costs incurred by the plaintiff * * *.

(Added by Stats.1979, c. 795, p. 2710, § 10, operative July 1, 1980. Amended by Stats.1981, c. 182, p. 1103, § 4.)

OFFICIAL FORMS

Mandatory and optional Forms adopted and approved by the Judicial Council are set out in Volume 23, Forms.

1981 Amendment. Deleted in two places "or the district attorney" following "counsel" and omitted at the end of subd. (b) "or to reimburse the county for costs incurred

because of the representation of plaintiff in such proceeding by the district attorney".

CALIFORNIA CIVIL CODE

PERSONAL RIGHTS

CIVIL CODE

§ 49

§ 48.7 Child abuse; prohibition against libel or slander action while charges pending; tolling of limitations; pleadings; demurrer; attorney fees and costs

(a) No person charged by indictment, information, or other accusatory pleading of child abuse may bring a civil libel or slander action against the minor, the parent or guardian of the minor, or any witness, based upon any statements made by the minor, parent or guardian, or witness which are reasonably believed to be in furtherance of the prosecution of the criminal charges while the charges are pending before a trial court. The charges are not pending within the meaning of this section after dismissal, after pronouncement of judgment, or during an appeal from a judgment.

Any applicable statute of limitations shall be tolled during the period that such charges are pending before a trial court.

(b) Whenever any complaint for libel or slander is filed which is subject to the provisions of this section, no responsive pleading shall be required to be filed until 30 days after the end of the period set forth in subdivision (a).

(c) Every complaint for libel or slander based on a statement that the plaintiff committed an act of child abuse shall state that the complaint is not barred by subdivision (a). A failure to include that statement shall be grounds for a demurrer.

(d) Whenever a demurrer against a complaint for libel or slander is sustained on the basis that the complaint was filed in violation of this section, attorney's fees and costs shall be awarded to the prevailing party.

(e) Whenever a prosecutor is informed by a minor, parent, guardian, or witness that a complaint against one of those persons has been filed which may be subject to the provisions of this section, the prosecutor shall provide that person with a copy of this section.

(f) As used in this section, child abuse has the meaning set forth in Section 11165 of the Penal Code.

(Added by Stats.1981, c. 253, p. —, § 1.)

Library References

Libel and Slander ↪34.

C.J.S. Libel and Slander § 87 et seq.



Network of Neighbors

Founded in 1977, the Network of Neighbors is predicated on the belief that the local community can play an important role in combatting hate activity. There are currently over 600 member households. Purposes of the Network are:

1. to offer support to victims by listening and offering assistance and reassurance.
2. to help create a sense of community among those who live near each other—in the conviction that in these times of alienation, mutual support is vital.
3. to keep the citizens informed of hate activities occurring in the county.
4. to keep the Human Relations Commission and the County police informed of the hate activities which may be known to Network members, but not reported to the HRC and the police.

Network of Teens

The Network of Teens was founded in 1982. Its members are teenagers who will reach out to offer support to their peers who have been victimized.

The Network of Neighbors and You

1. Personally welcome and offer assistance to new residents in your area.
2. Encourage your church or synagogue group, civic association, or club to engage a speaker from the Network of Neighbors.
3. Join the Network of Neighbors and respond, if needed.
4. Report incidents as they occur to the police and to the Human Relations Commission.

What Network Members Do...

Once notified about an incident, a member calls upon a victim and listens, conveys concern, and offers reassurance. The member assists in whatever way possible—often offering to contact other agencies on behalf of the victim. Confidentiality is maintained by the Network member unless permission is received from the victim to share the particulars.

The Human Relations Commission

The Human Relations Commission of Montgomery County, Maryland, is the county agency charged with enforcing anti-discrimination laws. The Commission protects individual rights in employment, housing, and public accommodation. Individuals are protected against discrimination based on:

- race
- color
- religion
- ancestry
- age (in employment)
- national origin
- sex
- marital status
- handicap

Additionally, the Human Relations Commission endeavors to promote community integrity and racial harmony, and to alleviate tension caused by prejudice, provocation, and harassment. Community relations efforts include:

- education through speaking engagements and workshops.
- intervention in communities experiencing tension from overt prejudice, provocation, and harassment.
- coordination of the Network of Neighbors/Network of Teens, a county-wide support effort for victims of hate activity.

A MODEL LAW ENFORCEMENT RESPONSE

Outlined below is a recommended model law enforcement response to incidents of racially and religiously targeted harassment and violence. The model is designed to be an ideal, but practical approach to prevention and response. The first section of the model contains the role and responsibilities of the chief executive of the agency. The model will be meaningless if the chief executive does not provide leadership by ensuring that a departmental response is developed and implemented. In the second section, a model directive is outlined.

A. Role and Responsibilities of the Chief Executive

1. Provide leadership by developing a strong policy statement and disseminating it to all officers and the public at large;
2. Develop a directive which defines a racially or religiously targeted incident and outlines procedures for responding to such incidents;
3. Ensure that all sworn personnel receive human relations training and that investigators receive specialized training;
4. Ensure that an appropriate response is given to all serious incidents and that follow-up investigation is carried out;
5. Require that periodic reports of incidents and the actions taken be submitted to the chief executive's office;
6. Assure that an annual review of incidents and departmental response is prepared and submitted to the chief elected official of the jurisdiction;
7. Ensure that prompt and immediate action is taken against officers who violate the policy by such conduct as failure to take reports of incidents or involvement in a hate violence incident.
8. Keep abreast of all legislative action proposed or taken to alter or amend existing police authority in racial or religious harassment investigations.

Excerpt from National Organization of Black Law Enforcement Executives, Racial and Religious Violence: A Law Enforcement Guidebook.

