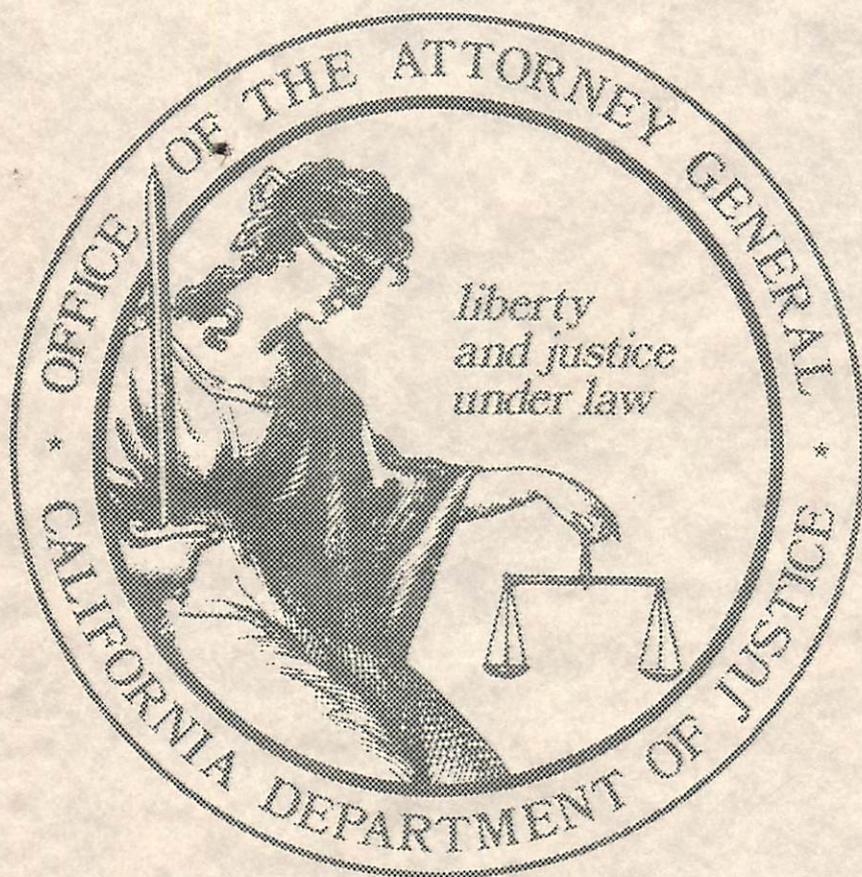


Attorney General's  
Commission on Racial, Ethnic, Religious  
and Minority Violence

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Implementation Task Force  
Progress Report

October 1987

Attorney General's

Commission on Racial, Ethnic, Religious  
and Minority Violence

Implementation Task Force  
Progress Report

October 1987

Msgr. William J. Barry, Chair  
Bishop Will L. Herzfeld  
Judge Alice A. Lytle  
Diane C. Yu

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

John Van de Kamp  
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October 16, 1987

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

Dear Attorney General Van de Kamp:

In April of 1986 you asked that a Task Force of the RERMV Commission continue to work together to monitor and coordinate implementation of the Commission's recommendations for controlling and reducing hate violence aimed at minority groups.

We are pleased to present to you this progress report of actions taken to date. As we look back at what has been accomplished over the past 18 months, we are extremely pleased that we have been able to assist you in finding solutions to the problems caused by hate violence. As a body we hope we have provided you with recommendations that can be translated into action, and not simply with a report that would find its way to a back shelf.

We are deeply appreciative of your commitment to finding ways to make these recommendations a reality. Your immediate response in endorsing legislation to add criminal penalties for acts of hate violence, and through other administrative actions, has given the work of the commission credibility, and sends a message to perpetrators of such acts that such acts will not be tolerated.

As you can see from the report, while we are pleased at the accomplishments, much work remains to be done. Acts of violence generated by racism and bigotry continue to plague our society. We urge you to continue your leadership role in the protection of the civil rights of the residents of the State of California and we stand ready to assist you in any way.

Again, thank you for your commitment to this effort.

Sincerely,

  
MSGR. WILLIAM J. BARRY  
Chairman

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## INTRODUCTION

California Attorney General John Van de Kamp responded to increasing reports of violence motivated by racism and other forms of bigotry May 10, 1984, by announcing the formation of a Commission on Racial, Ethnic, Religious and Minority Violence to:<sup>1/</sup>

1. obtain more accurate information to determine the nature and extent of racial, ethnic, religious, and minority violence;
2. develop guidelines for a standard definition of racial, ethnic, religious, and minority violence to allow for uniform identification and reporting of incidents of this nature;
3. encourage implementation of measures designed to decrease the amount of racial, ethnic, religious, and minority violence in California; and
4. act as liaison to adversely affected minority communities.

The Commission convened public hearings in Sacramento, San Francisco, Oakland, Los Angeles, Riverside and San Diego, established liaisons and solicited information from the California Department of Education, the California Department of Corrections, the Fair Employment and Housing Commission and the Department of Fair Employment and Housing. The findings and recommendations of the Commission were made public in the Final Report released in April, 1986.<sup>2/</sup>

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1. See Appendix A for list of the Commissioners and their affiliations.

2. Copies of the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Final Report, April, 1986 can be obtained from the Office of Community and Consumer Affairs, California Department of Justice, 1515 K Street, 3rd Floor, Sacramento, CA 95814.

Concerned that the recommendations needed a concerted effort to secure their adoption, the Attorney General requested the Commission's Chair and Subcommittee Chairs to remain active as the Commission's Implementation Task Force to coordinate efforts to address the proposals made in the Final Report.<sup>3/</sup>

The Task Force is meeting with members of the Attorney General's staff, the Director of the California Department of Education, Bill Honig; the Director of the California Office of Criminal Justice Planning, Al Howenstein and other law enforcement and education officials to secure implementation of the recommendations made by the Commission.

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3. See Appendix B for a list of the members of the Implementation Task Force of The Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence.