B. Sample Directive

1. Policy Statement

It is the policy of the _____ Department to ensure that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their race, color, ethnicity or religion. When such rights are infringed upon by violence, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

All acts of racial or religious violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts may generate fear and concern among victims and the public and have the potential of recurring, thus escalating and possibly causing counter-violence.

2. Definition

A racially or religiously targeted incident is an act or a threatened or attempted act by any person or group of persons against the person or property of another individual or group which may in any way constitute an expression of racial or religious hostility. This includes threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, firebombing and the like.

3. Responsibilities (A large Agency Model)

A. Patrol Officer

- (1) When a patrol officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:
 - o Request a patrol supervisor;
 - o Protect the crime scene;
 - o Stabilize the victim;
 - o Apprehend the perpetrator (if applicable);
 - o Conduct a preliminary investigation;
 - o Provide assistance to the victim and/or referral to the appropriate legal or service agency;
 - o Prepare a field report;
- (2) Conduct a follow-up investigation within seven days of any incident that he or she initially responds to.

B. Patrol Supervisor

- (1) Upon arriving at the scene of a possible racially/religiously targeted incident, he or she will:
 - o Interview the patrol officer;
 - o Determine whether additional personnel, such as a crime scene search officer, are needed;
 - o Ascertain if the occurrence is racially or religiously motivated;
 - o Take steps to insure that the incident does not escalate;
 - o Assist in the stabilization of the victim;
 - o Supervise the preliminary investigation;
- (2) Notify the district commander, watch commander or senior official on duty, as appropriate;
- (3) Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

c. District/Station Commander

- (1) After being notified of a hate violence incident, he or she will:
 - o Immediately report to the scene if the incident is determined to be serious;
 - o Notify appropriate units such as community relations or crime prevention, investigative and intelligence;
 - o Ensure that the chief executive is notified;
 - o Determine whether the Public Information Office should be notified;
 - o Determine whether community, religious and civic leaders should be informed and if their assistance is needed;
- (2) Review all field reports prior to their submission to the chief executive and intelligence unit;
- (3) Personally visit the victim (or the surviving family) within one week of the incident;
- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence;

- (5) Assure that follow-up investigations are conducted;
- (6) Prepare scheduled reports of incidents for the chief executive, community relations unit and intelligence unit.

d. Investigative Unit

- (1) Receive copies of all reports of racially or religiously targeted incidents and establish a file or cross reference file system for the reports;
- (2) Canvass the community to identify and interview witnesses;
- (3) Coordinate the investigation with the crime scene search officer or appropriate unit;
- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence;
- (5) Coordinate victim assistance with crime prevention unit.
- (6) Notify other relevant agencies or networks;
- (7) Maintain liaison with other units of the department;
- (8) Coordinate the investigation with other law enforcement agencies where appropriate;
- (9) Prepare cases for prosecution in court and provide testimony;
- (10) Keep the reporting/arresting officer informed of the status of the case;
- (11) Keep the victim informed of the status of the case;
- (12) Prepare monthly reports for the district commander;
- (13) Develop factual information for the Public Information Office;
- (14) Prepare monthly tally reports of reported incidents.

e. Community Relations or Crime Prevention Unit

- (1) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information;

- (2) Assist victims and their families;
- (3) Conduct public meetings on racial/religious threats and violence in general and as it relates to specific incidents;
- (4) Establish a liaison with formal minority organizations and leaders;
- (5) Expand existing preventive programs such as anti-hate seminars for school children.

f. Intelligence Division

- (1) Assist in investigations;
- (2) Maintain liaison with federal, state and local agencies for the exchange of intelligence information;
- (3) Notify the district commander or chief executive of patterns or anticipated movement of hate groups.

g. Training Division (Police Academy)

- (1) Include human relations training in recruit and in-service training programs;
- (2) Include courses on minority cultures in recruit training. Solicit input from minority officers and community leaders;
- (3) Review and revise training program to reflect changes in the community and in society;
- (4) Provide training in victim assistance;
- (5) Assure that investigators receive specialized training.

4. Responsibilities (A Small Agency Model)

a. Chief Executive

In addition to the role and responsibilities of the chief executive that are outlined in section A, the small agency chief must also carry out most of the functions of the community relations unit, public relations officer and district commander of the large agency. The additional specific responsibilities of the small agency chief are outlined below:

- (1) After being notified of a hate violence incident, he will:

- o Determine whether immediate response is needed by the chief executive;
 - o Immediately report to the scene if the incident is serious;
 - o Designate a supervisor to oversee investigation;
 - o Determine whether community, religious and civic leaders should be informed;
 - o Determine whether the press should be notified;
 - o Ensure that appropriate action is taken by subordinates;
- (2) Personally visit the victim (or the surviving family) within one week of the incident;
 - (3) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information;
 - (4) Coordinate the investigation with other law enforcement agencies where appropriate;
 - (5) Notify other relevant agencies or networks with jurisdiction or interest;
 - (6) Maintain contact with minority organizations and leaders;
 - (7) Document all actions taken.

b. Uniformed Officer

- (1) When a uniformed officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:
 - o Protect the crime scene;
 - o Stabilize the victim;
 - o Apprehend the perpetrator (if applicable);
 - o Notify the uniform supervisor;
 - o Conduct a preliminary investigation;
 - o Take steps to insure that the incident does not escalate;

- (7) Prepare case for prosecution in court and provide testimony;
- (8) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

e. Training

The training responsibility may have to be carried out with the cooperation of regional or state agencies.

**THE POLICY AND PROCEDURE FOR
HANDLING OF RACIAL, RELIGIOUS & ETHNIC INCIDENTS
BY THE BALTIMORE COUNTY POLICE DEPARTMENT**

PURPOSE:

The purpose of this policy and procedure is threefold. First, the Police Department will take a proactive role by promoting peace and harmony among the diverse groups living and working within the County to protect all citizens against racial, religious and ethnic intimidation and harassment.

Second, the Police Department will immediately conduct a thorough investigation of all malicious or criminal incidents that are racially, religiously or ethnically motivated and support maximum prosecution of those who are apprehended for such acts.

Third, State law now requires all law enforcement agencies of the State to furnish to Maryland State Police "...information relating to incidents directed against racial, religious or ethnic groups." The Department must insure that all such incidents are reported to MSP and any such reported violations are dealt with immediately.

BACKGROUND:

In the past several years, racially and religiously motivated incidents have increased throughout the State and country. Racially or religiously motivated criminal acts not only have a devastating effect on the individual victim, but also threaten the democratic foundations of our society. Tensions and pressures are also generated within the neighborhoods affected. This Department has taken the approach that the unique nature of these crimes requires special handling from our agency. We feel an obligation not only to investigate the criminal acts but to recognize and react in a positive manner to the emotional trauma experienced by the victims, families and citizens of the community which has witnessed/suffered such incidents. Field Operations Bureau SOP 81-4, which predated the passage of the Maryland law requiring the reporting of such incidents, focused on sensitizing field operations police officers to incidents that are racially, religiously or ethnically motivated. Thus, officers responding to these hate incidents are able to:

- o Approach victims in an empathetic and supportive manner.
- o Effectively calm the victim and reduce the victim's alienation.
- o Reassure the victim that every available investigative and enforcement tool will be utilized by the police to find and prosecute the person(s) responsible for the crime.

POLICY:

It shall be the policy of this Department to bring the investigative and enforcement elements of the Police Department into quick action following any and all reported or observed incidents of racial, religious or ethnic hatred. There is to be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma fear. It must be remembered that the actions taken by this agency in dealing with incidents of racial, religious and ethnic bias are visible signs of concern and commitment to the community on the part of Baltimore County government and its Police Department.

CRITERIA FOR REPORTING R/R/E INCIDENTS

The following criteria are to be used in determining whether or not an incident is of a racially, religiously or ethnically biased nature and covered by this policy. The list is not all-inclusive. Some incidents may not clearly fit a specific definition. In those cases, a common-sense approach must be used: If it looks like an incident of racial, religious or ethnic biased, it is and should be reported as such. Verification can be made later in the investigation .

Any criminal act which is directed at any racial, religious or ethnic group. For example:

1. Burning cross or religious symbol - Any violation of Article 27, Section 10A.
2. Explosives - Any violation of Article 27, Section 138A, perpetrated against a person or persons because of their race, religion or ethnic origin.
3. Bomb threats - Any violation of Article 27, Section 151A perpetrated against a person or persons because of their race, religion or ethnic origin.
4. Destroying, injuring property of another - Any violation of Article 27, Section 111, which is directed against racial, religious or ethnic groups because of their race, religion or ethnic origin.

*If in violating Section 111, any symbol of written language or symbol which has been historically directed against persons because of their race, religion or ethnic origin should be reported. Examples include but are not limited to: swastikas, "nigger."

5. Assault - Any verbal assault or assault and battery which is directed against a person/persons because of their race, religion or ethnic origin.

6. Disorderly conduct - Any violation of Articles 27, Section 123, (written or oral) directed against a person/persons because of their race, religion or ethnic origin and disturbs the peace and tranquility of the community.
7. Interrupting or disturbing religious meetings - Any violation of Articles 27, Section 470, which is directed against a person/persons because of their race, religion or ethnic origin.
8. Possession of firearm in proximity of public demonstration - Any violation of Article 27, Section 366, which occurs at a public demonstration for racial, religious or ethnic purposes.
9. Unlawful use of the telephone - Any violation of Article 27, Section 555A, which is directed against racial, religious, or ethnic groups because of their race, religion or ethnic origin. Example: racial, religious or ethnic slurs.
10. All common-law offenses.

Any noncriminal act directed at any racial, religious or ethnic group (or individuals within these groups), which, while not criminal, is done with the apparent intention to:

1. Harass.
2. Intimidate.
3. Threaten.
4. Retaliate.
5. Create racial, religious or ethnic conflict.

The key criterion in determining whether these incidents fit into the definition of an incident of racial, religious or ethnic bias is the motivation behind the act.

CRITERIA FOR VERIFICATION OF R/R/E INCIDENTS

In determining whether or not an incident reported as a racial, religious or ethnically motivated act is actually verified as such, the following criteria should be applied, either singularly or in combination.

The judgment of the investigator must also be applied in the final determination since the criteria listed below are not all inclusive.

1. Motive.
2. A lack of any other apparent motive for the R/R/E act.
3. Display of any racially, religiously or ethnically offensive symbol(s) or act(s).

4. A common-sense review of the circumstances surrounding the entire incident itself (i.e. the totality of circumstances).
5. Effect on the victim(s).
6. Statement(s) of suspect(s)/victim(s).
7. Prior history of similar incidents in same area or against the same victim group.
8. A violation of any of the offenses enumerated in the above section outlining criteria for reporting R/R/E acts.

In applying the above criteria to determine whether or not a reported case will actually be verified, it may be helpful to ask the following questions. As with the application of criteria, the following list is not all inclusive.