# Summary



## SUMMARY

We are cautious but optimistic in our view of California's willingness to respond to hate violence.<sup>4/</sup> While we are pleased at actions taken to implement many of the Commission's recommendations, others are pending action or languishing and still must be addressed. Significant actions include:

- a) pending legislation designed to create a central system for collecting and reporting hate crimes; (A.B. 39, Calderon; S. B. 802 Watson).
- b) the enactment of a comprehensive civil rights statute and other new and amended legislation aimed at

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4. The Commission adopted the following definition to provide a context for its report:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence considers an act of hate violence to be any act of intimidation, harassment, physical force or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under color of law.

The Commission distinguished between hate crimes that involve acts prohibited by the California Penal Code, and acts of hate violence which include violations of rights motivated by bigotry that are not currently punishable under criminal statutes.

deterring and responding to hate crime; (A.B. 63, Bane; S.B. 1961, Watson).

- c) legislative and local action dedicated to establishing human relations centers charged with responding to and preventing hate violence; (A.B. 1081, Moore).
- d) new attention given to the particular needs of hate violence victims by victim-witness programs;
- f) special efforts to address the need for effective law enforcement on American Indian reservations;
- g) increasing public awareness of the causes and effects of violence against the disabled and elderly and the distribution of information about available resources through the publication of handbooks, brochures and pamphlets by the California Department of Justice;
- h) commitments from the Department of Education to involve schools in the effort to identify and respond to hate violence.

**The Task Ahead:**

- a) a centralized source for collecting and distributing information on hate violence in the community and schools still needs development;
- b) county human relations centers are needed to coordinate community based activities for preventing, assessing and responding to hate violence with local schools and law enforcement;
- c) all levels of law enforcement, including police and district attorneys, need additional training, and assistance in developing policies and procedures for responding to hate crimes;
- d) schools need to improve their efforts to instill tolerance in students for people with diverse appearances, backgrounds, and lifestyles; and
- e) greater attention needs to be given by police to the special skills and programs required to properly serve elderly and disabled persons.

# Commission Findings



## FINDINGS OF THE COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE<sup>5/</sup>

1. Hate violence persists in California and poses a threat to the peace and safety of our communities.
2. A central system for collecting and reporting hate crime data is essential.
3. Enactment of a comprehensive civil rights statute with criminal penalties and amendments is necessary to effectively deter hate crimes.
4. California needs to establish human relations centers in every county charged with responding to and preventing hate violence.
5. Victims of hate violence need immediate access to practical assistance and support services.
6. The development of comprehensive criminal justice policies for responding to and preventing hate crimes is imperative.
7. Police officers and district attorneys need training on how to respond to, and prevent, hate crimes.
8. Public awareness of hate violence, its causes and effects, legal remedies, and available resources, must be increased.
9. Comprehensive efforts for responding to and preventing violence against elderly and disabled persons are necessary.
10. California can respond to hate violence effectively.

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5. Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, Final Report, April, 1986, page 7.

1. **Hate violence persists in California and poses a threat to the peace and safety of our communities.**

We are pleased at the responses by the Attorney General, the Legislature, and other public agencies to the Commission's recommendations. However, greater urgency has to be given to addressing hate activity or more communities will suffer the tragedy of senseless and disruptive violence. Whether it is the recent assaults on a black woman in a San Jose park and a black teenager on a playground in Concord, the increasing attacks on Asians in Los Angeles, or the escalating severity of violence perpetrated against gays and lesbians in San Francisco, evidence of hate violence still persists in California and continues to pose a threat to the peace and safety of our communities.

We feel it is appropriate, one and a half years following the release of the Commission's Final Report, to assess our progress and survey the road ahead to determine how California can turn the corner on its battle to eliminate hate violence.

2. A central system for collecting and reporting hate crime data is essential.

The Commission's lament in April, 1986, that, "consistent information on the nature and extent of hate violence is not available" can be made today.<sup>6/</sup> California lacks the ability to determine the severity of the problem and to identify the resources needed to respond to it. No state agency currently collects data on such crimes.<sup>7/</sup>

As the Commission was raising the issue of reporting hate crimes, the Legislature passed Senate Bill 2080 (Chap. 1482, Stats. 1984) authored by Senator Diane Watson. It directed the Department of Justice to develop a program model to collect, compile, and analyze information about racial, ethnic, and religious crimes.<sup>8/</sup> At the direction of the Attorney General crimes motivated all or in part by sexual orientation were included in the program model.

The project included development of uniform definitions and guidelines for consistent identification of hate crimes. Uniform definitions and guidelines are necessary for accurate reporting of any crime data. In the collection of subjective data, such as crimes motivated all or in part by race, ethnicity, religion, and sexual orientation, uniform definitions and guidelines are even more essential.

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6. Attorney General's Commission, op. cit. page 19.

7. Ibid.

8. California Senate Bill 2080, 1986. See Appendix C for a copy of the proposed legislation.

The report to the California Legislature,<sup>9/</sup> recommends that the Department of Justice be designated as the state collection agency; that law enforcement agencies should report such crimes to the Department, and calls for adoption of uniform definitions and guidelines.

These recommendations were embodied in Senate Bill 802 also introduced by Senator Diane Watson. Under the bill local law enforcement is required to report incidents of physical injury, emotional suffering, or property damage which appears to be motivated, in whole or in part, by the victim's race, ethnicity, religion, or sexual orientation to the California Department of Justice.

Assembly Bill 39, introduced by Assemblyman Charles Calderon, also would require local law enforcement agencies to report these crimes to the Department of Justice.

We support the reporting requirements in these bills and urge further efforts to encourage the passage and signing of measures responding to the Commission's determination that California needs centralized collection and reporting of hate crimes.

The Task Force has been meeting with California Superintendent of Public Instruction, Bill Honig, to implement the Commission's recommendation that campus violence motivated by bigotry should be reported to the Department of Education and the

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9. Donald Peri and Dorothy Freshour, Racial, Ethnic, and Religious Crimes Project: Preliminary Steps to Establish Statewide Collection of Data, January 1986.

information distributed to local school boards for consideration.<sup>10/</sup> The Superintendent agreed to approve an amendment to existing school crime reporting forms to allow for the identification of violence motivated by racial, ethnic, religious and minority bias in the Fall of 1987. The Task Force needs to continue to work with the Department of Education and will be given the opportunity to review and comment on amendments to the existing reporting forms.