Questions to Consider When Verifying Racial/Ethnic Hate incidents:

1. Is victim black (or other ethnic group) and the suspect white?
Is victim white and the suspect black (or other ethnic group)?
2. Did the incident occur because of the black (or other ethnic group)/white situation or for other reasons?
3. Is victim the only ethnic/minority group member or one of few in neighborhood?
4. Did victim recently move to area?
5. When multiple incidents occur at same time, are all victims black or other ethnic group members?
6. Has victim been involved in any recent or past public activities relating to discrimination (e.g., NAACP, anti-Klan, etc.)?
7. Has there been prior (recent) news coverage of events of a similar nature?
8. What about the manner and means of attack (e.g. color of paint, correct spelling of words, symbols or signs used, etc.)?
9. Has the victim had past or repeated attacks of a similar nature?
10. Has the correspondence of the act to holidays (Halloween), school activities (rivalry), etc., been considered?
11. Is there an ongoing neighborhood problems that may have spurred the event.
12. Could the act be retribution for some conflict with neighbors, area juveniles, etc.

13. If "KKK" is indicated in the incident:
 - A. Is the literature printed or handwritten?
 - B. Was the name used as "copy-cat" syndrome?
 - C. Is there true Klan activity known in the area?
 - D. Was this group indicated in a true sense or as a fear or scare tactic?
14. What was the motivation (as far as can be determined or reasonably inferred) of the party(s) responsible?
15. Where the true (documentable) intentions of the party(s) responsible racially/ethnically oriented or were other reasons such as pranks, vandalism, etc.?
16. Do the party(s) responsible have true understanding of the impact of the incident on blacks or other ethnic group members?

Questions to Consider When Verifying Anti-Semitic or Religious Hate Incidents:

1. Were the victims Jewish? Christian? Moslem? Buddhist? (or a member of any other religious group)? If so, is their faith known to others in the immediate area?
2. When multiple incidents occur at the same time, are all victims either Jewish or members of other religious groups (e.g., Catholics, Moslems, etc.)?
3. Has the victim been involved in any recent or past public causes relating to his faith (e.g., the Jewish "holocaust," etc.)?
4. Has there been prior (recent) news coverage of events of a similar nature?
5. What about the manner and means of attack (e.g., color of paint, correct spelling of words, symbols or signs used, etc.)?
6. Have the victims had past attacks of a similar nature?
7. Has the correspondence of the act to holidays (Halloween), school games (rivalry), etc., been considered?
8. Is there an ongoing neighborhood problems that may have spurred the event?
9. Could the act be retribution for some conflict with neighbors, area juveniles, etc.?
10. What was the motivation (as far as can be determined or reasonably inferred) of the party(s) responsible?

11. Were the true (documentable) intentions of the party(s) responsible anti-Semitism, a prank, or vandalism, etc.?

12. Do the party(s) responsible have a true understanding of the impact of the incident on members of the Jewish faith or other identifiable religious groups?

NOTE: If, after applying one or more of the above criteria, a reported R/R/E incident cannot be definitely determined to be any other type of problem (or is a "borderline" case), it shall be verified as such for investigative and statistical purposes.

PROCEDURES:

The proper investigation of R/R/E incidents is the responsibility of all Baltimore County police officers. Each officer must be sensitive to the feelings, needs and fears that may be present in the community as a result of incidents of this nature. The primary personnel responsible for investigating these types of incidents are the precinct personnel in the area in which the incident occurs. The Police Community Relations Division is available upon request of the Commanding Officer of the precinct concerned. The Intelligence Section's responsibility is to analyze incidents as they occur.

When an officer on the scene makes a determination (after applying the established criteria) that an incident is of racial, religious or ethnic bias, the following procedures are activated. To achieve a thorough investigation and a sensitive response to the victims and community, responsibilities shall be as follows:

- a. Whenever any incident as described above comes to the attention of a Department member, the incident will be immediately reported.
- b. Investigating officers shall:
 - (1) Respond in a sensitive way to the feelings and needs of the victim(s).
 - (2) Immediately take all possible investigative and enforcement action.
 - (3) Preserve the crime scene and evidence.
 - (4) Notify the Crime Laboratory if a cross burning or any other racially motivated destruction of property takes place (for possible later comparison, e.g., paints, drawings, remarks, handwriting, etc.)
 - (5) Gather evidence and process the scene on incidents to which the Crime Laboratory does not respond.
 - (6) Prepare a detailed report.

- (7) Make a follow-up visit to assure the victim that the police are doing everything possible to eliminate the fear factor and apprehend the suspect(s).

c. The field supervisor shall:

- (1) Respond immediately to the scene of all incidents as defined above.
- (2) Ensure that the crime scene is protected.
- (3) Ensure that the Crime Laboratory has been notified if a cross burning or any other racially motivated destruction of property takes place.
- (4) Request the Crime Laboratory to respond if a cross burning is not involved but the expertise of the Crime Laboratory is needed.
- (5) Ensure that the scene is properly processed and evidence gathered for incidents in which the Crime Laboratory does not respond.
- (6) Visit, as soon as possible, the victims, assuring them that the investigation will be actively pursued.
- (7) Notify the Communications Center as soon as possible of the following information (if applicable):
 - (a) Any disturbance or destruction of property that is racially religiously or ethnically motivated.
 - (b) Size of cross burned and the materials from which it was made.
 - (c) Exact time and location of the incident.
 - (d) Type of neighborhood (racial, ethnic and socio-economic make-up).
 - (e) Whether arrests are imminent or the names, addresses, dates of birth, sex, and race of any persons arrested.
NOTE: The field supervisor shall also ensure that a computer message is sent to the Communications Center with the above information.
- (8) Arrange for an immediate increase of patrols throughout the affected area.
- (9) Ensure that all physical remains of the incident are removed after processing is completed. If the remains are too large to be transported by police vehicle, a commercial truck shall be used. If the remains cannot be removed (example: paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.