On behalf of the Commission the Task Force wishes to commend the efforts of local law enforcement agencies, human relations commissions and community organizations in California who have initiated their own procedures for the formal collection of reports of hate violence and hate crimes.<sup>11/</sup>

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10. The Commission recommended that, "California Penal Code Section 628 et seq., which mandates reporting of school violence, should be amended to distinguish violence motivated by bigotry from other forms of school violence and to require distribution of data on hate violence to local school boards." For a discussion of the recommendation see the Commission's Final Report page 20.

11. The Los Angeles County Human Relations Commission has formally recorded incidents of hate violence for several years. Other commissions known by the Task Force to maintain formal records include the Concord Human Relations Commission, the Contra Costa County Human Relations Commission, the Orange County Human Relations Commission and the Sacramento Human Relations Commission.

Local law enforcement agencies known by the Task Force to distinguish hate crimes in their reporting include the Concord Police Department, the Contra Costa County Sheriff's Office, the Davis Police Department, the Fresno Police Department, the Pasadena Police Department, the Sacramento Sheriff's Office and the San Jose Police Department.

Private organizations in California known by the Task Force to formally collect data on incidents of hate violence include the Asian Pacific American Coalition, the B'Nai B'Rith Anti-Defamation League, the Community United Against Violence, Davis Asians for Racial Equality, the Japanese American Citizens League

3. **Enactment of a comprehensive civil rights statute with criminal penalties and amendments is necessary to effectively deter hate crimes.**

Attorney General John Van de Kamp sponsored Assembly Bill 63 authored by Assemblyman Thomas Bane, to carry out the Commission's recommendation for a comprehensive civil rights statute to increase the criminal penalties for acts of violence motivated by the victim's race, color, religion, ancestry, national origin or sexual orientation. The new law includes a provision to change any crime originally a misdemeanor into a felony if it is committed for the purpose of interfering with any person's rights because of a victim's race, color, religion, ancestry, national origin or sexual orientation and empowers the Attorney General, district attorneys and city attorneys to request temporary restraining orders when such conduct is threatened. The law makes violation of such injunctions a crime. The law also makes it a crime to use force or threats to interfere with the exercise of constitutional rights because of race, color, religion, ancestry, national origin or sexual orientation. Assembly Bill 63 was signed by the Governor on September 28, 1987.<sup>11/</sup>

The Commission also recommended amending the virtually unused Ralph Civil Rights Act, California Civil Code Section 51.7, to make it a viable statute for providing remedies to

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and the National Association for the Advancement of Colored People.

<sup>12</sup>  
<sup>11</sup>. See Appendix C for a copy of the legislation.

victims of hate violence and intimidation. Senate Bill 1961 providing attorneys fees, triple damages and civil penalties of up to \$10,000 against those found guilty of hate violence was introduced by Senator Diane Watson in 1986. The amendments were approved by the Legislature, signed by the Governor and became effective on January 1, 1987.<sup>13/</sup>

Subsequently, the California Department of Justice and the Department of Fair Employment and Housing entered into an agreement to provide investigative assistance of Ralph Act cases when requested. The Task Force has learned that the act is now being actively used to provide civil remedies for victims of hate violence.

We believe the passage of this legislation represents a major achievement and provides valuable tools to protect the people of California from bigots. We recommend that the Attorney General's Office distribute information on the new legislation and devise appropriate strategies to enable communities to properly interpret and enforce the provisions of the acts.

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13. See Appendix C for a copy of the legislation.

4. California needs to establish human relations centers in every county charged with responding to and preventing hate violence.

The Commission recommended that the California Attorney General sponsor a Hate Violence Prevention and Protection Act establishing county human relations centers to:

- a) work with community organizations to prevent and respond to hate crimes;
- b) gather information about the incidence of hate violence and report it to the California Department of Justice;
- c) assist local schools in developing programs and curricula addressing human relations issues;
- d) develop responses to hate violence in cooperation with local law enforcement;
- e) develop programs to assist victims and witnesses of hate crimes in cooperation with district attorneys; and
- f) develop and implement conflict resolution programs.

Assemblywoman Gwen Moore authored AB 1081, a bill that provides for the creation of Anti-Hate Violence Centers in three California counties on a pilot basis.<sup>14/</sup> The bill which received extensive amendment in the Legislature, is still in the legislative process and will be taken up again during the next legislative session for further hearings. While the Task Force recommends and supports the establishment of these centers, we feel the bill needs further study and clarification to more closely reflect the intent of the Commission's recommendations. We should continue our efforts with the Legislature to implement the Commission's recommendation for a Hate Violence Protection

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14. See Appendix C for a copy of the proposed legislation.

**5. Victims of hate violence need immediate access to practical assistance and support services.**

Unfortunately practical assistance and support services are still not being received by most victims of hate crimes. Local efforts will need to be made to complement state action to provide help to those who have been injured by the perpetrators of hate crimes as referred to in the Commission's final report.

The California Office of Criminal Justice Planning provides support and technical assistance for crime victims. Staff met with Director, Al Howenstein, to encourage that staff of toll free hotlines be trained as to the particular needs of victims of hate violence. The Director responded by scheduling a workshop on the needs of victims of racial, ethnic, religious and minority violence at the Governor's Annual Crime Victims Conference. Copies of the Commission's Final Report were distributed to all victim assistance centers in the state to provide further information on the needs of hate crime victims.

In addition, the Commission's recommendation for the publication and distribution of a public information pamphlet on resources available to victims of hate crime and methods for reporting incidents was adopted by the Attorney General. A civil rights information pamphlet is currently available in English, and Spanish. The pamphlet is also being translated into Chinese, Japanese, Cambodian, Lao, Vietnamese, and Tagalog and will be distributed to community agencies and the public.

Legislation generated by the Commission's recommendations will make it easier for victims of hate crimes to get relief from

further injury through the use of temporary restraining orders and restitution will be more readily attainable through civil actions.