- (10) Ensure that the report contains full data on the materials used (cross, literature, paint, etc.) including size, construction, wrappings, messages, plus the method of removal and the disposition of the remains.
 - (11) Ensure that copies of all photos taken by precinct personnel are forwarded to the Intelligence Section for analysis purposes and monitoring only.
- e. The Crime Laboratory shall respond to the scene of any cross burning or any other racially, religiously or ethnically motivated destruction of property and shall (if applicable):
- (1) Obtain a sample of the cross, paints, or other materials used.
 - (2) Photograph and process the scene.
 - (3) Gather and take custody of any related evidence.
 - (4) Forward copies of all photographs taken by the Crime Laboratory to the Intelligence Section for analysis and monitoring purposes only.
- f. Precinct commanders shall:
- (1) Ensure that the investigation is actively pursued to a successful conclusion or until all leads have been exhausted.
 - (2) Ensure that the investigation is considered a top priority matter by the investigating personnel.
 - (3) Ensure that personnel make an immediate follow-up contact with the victims to assure that the investigation will be actively pursued.
 - (4) Makes personal contact with the victims if the severity of the case dictates this action.
 - (5) Ensure that increased patrols through the affected area are continued as long as necessary, but at least for several days following the incident.
 - (6) Maintain contact with community leaders concerning the progress of the investigation, and ensure that the words and/or symbols that cannot be removed (paint) have been appropriately covered or eliminated as soon as possible.
 - (7) Assure that victims and other concerned parties are informed of a case clearance.
 - (8) Assure that the Public Information Officer is apprised of such incidents, clearances, and any other information which may be of interest to the media.

- (9) Contact, if necessary, the Police Community Relations Division for assistance.
- g. The Intelligence Section shall:
- (1) Respond to the scene if a response is warranted in the opinion of the Intelligence Section supervisor.
 - (2) Record all cross burnings and other incidents with related analyses to detect patterns, suspects, or the participation of organized groups.
 - (3) Assist the precinct commander and investigators with intelligence data, advice, etc.; however, the responsibility the investigation will remain with the precinct commander.
- h. The Police Community Relations Division shall (if contacted by the precinct commander):
- (1) Canvass the neighborhood to inform residents of the incident.
 - (2) Attempt to mobilize community sentiment against the incident.
 - (3) Enlist the aid of religious groups, and leaders in all areas of society in an effort to obtain public condemnation of the incident.
 - (4) Reduce fear in the affected neighborhood.
 - (5) Report all investigative leads to the precinct commander.
- i. The Records and Communications Division is responsible for ensuring that cross burnings and other incidents are reported to the Maryland State Police in accordance with the requirements of the law.

**GUIDELINES - RACIAL, RELIGIOUS
& ETHNIC - REPORTING SYSTEM**

Articles 88B, Sections 9 and 10, Maryland Annotated Code, provided:

Section 9 Criminal Information.

(a) In general - the Department shall collect information relative to the incidence of crime within the State, the identity of known and suspected offenders, and the arrest, disposition, and incarceration of such offenders. All law enforcement agencies of the State and all places for the confinement of persons convicted of crime, including Patuxent Institution and hospitals for the criminally insane, shall furnish such information at such times, in such form, and to such extent as may be prescribed by rule of the Superintendent.

(b) Information relating to incidents directed against racial, religious or ethnic groups.

(1) The Department shall collect and analyze information relating to incidents apparently directed against racial, religious, or ethnic groups.

(2) The Department request such information from all local law enforcement agencies and from the State Fire Marshal and include the information in its analyses. (1963, ch. 547 Setion 1; 1981. ch. 404.)

Effect of amendment - The 1981 amendment, effective July 1, 1981, designated the formerly undesignated provisions of the section as subsection (a) and added subsection (b).

Section 10 Dissemination of Information to Participating Agencies

(a) In general - Any information, records, and statistics collected pursuant to this subtitle shall be available for use by any agency required to furnish information, to the extent that such information is reasonably necessary or useful upon it by law. The superintendent may by rule establish such conditions for the use of availability of such information as may be necessary to its preservation, the protection of confidential information or the circumstances of a pending prosecution.

SAN FRANCISCO POLICE DEPARTMENT

UNIT GENERAL ORDER
CONTROL CODE (83-1)
REV. 5/30/85

ORDER NO. 1

Index as Psychiatric Liaison Unit

Third order describes the Psychiatric Liaison Unit (PLU), and procedures related to its operation.

I. COMPOSITION

The PLU presently consists of a variable number of Q-2 rank police officers on permanent assignment or temporary loan basis, one of whom is designated as "Officer-in-charge". For supervisory and administrative purposes, the unit is considered as part of the Warrant Bureau and reports accordingly. Normal watch hours are Monday through Friday 0900 - 1700 hours.

II. UNIT ACTIVITIES AND RESPONSIBILITIES

The PLU is responsible for a wide variety of activities and services including, but not limited to:

1. Voluntary and involuntary hospitalizations under Welfare & Institutions Code Provisions.
2. Evaluation of Mentally disturbed individuals.
 - a. On-site
 - b. Off-site
3. Record management of mentally disturbed individuals.
 - a. Criminal Justice system (Police, Custodial, Judicial)
 - b. Mental Health system (Public, Private sector)
 - c. Anecdotal and Collateral
4. Case origination and resolution.
5. Case acceptance and resolution.
 - a. Interdepartmental
 - b. Outside agency
 - c. Civilian referral
6. Case consultation.
 - a. Interdepartmental
 - b. Outside agency
 - c. Civilian referral

7. Teaching and Training.
 - a. Departmental (Academy, FTO, AOT)
 - b. Outside agency
8. Special document preparation (General Orders, Communication surveys, etc.).
9. Liaison and special services.
 - a. Outside law enforcement agencies (SS, FBI, IRS, NIS)
 - b. Outside mental health system agencies (TOP, CHMS, PHD)
 - c. Dignitary protection assignments
10. Public and media relations.
11. Court testimony and certification preparation
12. Property return certification.
13. Departmental administrative duties

III. UNIT PROCEDURES

A. General

On a rotating and daily basis, the Officer-in-charge will designate a PLU member as Officer-of-the-Day (OD). It will be the responsibility of the OD to report personnel status to the Warrant Bureau, receive any documentation or messages for the unit, determine and schedule PLU activities for the day, assign individual officer workloads, document PLU activity for the day, and fulfill any departmental or administrative duties as needed.

During normal watch hours, requests for PLU assistance will be directed to the OD so that the unit may function in as effective and efficient a manner as possible. At other times, requests for PLU assistance may be made through the Officer-in-Charge, or the OD by telephone or pager system, or through FOB or the Operations Center. It shall be the duty of the OD to inform FOB and the Operations Center as to which telephone and pager numbers will be operational.

B. Special

Procedures for activities which are repetitive in nature, such as hospitalizations, or property return, are the subject of specific Unit General Orders. Unique procedures will be determined by the OD with the approval of the Officer-In-Charge.

IV. Unit contact

Individuals desiring PLU assistance shall be encouraged to contact the unit by mail at San Francisco Police Department; Psychiatric Liaison Unit; Room 450; 850 Bryant Street; San Francisco, CA 94114, or by telephone at (415) 553-1207. Immediate or emergency notifications may be made through FOB, or the Operations Center. These procedures insure the greatest likelihood of request receipt and response.

Dist:MF

File:psu-ugol

Date: 5/30/85

A. HANDLING OF 5150'S*

Findings:

- 1) The Police Department responded to 18,000 calls regarding incidents involving mentally disturbed individuals during the last year. This resulted in about 2,000 involuntary detentions for psychiatric evaluation under section 5150 of the W&I Code; the remaining 16,000 calls were handled by the Police by arrest or other disposition. In some of these cases, the Police were called for assistance by various agency case workers even though no criminal or violent behavior had been committed by the individual.
- 2) Approximately 1100 visits/months are made at the psychiatric emergency services at SFGH and Mt. Zion. A recent survey of clients revealed that 4% had addresses in counties outside San Francisco. About 17% were homeless San Francisco residents.
- 3) There are probably 200-300 mentally ill people milling around the Tenderloin, South of Market and other areas in San Francisco who meet 5150 criteria for grave disability but who are not taken into custody for evaluation because of a lack of resources.
- 4) In recent months there have been several times when both emergency services have had to close temporarily to police-initiated 5150's. (It was noted that acute beds are sometimes made available to voluntary clients during periods of diversion.)
5. Jail is being increasingly utilized for mentally ill people who have committed minor crimes because of the unavailability of acute beds.
- 6) The use of vagrancy laws to control the mentally ill would cause severe liability problems for the City, would cause disruption and overcrowding in City jail and only serves as a very temporary solution.

*The term "5150" pertains to any person, who as a result of a mental disorder, is a danger to others, or to himself or herself, or is gravely disabled.

City and County of San Francisco

SENIOR ESCORT OUTREACH PROGRAM

PRESS INFORMATION PACKET

330 Ellis Street, Suite 608
San Francisco, CA 94102
(415) 928-4422

Contact Persons:

Mark Forrester, Director
Vince Reyes, Assistant Director
Raul Moreno, Neighborhood Coordinator
Thelma Kavanagh, President, Senior Advisory Council

CRIME PREVENTIONSAN FRANCISCO'S ANSWER IS SENIOR ESCORT PROGRAM

San Francisco's answer to crime against its elderly is the Senior Escort-Outreach Program, a pioneer in the area of crime prevention.

Variously funded since 1978, the program, under the directorship of Mark Forrester, is now fully funded through the police department's budget, and its Permanent Civil Service employees are trained at the Police Academy and supervised by officers of the Community Services Division of the Police Department.

The agency is mandated to serve any person 55 years of age or older who lives in one of the seven high-crime, low-income and largely ethnic neighborhoods designated. There is no means test.

Since its beginning in 1978, the Escort Program has provided nearly 450,000 protective escorts without a single incident of criminal victimization of the senior being escorted.

Offices operate with one Neighborhood Coordinator and an average of five escorts who tend to reflect the ethnicity of the neighborhoods.

Services offered are of two types - one-on-one escorts and street patrolling. All involved neighborhoods have an escort office to which seniors may call for appointments to be escorted. While medical services are given top priority, seniors may go to a variety of destinations including those that are recreational. In addition, staff in each office plan shopping and recreational group trips.

A second type of service is typified by the Western Addition Walking Patrol which, using walkie-talkies, cover the streets in an area near its Laguna Street base station where street muggings and purse-snatchings with elderly victims were numerous. The great success of that patrol in reducing street crime has encouraged the formation of two other such patrols which now operate in the North and South of Market.

Volunteers within the program do telephone and other office work and run senior advisory councils, but all escorts are done by Civil Service employees who have undergone checks by the Police Department and have been trained in all aspects of their duties during five weeks of Police Academy training which includes First Aid and CPR (cardio-pulmonary resuscitation).