However, while the efforts to provide for the needs of hate crime victims are commendable, more must be done in the communities of this state. Human relations centers included in the proposal for a Hate Violence Protection and Prevention Act would bring services closer to the community of the victim and make it more likely they would be known and used. County human relations centers and offices of the district attorneys need to cooperate to provide assistance to victims and witnesses of hate crimes.

6. **The development of comprehensive criminal justice policies for responding to and preventing hate crimes is imperative.**

The Commission recommended that the Attorney General play a leadership role in encouraging local law enforcement agencies to respond to and prevent hate crimes. Part of this task is being accomplished by the distribution of publications and other information to local agencies to keep their attention focused on the need to address hate violence.

- a) Over 6,000 copies of the Commission's, Final Report were distributed to law enforcement agencies, civil rights agencies and interested community organizations.
- b) The California Department of Justice initiated the publication of the Civil Rights Newsletter in the Fall of 1986. The newsletter is being produced quarterly and is distributed to members of the judiciary and legislature as well as to constitutional officers, county boards of supervisors, local law enforcement agencies and civil rights organizations. It is designed to keep the public informed about civil rights issues of concern to the Attorney General.

The Commission requested that the Attorney General distribute model police procedures designed to examine a community in order to identify incidents that may be precursors of hate crimes. On further reflection, the Task Force concluded that the Commission on Peace Officer Standards and Training (POST) is more appropriately charged with the responsibility. We recommend that POST conduct an examination of hate crimes and attempt to identify relevant conditions or incidents in the community that could serve as early warning signals of impending hate violence.

Based on testimony received by the Commission we believe that model procedures for conducting community assessments could

be developed that would allow law enforcement and human relations agencies to respond prior to the outbreak of violence and prevent the commission of hate crimes. Once developed, these procedures should be circulated to relevant agencies throughout California and the Commission on Peace Officer Standards and Training should offer law enforcement training on their implementation.

The Commission noted that many victims of hate violence are reluctant to report crimes because they are afraid of retribution and that gay and lesbian victims of "gay bashing" have particular concerns for their rights to privacy. We urge consideration of the development and distribution of guidelines regarding the release of names and addresses of hate crime victims to the press. Currently confidentiality is given to victims of sexual assault and juvenile offenders, some victims of hate crimes need similar protection.

Model policies for both large and small police departments for use in responding to hate crimes have been developed by the National Organization of Black Law Enforcement Executives (NOBLE) and the Task Force has learned that some police and sheriff departments in California are attempting to adapt them for use in their jurisdictions. We believe that the State Office of Criminal Justice Planning and the Commission on Peace Officer Standards and Training should be mandated to provide leadership in this area. Much work needs to be done to prepare law enforcement to meet the challenge of increasing hate violence.

The Commission expressed its concern over reports, "that undocumented immigrants usually do not report hate crimes because

they fear the police will notify the United States Immigration and Naturalization Service (INS)". The Commission called for the Attorney General to address this issue.

As a result, copies of the Attorney General's Opinion stating that local law enforcement agencies are under no obligation to report the presence of undocumented immigrants to the INS, and policies of the Los Angeles and San Jose Police Departments were circulated to police and sheriff departments throughout California.

The Attorney General has also created a departmental task force to monitor the application of new procedures adopted to enforce recent legislation affecting aliens to ensure that the civil rights of undocumented immigrants are not violated.

Virtually no progress was made in the efforts to have the Commission on Peace Officer Standards and Training address the issue of discrimination against gays and lesbians in law enforcement. However, increasing violence against gays and lesbians is making the need for cooperative working relationships more important. The problems are being exacerbated by the emergence of the AIDS epidemic and unless these issues are addressed police will not be able to effectively deal with violence against gays and lesbians in the community.

To address the law enforcement needs on Indian reservations and the impact of Public Law 280 as recommended by the Commission, the Attorney General assigned three deputies to address the issue. The Deputy Attorneys General participated in seminars with the Bureau of Indian Affairs, local law

enforcement agencies and representatives of tribal councils throughout California to address law enforcement needs and the impact of Public Law 280. The deputies have also been active mediating issues between American Indians and local law enforcement agencies and have succeeded in gaining POST approval for a six hour training course for law enforcement agencies operating on Indian lands.

**7. Police officers and district attorneys need training on how to respond to, and prevent, hate crimes.**

When the Commission began its work in 1984, it was surprised to learn that law enforcement officers were not receiving training on hate crimes. Law enforcement officials, police officers, and prosecutors are essential in efforts to respond to and prevent hate violence but, often they are not trained to handle situations involving violence motivated by bigotry. Lack of training produces inadequate and inappropriate responses that exacerbate community tensions.

We are concerned at the continued void of training in this vital area. Some law enforcement agencies have had to seek assistance from outside California in order to get needed training. The Concord Police Department, for example, requested and received assistance from the United States Justice Department Community Relations Service to bring law enforcement officers from as far away as Idaho and Massachusetts to help them learn how to deal with hate violence.

The Task Force has expressed its concerns to the Commission on Peace Officer Standards and Training (POST) and urged their consideration of training programs to carry out the recommendations of the Commission.<sup>15/</sup> The need for training is particularly significant with the passage of Assembly Bill 63

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15. See Appendix D for a copy of the letter dated September 21, 1987 from Commission Chair William J. Barry to Norman Boehm, Executive Director, Commission on POST.

since it includes actions affecting police and district attorneys.

We believe that until the recommendations of the Commission are implemented and POST offers basic academy, field training, advanced officer, and management courses on cultural differences and hate crimes a major thrust of the Commission will be left undone. The Task Force will continue to extend an invitation to officials of POST to work together with members of the Commission to remedy this deficiency in law enforcement training.

No less important is the need for the California Department of Justice to take the lead in developing training programs and materials on prosecuting hate crimes for staffs in offices of district attorneys. Legislation to protect victims of hate crimes is only as effective as its enforcement. District attorneys need to be made aware of the importance of the new legislation and need to be trained in its application.

8. Public awareness of hate violence, its causes and effects, legal remedies, and available resources, must be increased.

The Commission was pleased with the Attorney General's quick response to its recommendation to, update Unlawful Discrimination: Your Rights and Remedies, the handbook on civil rights laws and remedies. The handbook has been distributed to community organizations, law enforcement agencies, schools and other appropriate organizations.

The Department should also be recognized for implementing the recommendation to, "distribute a multilingual public information brochure on hate crimes and victims' rights and remedies to community groups, social service agencies, religious institutions, and other organizations." The pamphlet is currently available in English, and Spanish and is being translated into Chinese, Vietnamese, Lao, Cambodian and Tagalog. It should serve to improve the reporting of hate crimes by victims and witnesses.

Unfortunately, the Racial, Ethnic, and Religious Crimes Project in the Department of Justice was disbanded after preparing its report to the Legislature on Racial, Ethnic, Religious Crimes Project: Preliminary Steps to Establish Statewide Collection of Data. We believe the California Department of Justice, Bureau of Criminal Statistics and Special Services should take on the task of gathering information on the incidence of hate crimes in California without waiting for a legislative mandate. We fully recognize that the Bureau will get incomplete and sporadic reports from many jurisdictions and that

the information collected will vary in quality until legislation mandating reporting and uniform procedures are adopted. However, the current scarcity of objective data collection on the incidence of hate violence on a statewide basis increases the importance of its accumulation by a state governmental agency.

The Task Force forged a working relationship between the Department of Education's School Climate Unit and the Attorney General's Crime Prevention Center to expand the School/Law Enforcement Partnership Program to include experts in the prevention and control of racial, ethnic, religious and minority violence. We expect that schools will gain new information on hate violence and that the new awareness will lead to more directed efforts at combatting it on the campus.

Msgr. William Barry in his August 29th, 1987 letter to State Superintendent of Schools explained that,

The Task Force considers it extremely important to establish a formal liaison with (his) office for ongoing communication to reinforce mutual awareness of the need to educate both the public and our schools to the beauty and benefits of a multi-cultural, multi-racial society. Such a liaison could also identify potential areas of conflict and propose means to deal with them.

The Superintendent agreed to set up the liaison and to meet with members of the Task Force every six months.

A draft of the "Model Curriculum for Human Rights and Genocide" which will provide substantial direction to developers of curriculum for grades K-12 was forwarded to the Task Force for comment before its final release. The Task Force used the opportunity to make written comments.

The Superintendent also supported the concept of human relations centers which would, among other activities, provide assistance to schools in the development of programs and curricula for human relations training.

The Department of Education was concerned that adoption of the Commission's recommendation for the preparation and distribution of a handbook to teachers and school administrators to dispel myths about gay and lesbian lifestyles might create the impression that the Department was advocating one lifestyle over another. The Superintendent left the Task Force with the impression that he preferred concentrating on efforts to promote tolerance, understanding and the appreciation of diversity without focusing directly on the issue of homosexuality. We should continue our dialogue with the Superintendent on this issue in future meetings.

**9. Comprehensive efforts for responding to and preventing violence against elderly and disabled persons are necessary.**

We commend the Attorney General for establishing a Commission on Disability and expect that its focused effort to study and critique the laws enacted to protect disabled citizens will result in recommendations that we can lend our efforts to supporting.

Task Force members also note that the Attorney General's Office published and distributed Rights of Disabled Persons, a handbook providing useful information about the rights of disabled people.

The Attorney General's Office is demonstrating its concern over violence against seniors by publishing and distributing a pamphlet on elder abuse and newsletters and other materials to assist elderly people combat crimes directed against them.

The Commission recommended that, "Law enforcement agencies...establish units to respond to situations involving mentally ill persons", based on the approach used by the San Francisco Police Department which created a Psychiatric Liaison Unit to provide training and emergency response assistance. One needs only to walk the streets of any sizable town or city to find disoriented people who would have to be approached by officers having special skills if they were in a situation requiring police intervention. Our perception is that the number of mentally ill persons in the community is increasing and we believe the need for law enforcement to be adequately trained is growing more urgent. We need to expend more effort convincing

the Legislature, the Office of Criminal Justice Planning and law enforcement agencies that this issue needs attention.

The Commission was disturbed over the possible introduction of English-Only laws in California. We felt the laws were a symptom of the alienation and fear that cause hate violence and wanted to express our concern. Thus, we were heartened by the Attorney General's opposition to the English-Only Initiative in 1986. Measures such as this do little to promote peace and harmony in our communities.

**10. California can respond to hate violence effectively.**

A review of successful legislative, law enforcement, and community efforts provides convincing evidence that Californians can work together to develop practical programs to end the cycle of hate violence.

California has made progress toward responding to the challenge of hate violence. However, we believe the work of the Commission and its Implementation Task Force must continue. Remaining obstacles must be cleared to enable us to do all that we can to prevent the terrible suffering and community disruption caused by those who irrationally hate, intimidate, harass, and assault people simply because they exist.

We urge the Attorney General to continue his leadership in this effort and offer our continued assistance.

# Task Force Recommendations



## TASK FORCE RECOMMENDATIONS

California has begun to systematically develop the knowledge, skills, and responses needed to prevent hate violence and we are optimistic. However, major gaps in the effort to build an effective system still must be closed before hate violence will be responded to effectively.

### Recommendations:

1. **California needs a centralized source for collecting and distributing information on hate violence in the community and schools.**

The reporting requirement in A.B. 39 and S.B. 802 and the Department of Education efforts to establish procedures for the collection and distribution of reports of hate violence in schools should be supported.

Until the collection and distribution of hate violence is mandated, the Attorney General's Office should collect the information from law enforcement agencies, human relations commissions and other public and private organizations on a voluntary basis.

2. **County human relations centers are needed to provide a local capability for coordinating community based activities aimed at preventing, assessing and responding to hate violence.**

Hate violence needs to be prevented and responded to in the community where it occurs. Effective responses to hate violence require concerted efforts by the public, schools, and law enforcement. County human relations centers can provide effective guidance for public efforts, assistance to victims, and to implement the work of public agencies to diffuse conflicts.

3. **All levels of law enforcement, including police and district attorneys, need training, policies and procedures for responding to hate crimes.**

We recommend that the Commission on Peace Officer Standards and Training (POST) conduct an examination of hate crimes and attempt to identify relevant conditions or incidents in the community that could serve as early warning signs of impending hate violence.