PARTIAL LIST OF INCIDENTS/EVENTS REPORTED IN THE PRESS

5/83	Pacific News Service	Immigrant Students Face Brutal Resentments
5/10/83	Sacramento Union	Slain Viet Teen-Ager Buried
5/18/83	Sacramento Bee	Laotian Neighbors Raise Tenants' Ire
6/11/82	Sacramento Union	Intern refugees, Group Here Urges
6/11/82	Sacramento Bee	Council Asked To Fight Racism Against Local Indochinese refugees
6/24/83	Sacramento Bee	Asians Organize Efforts To Counter Violence
7/13/83	East/West	Advocates Act On Violence And Bills
12/9/83	Sacramento Bee	Head Of White Student Union Threatens Violence In Letter
12/14/83	East/West	Pierman To Stand Trial For Murder Of Vietnamese Student
12/14/83	East/West	Don't Overlook Racist Hotline
12/14/83	East/West	Davis Community Reacts To Racist Incidents
1/84-2/84	Newsletter of the National Gay Task Force	Violence Project Documents 1,682 Anti-Gay/Lesbian Incidents
1/18/84	East/West	Santa Clara Officials Hear Bigotry Charges
1/21/84	The Tribune	Racist Effigy Found In Jamul
2/84	Article in Air Cal Magazine	The Ethnic Explosion: Orange County's Silent Phenomenon
2/2/84	Sacramento Bee	Racism Rides Capital CB Waves
2/21/84	San Diego Union	Report By State Panel Cites Racism In County

2/26/84	San Francisco Examiner	Hard Times, Influx Of Refugees Blamed For Anti-Asian Violence
2/27/84	San Francisco Examiner	Applause And Hisses In Richmond For TV Show On Police Problems
2/27/84	San Francisco Examiner	Richmond Cheers, Jeers, "60 Minutes"
2/28/85	San Francisco Chronicle	Richmond Fight Over "60 Minutes" Ends In Death
3/2/84	Asian Week	Mainstream Paper Notes Rising Anti-Asian Bigotry
3/14/84	Sacramento Bee	Deputies Hunt North Highlands Man Accused Of Assaulting Laotian, 15
4/29/84	The Denver Post	Blackballed? Sifford Says Prejudice Lives
5/4/84	Sacramento Bee	Davis Works To Heal Wounds Left By High School Killing
5/9/84	Sacramento Bee	Indochinese Refugees, US Society Adjusting To Each Other
5/15/84	San Francisco Chronicle	Oakland Cops Sued For \$4.8 Million
5/19/84	Sacramento Union	Board Spotlights Abuse Of Elderly
5/22/84	San Francisco Chronicle	Reports Of Police Brutality Denied By Oakland's Chief
5/23/84	San Diego Tribune	Despicable Propaganda
5/23/84	East/West	Anti-Asian Violence Growing, Say Sacramento Residents
6/1/84	Sacramento Bee	Alien Drowns While Fleeing From Border Patrol
6/13/84	San Francisco Chronicle	San Marino's Jump In Asian Immigration
6/24/84	Los Angeles Times	Jury Tackles Civil Rights Question In Beating Death Of Chinese-American
7/11/84	East/West	Anti-Asian Bigotry An Expression Of Historical Bias, Says LA Commission

7/11/84	Los Angeles Times	Old Woman's Cries For Help Prove Real
7/12/84	San Francisco Chronicle	Escort Team For Elderly To Be Enlarged
7/30/84	Los Angeles Daily Journal	Asian Task Force: Fighting Crime By Bridging A Culture Gap
8/9/84	Bay Area Reporter	Do Anti-Gay Police Belong On Gay Cases
8/10/84	Sacramento Bee	CB Racists Face Federal Probe
8/15/84	Sacramento Bee	Channels Of Hatred
8/17/84	Sacramento Bee	CB Radio Racists Vow To Stay On Air
8/17/84	San Francisco Chronicle	When Old People Are Abused
8/24/84	Sacramento Bee	KFBK Host Suspended Over Ethnic Term
9/11/84	Sacramento Bee	Interracial Couple Battles Taunts, Burned Cross
9/11/84	Sacramento Bee	Asian-Americans Targets Of Rising Violence, Panel Says
9/11/84	Sacramento Union	Panel Reports Sharp Increase In Racist Acts
9/11/84	San Francisco Chronicle	Grim Report On Violence Against Asians
9/11/84	San Diego Tribune	Bias In State Said Rising Against Asian-Americans
9/11/84	San Francisco Chronicle	Grim Report On Violence Against Asians
9/12/84	San Francisco Chronicle	Trial Begins In Davis Killing
9/21/84	Sacramento Union	Laotian Family Terrorized
9/27/84	Los Angeles Daily Journal	Local Educators Tell Of Neglect Of Asians In California Schools
10/2/84	San Francisco Examiner	Teen Convicted In Viet Student's Death
10/20/84	Sacramento Union	City Police Investigating Racist Literature