Model procedures for conducting community assessments that would allow law enforcement and human relations agencies to prevent the commission

~~human relations agencies to prevent the commission~~  
of hate crimes should be circulated to relevant agencies and the Commission on POST should offer law enforcement training on their implementation. The Commission on POST must recognize that hate crimes pose serious threats to law and *order*.

The Commission on POST should ensure that basic academy, field training, advanced *officer*, and management courses on cultural differences and hate crime responses are made a part of regular training requirements.

Law enforcement agencies need to receive information about gay and lesbian lifestyles and issues. Unless these issues are addressed, police will be hampered in their efforts to effectively deal with violence against gays and lesbians.

The Attorney General's Office should take the lead in developing training programs and materials on prosecuting hate crimes for staffs in district attorneys offices. Legislation to protect victims of hate crimes is only as effective as its enforcement. District attorneys need to be made aware of the importance of the new legislation and to be trained in its application.

4. Schools need to improve their efforts to instill in students tolerance for diversity in appearance, backgrounds and lifestyles, as well as an appreciation for the contributions of ethnic groups to our society.

The dialogue between the California Department of Education and the task force should continue and short and long term strategies for preparing schools to play a major role in the prevention of hate violence should be developed.

# Appendices



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

## COMMISSION MEMBERS

**MONSIGNOR WILLIAM J. BARRY,**  
*Chair*  
Los Angeles  
Past President Inter-Religious  
Council of Southern California

**BISHOP WILL L. HERZFELD**  
Oakland  
Presiding Bishop of the Association  
of Evangelical Lutheran Churches  
Pastor, Bethlehem Lutheran Church  
Board of Directors and Western  
Regional Vice President, National  
Conference of Black Churchmen

**JOAQUIN AVILA**  
San Francisco  
*(Resigned May 1985)*  
Former President, Mexican  
American Legal Defense and  
Educational Fund

**IRMA CASTRO**  
San Diego  
Executive Director  
Chicano Federation of San Diego

**RICHARD CHAVEZ**  
City of Commerce  
Founder and Executive Director  
Chavez & Associates Institute  
Member, California Governor's  
Committee on Employment of the  
Handicapped

**THOMAS F. COLEMAN**  
Los Angeles  
Former Co-Chair, National Com-  
mittee for Sexual Civil Liberties  
Former Executive Director, Gover-  
nor's Commission on Personal  
Privacy

**VINCENT HARVIER**  
Fresno  
Executive Director  
Sierra Tribal Consortium  
Former Executive Director, Inter-  
Tribal Council of California

**ANTONIA HERNANDEZ**  
Los Angeles  
President and General Counsel,  
Mexican American Legal Defense  
and Educational Fund

**DAVID P. KASSOY**  
Los Angeles  
Vice President  
Los Angeles Chapter  
American Jewish Committee

**JANET LEVY**  
Sacramento  
Former Director  
California State Department of Aging

**HON. ALICE A. LYTLE**  
Sacramento  
Judge of the Sacramento County  
Municipal Court  
Former Chair, Governor's Task  
Force on Civil Rights

**JOHN W. MACK**  
Los Angeles  
President, Los Angeles Urban  
League

**LETICIA QUEZADA**  
Los Angeles  
*(Resigned August 1985)*  
President, Comision Femenil de Los  
Angeles  
Board of Directors, Mexican Amer-  
ican Legal Defense and Educa-  
tional Fund

**HON. ARMANDO O. RODRIGUEZ**  
Fresno  
Judge, Fresno County Municipal  
Court  
Member, California Council on  
Criminal Justice  
Former California State President,  
Mexican-American Political  
Association

**DR. HAZEL HAWKINS-RUSSELL**  
Riverside  
Assistant Professor, Afro-Ethnic  
Studies Department, California  
State University, Fullerton  
Board of Directors NAACP

**JOHN J. SAITO**  
Los Angeles  
Regional Director Pacific Southwest  
District  
Japanese American Citizens League

**DIANE C. YU**  
Oakland  
Court Commissioner  
Alameda County Superior Court  
Board of Directors, Asian American  
Bar Association  
Chair, Board of Trustees  
Chinese for Affirmative Action

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

IMPLEMENTATION TASK FORCE MEMBERS

**Msgr. William J. Barry, Chair**  
Secretariat for Pastoral and Parish Services  
Past President, Inter-Religious Council  
of Southern California  
Los Angeles

**Bishop Will L. Herzfeld**  
Chair, RERMV Education/Community Relations Subcommittee  
Presiding Bishop of the Association of Evangelical  
Lutheran Churches  
Board of Directors and Western Regional Vice President,  
National Conference of Black Churchmen  
Oakland

**Hon. Alice A. Lytle**  
Chair, RERMV Litigation Subcommittee  
Judge of the Sacramento County Municipal Court  
Former Chair, Governor's Task Force on Civil Rights  
Sacramento

**Diane C. Yu**  
Chair, RERMV Legislative Subcommittee  
Special Assistant to the U.S. Trade Representative,  
Washington D.C.  
Court Commissioner, Alameda County Superior Court  
Board of Directors, Asian American Bar Association  
Chair, Board of Trustees Chinese for Affirmative Action  
Oakland

## LEGISLATIVE SUMMARY

**A.B. 39: Calderon**

Would require the Department of Justice (DOJ) to collect data on crimes motivated by the race, religion, ethnicity, sex, or sexual orientation of the victim, and to collect data on these crimes. Local law enforcement agencies would be required to report these crimes to DOJ. Section 11460 of the Penal Code, concerning paramilitary organizations would also be amended.

**STATUS: SENATE COMMITTEE ON APPROPRIATIONS. (Two year bill)**

**A.B. 63: Bane (Stats. 1987, Chapter 1277)**

Assembly Bill 63 was sponsored by the Attorney General and was signed into law by the Governor on September 28, 1987. The law becomes effective January 1, 1988. It increases the criminal penalties for acts of violence motivated by the victim's race, color, religion, ancestry, national origin or sexual orientation, and includes:

A provision to change any crime originally a misdemeanor into a felony punishable by up to three years in state prison if it is committed for the purpose of intimidating or interfering with any person's rights because of the victim's race, color, religion, ancestry, national origin or sexual orientation.