10/23/84	Sacramento Bee	Boy, 13 Arrested On Racist Fliers
11/7/84	East/West	Law Students Conference Addresses Anti-Asian Violence And Stereotypes
11/7/84	San Francisco	Attorney General Talks About Violence, Crime
11/8/84	Sacramento Bee	Council Asked To Fight Racism Against Local Indochinese Refugees
11/10/84	San Francisco Chronicle	FBI Probing Ordeal Of Black Family
11/21/84	Precinct Reporter	Investigation Re-Opened In Brutal Beating of Black Youth In Fontana
11/24/84	San Diego Union	Two Plead Guilty In Assault On Racially Mixed Jamul Couple
12/1/84	Sacramento Union	Latest Knifing Attributed To Race War In Prison
12/2/84	Los Angeles Times	Fontana's Racial Tensions Emerge After "The Incident"
12/2/84	Parade Magazine	Are Our Children Less Prejudiced Today?
12/23/84	San Francisco Examiner	Panel Finds Growing Violence Against Asians In The Cities
1/85-2/85	APAAC Alert	Anti-Asian Violence, Bigotry, And Discrimination
1/2/85	San Diego Tribune	Abuse Of Hispanics Continues Coalition Says
1/5/85	San Francisco Examiner	Putting A Stop On The Open Door
1/17/85	San Francisco Chronicle	S.F. Urged To Probe Field-Training Cops
1/23/85	San Francisco Examiner	Viet Refugee's Mother Calls His Slaying Racism
1/31/85	The Tribune	Tirade Targets Illegals
2/4/85	Los Angeles Times	Anti-Asian Bigotry: An "Alarming" Rise As Refugees Pour In
2/5/85	Sacramento Bee	Chavoor Admitted Calling Man A "Dumb Jap," Official Testifies
2/5/85	San Francisco Examiner	Increase In Incidents Of Anti-Asian Bigotry Reported

2/14/85	Asian Week	^Misconduct^ Proven In Hirabayashi Case
2/21-28/85	Suttertown News	Anti-Asian Violence In Davis
2/17/85	Parade Magazine	How Can We Protect Our Elderly
2/18/85	Sacramento Bee	Panel To Review Efforts To Fight Elderly Abuse
3/85	APAAC Alert	Asian American Success
3/5/85	Sacramento Bee	Moorhead Wants Answer To Elderly Abuse
3/8/85	Sacramento Bee	Abuse Of Aged Probed But Not Prosecuted, Workshop Finds
3/20/85	East/West	Oakland Asian Community Questions Police Protection of Refugees
3/29/85	Los Angeles Times	The Abuse and Neglect of the Elderly
4/8/85	The Tribune	Hmong Find Nuances of U.S. Baffling
4/30/85	The Tribune	Cambodians Find Life of Sorrow Here
5/2/85/	San Diego Union	Agent Cleared In Shooting Here
5/2/85	San Diego Tribune	Outrage Over Border Shooting Heats Up
5/2/85	San Francisco Examiner	With Refugees, A New Wave of Crime, Bigotry
5/3/85	San Diego Union	State Will Study Border Shooting
5/20/85	San Diego Tribune	Asians in School: Melting pot Near the Boiling Point
5/21/85	San Diego Union	Hostility To Asian Students Is Targeted
5/28/85	Sacramento Bee	Bias Rises, Immigrant Asians Say
7/85-8/85	APAAC Alert	^Year Of The Dragon^ Draws Asian Outrage Coast-To-Coast
8/31/85	New York Times	Violent Incidents Against Asian-Americans Seen As Part Of Racist Pattern

9/15/85	Times	Korean Merchants, Black Customers-- Tension Grows
10/30/85	San Francisco Examiner	Asians Fear A New Surge Of Racial Hatred, Violence
10/30/85	San Francisco/Asian Week	State Hears Testimony On Rise Of Anti-Asian Bias
11/1/85	Pacific Citizen/L.A.	Asians Call For Steps Against Violence
11/6/85	East/West	Minorities Urge More Protection
11/17/85	San Francisco Examiner	White Supremacists Ripe For Violence Report Warns
11/23/85	Salinas Californian	LULAC Charges Salinas Police With Brutality
11/24/85	The Tribune	Black's Suicide Stabbings In Concord Spark Calls For New Investigations
12/85	APAAC Alert	Language And Racial Intolerance On The Rise
1/8/86	Sacramento Bee	Teen Held In Death Of Man During Clash
1/9/86	San Francisco Chronicle	2 Blacks Sue Over "Klan" Attack
1/16/86	The Tribune	Panel Urges Action To Reduce "Hate Crimes"
1/19/86	Sacramento Bee	Feisty Pair Attack The Attacker
1/22/86	The Tribune	Anti-KKK Group Plans Protest
1/30/86	Los Angeles Times	Couple Convicted Of Abusing Elderly Blind Woman In Their Care
1/31/86	The Tribune	Tirade Targets Illegals
2/2/86	San Francisco Examiner	Study: Newcomers To U.S. Face Growing Hostility
2/10/86	Orange County Register	Vietnamese-Born Police Officer At Home In OC
2/18/86	Sacramento Union	Mentally Retarded Take The Stand In Sexually Abuse Trials

2/28/86	San Francisco Examiner	End Of The Line: The Death Of Timothy Lee
3/18/86	Sacramento Bee	Illegal Alien's Body Discovered In River
	San Francisco Examiner	Applause And Hisses In Richmond For TV Show On Police Problems
	Sacramento Bee	Davis March Mourns Death Of Asians, Protests Racism Rise
	Los Angeles Herald Examiner	Abuse Of The 'Old' Must Stop
	The Tribune	Surrender Of 5 Ends Siege Of Racist Camp
5/11/85		Elderly Protest Physical Abuse, Loss Of Dignity
	Chinese for Affirmative Action	Indiana Jones And The Temple Of Racial Stereotypes
		US-Asian Trade Relations Blamed For Backlash
		Judge Labels Klan 'Slimy, Yellow,' But Drops Charges
		Asian-Americans Under Attack Discrimination In USA On Rise
		Bigotry Manifestations, Sources And Solutions Presented In LA
	East/West	No Clues Yet In Killing Of Davis Grad Student; Asian Harassment Continues
1985	Pacific News Service	Killing Of Henry Liu Casts Chinese-Americans' Rights Into Doubt
	The Tribune	Anti-Klan Pickets March At Attack Hearing
	Sacramento Bee	Car Owned By Black Activist Is Vandalized At McClellan