A provision to give courts and law enforcement new power to issue or obtain injunctions specifically designed to prevent threatened acts of hate violence from happening. (The law also makes the violation of such injunctions a crime.)

A provision that makes it a crime to use force or threats to interfere with the exercise of constitutional rights because of race, color, religion, ancestry, national origin or sexual orientation.

**A.B. 181: Harris (Stats. 1987, Chapter 159)**

Includes blindness or other disability within the bases of the discrimination prohibited by the state's general civil rights provisions.

**A.B. 1081: Moore**

Would require Office of Criminal Justice Planning (OCJP) to administer a pilot project that would establish three human relation centers in conjunction with local human rights commissions. The centers would perform various programs, including gathering information and working with schools. This bill would also require OCJP to submit a report on the centers to the legislature.

**STATUS: PASSED SENATE COMMITTEE ON APPROPRIATIONS. (Two year bill)**

**S.B. 802: Watson**

Requires local law enforcement to report to Department of Justice acts or attempted acts to cause physical injury, emotional suffering, or property damage which appears to be motivated, in whole or in part, by the victim's race, ethnicity, religion, or sexual orientation. Exact reporting requirements would be prescribed by the Attorney General's Office.

**STATUS: ON ASSEMBLY DESK.** (Two year bill)

**S.B. 2080: Watson (Stats. 1984, Chapter 1482)**

Required 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 project included:

- (a) Development of uniform definitions and guidelines for consistent identification of racial, ethnic, and religious crimes.
- (b) Recommendation of an appropriate state agency to implement collection of data on racial, ethnic, and religious crimes.
- (c) Recommendation of an appropriate means for statewide collection of data on racial, ethnic, and religious crimes.

**S.B. 1961: Watson (Stats. 1986, Chapter 244)**

Sponsored by the Attorney General's Office, the bill was signed into law and became effective on January 1, 1987. It provides maximum civil penalties of up to \$10,000 against those found guilty of hate crimes, attorney fees and triple the amount of actual damages to those who are successful in seeking damages for hate crimes. S.B. 1961 also provides notice in the Ralph Civil Rights Act of the Department of Fair Employment and Housing's (DFEH) authority to investigate complaints filed under the law.

AMENDED IN SENATE AUGUST 18, 1987  
AMENDED IN ASSEMBLY MAY 12, 1987  
AMENDED IN ASSEMBLY APRIL 7, 1987  
AMENDED IN ASSEMBLY MARCH 5, 1987  
AMENDED IN ASSEMBLY FEBRUARY 17, 1987

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

**ASSEMBLY BILL** **No. 39**

Introduced by Assembly Members Calderon, Bane, Farr,  
Hauser, Molina, and O'Connell  
(Coauthors: Senators Bill Greene, McCorquodale, and  
Watson)

December 1, 1986

An act to amend Section 11460 of, and to add Section 13023 to, the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 39, as amended, Calderon. Crimes.

(1) Existing law does not require the Department of Justice to acquire data to be used for statistical analysis concerning any crime or attempted crime which causes injury or damage which crime appears to be motivated by the race, religion, sexual orientation, or ethnicity of the victim.

This bill would, from funds appropriated by the Legislature for that purpose, impose that duty on the department regarding data concerning certain crimes. It would require local law enforcement agencies to report those crimes to the department but only if the department receives funds for purposes of this bill, thus creating a state-mandated local program by increasing the level of services required of local government. These provisions would become operative on

July 1, 1988.

(2) Existing law makes it a crime punishable by imprisonment in the county jail for not more than one year or a fine of not more than \$1,000, or both, for any person to teach or demonstrate to any other person the use, application, or making of any firearms, explosive, or destructive device, as defined, or technique capable of causing injury or death to persons knowing or having reason to know that such objects or techniques will be unlawfully employed for use in or in the furtherance of a civil disorder.

This bill would make that crime either a misdemeanor punishable as provided above or a felony punishable by imprisonment in the state prison for 16 months, or 2 or 3 years or by a fine of not more than \$10,000, or both. It would also revise the definition of paramilitary organization for purposes of criminal provisions that prohibit 2 or more persons from assembling as a paramilitary organization for the purpose of practicing with weapons to mean an organization which engages in, among other things, physically assaultive disruption or interference with school activities rather than violent disruption of, or the violent interference with, school activities.

*The bill would also make certain technical, conforming changes.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be made from the State Mandates Claims Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

App. 6

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

1 SECTION 1. Section 11460 of the Penal Code is  
2 amended to read:

3 11460. (a) Any two or more persons who assemble as  
4 a paramilitary organization for the purpose of practicing  
5 with weapons shall be punished by imprisonment in the  
6 county jail for not more than one year or by a fine of not  
7 more than one thousand dollars (\$1,000), or by both.

8 As used in this subdivision, "paramilitary organization"  
9 means an organization which is not an agency of the  
10 United States government or of the State of California, or  
11 which is not a private school meeting the requirements  
12 set forth in Section ~~12154~~ 48222 of the Education Code,  
13 but which engages in instruction or training in guerilla  
14 warfare or sabotage, or which, as an organization,  
15 engages in rioting or the physically assaultive disruption  
16 of or interference with ; school activities.

17 (b) (1) Any person who teaches or demonstrates to  
18 any other person the use, application, or making of any  
19 firearm, explosive, or destructive device, or technique  
20 capable of causing injury or death to persons, knowing or  
21 having reason to know or intending that such objects or  
22 techniques will be unlawfully employed for use in, or in  
23 the furtherance of a civil disorder shall be punished by  
24 imprisonment in the county jail for not more than one  
25 year or by a fine of not more than one thousand dollars  
26 (\$1,000), or by both; or by imprisonment in the state  
27 prison for 16 months, or two or three years, or by a fine  
28 of not more than ten thousand dollars (\$10,000), or by  
29 both. Any person who assembles with one or more other  
30 persons for the purpose of training with, practicing with,  
31 or being instructed in the use of any firearm, explosive,  
32 or destructive device, or technique capable of causing  
33 injury or death to persons, with the intent to cause or  
34 further a civil disorder, shall be punished by  
35 imprisonment in the county jail for not more than one  
36 year or by a fine of not more than one thousand dollars  
37 (\$1,000), or by both .

38 Nothing in this subdivision shall make unlawful any act

1 of any peace officer or a member of the military forces of  
2 this state or of the United States, performed in the lawful  
3 course of his official duties.

4 (2) As used in this section:

5 (A) "Civil disorder" means any disturbance involving  
6 acts of violence which cause an immediate danger of or  
7 results in damage or injury to the property or person of  
8 any other individual.

9 (B) "Destructive device" has the same meaning as in  
10 Section 12301.

11 (C) "Explosive" has the same meaning as in Section  
12 12000 of the Health and Safety Code.

13 (D) "Firearm" means any device designed to be used  
14 as a weapon, or which may readily be converted to a  
15 weapon, from which is expelled a projectile by the force  
16 of any explosion or other form of combustion, or the  
17 frame or receiver of any such weapon.

18 (E) "Peace officer" means any peace officer or other  
19 officer having the powers of arrest of a peace officer,  
20 specified in Chapter 4.5 (commencing with Section 830)  
21 of Title 3 of Part 2.

22 SEC. 2. Section 13023 is added to the Penal Code, to  
23 read:

24 13023. The Department of Justice shall, from funds  
25 appropriated by the Legislature for purposes of this  
26 section, acquire data to be used for statistical analysis  
27 concerning any crime or attempted crime which causes  
28 physical or emotional injury, or property damage, which  
29 is, or appears to be, motivated by the race, religion, sexual  
30 orientation, or ethnicity of the victim. Local law  
31 enforcement agencies shall report those crimes to the  
32 department in a manner prescribed by the Attorney  
33 General but only if the department receives funds for  
34 purposes of this section.

35 This section shall become operative on July 1, 1988.

36 SEC. 3. Notwithstanding Section 17610 of the  
37 Government Code, if the Commission on State Mandates  
38 determines that this act contains costs mandated by the  
39 state, reimbursement to local agencies and school  
40 districts for those costs shall be made pursuant to Part 7

1 (commencing with Section 17500) of Division 4 of Title  
2 2 of the Government Code. If the statewide cost of the  
3 claim for reimbursement does not exceed five hundred  
4 thousand dollars (\$500,000), reimbursement shall be ade  
5 from the State Mandates Claims Fund.

O

App. 7

AMENDED IN SENATE SEPTEMBER 8, 1987  
 AMENDED IN SENATE SEPTEMBER 3, 1987  
 AMENDED IN SENATE AUGUST 24, 1987  
 AMENDED IN SENATE AUGUST 18, 1987  
 AMENDED IN SENATE JUNE 26, 1987  
 AMENDED IN ASSEMBLY APRIL 6, 1987  
 AMENDED IN ASSEMBLY MARCH 18, 1987  
 AMENDED IN ASSEMBLY MARCH 2, 1987  
 AMENDED IN ASSEMBLY FEBRUARY 18, 1987

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

**ASSEMBLY BILL**

**No. 63**

Introduced by Assembly Member Bane  
 (Coauthors: Senators Davis, Dills, Keene, Lockyer, Marks,  
 and Torres)

December 3, 1986

An act to amend Sections 51.7 and 59 Section 51.7 of, and to add Section 52.1 to, the Civil Code, and to amend Section 1170.75 of, and to add Title 11.6 (commencing with Section 422.6) to Part 1 of, the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 63, as amended, Bane. Crimes: civil rights. Existing law, among other things, provides that all persons have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of race, color, religion, ancestry, or other specified reasons. Existing law provides for certain civil remedies for aggrieved persons. Among other things, the

Attorney General or any district attorney or city attorney or any person aggrieved by a pattern or practice of resistance to the full exercise of those rights is authorized to bring a civil action, as specified, requesting such preventive relief as he or she deems necessary, including injunctive relief, to ensure the full enjoyment of those rights.

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

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

App. 9

specified, because of the other person's race, color, religion, ancestry, national origin, or sexual orientation under specified circumstances. This bill would create new crimes and thereby impose a state-mandated local program.

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

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

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

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

~~The bill would incorporate additional changes in Section 52 of the Civil Code, to be operative only if this bill and AB 181 are chaptered, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. *This act shall be known and may be*
- 2 *cited as the Tom Bane Civil Rights Act.*
- 3 SEC. 2. Section 51.7 of the Civil Code is amended to
- 4 read:
- 5 51.7. (a) All persons within the jurisdiction of this
- 6 state have the right to be free from any violence, or
- 7 intimidation by threat of violence, committed against
- 8 their persons or property because of their race, color,
- 9 religion, ancestry, national origin, political affiliation, sex,
- 10 sexual orientation, age, disability, or position in a labor
- 11 dispute. The identification in this subdivision of
- 12 particular bases of discrimination is illustrative rather
- 13 than restrictive.
- 14 This section does not apply to statements concerning

1 positions in a labor dispute which are made during  
2 otherwise lawful labor picketing.

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

5 **SEC. 15.** Section 52 of the Civil Code is amended to  
6 read:

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

19 (b) Whoever denies the right provided by Section  
20 51.7, or whoever aids, incites, or conspires in that denial,  
21 is liable for each and every offense for the actual damages  
22 suffered by any person denied that right and, in addition,  
23 (1) an amount to be determined by a jury, or a court  
24 sitting without a jury, up to a maximum of three times the  
25 amount of actual damages; (2) a civil penalty of ten  
26 thousand dollars (\$10,000); and (3) attorney fees as may  
27 be determined by the court. In the case of multiple  
28 offenders, the ten thousand dollar (\$10,000) civil penalty  
29 shall be prorated between them.

30 (c) Whenever an action has been commenced in any  
31 court seeking relief from the denial of equal protection of  
32 the laws under the Fourteenth Amendment to the  
33 Constitution of the United States on account of race,  
34 color, religion, sex, or national origin; the Attorney  
35 General or any district attorney or city attorney for or in  
36 the name of the people of the State of California may  
37 intervene in the action upon timely application if the  
38 Attorney General or any district attorney or city attorney  
39 certifies that the case is of general public importance. In  
40 such action the people of the State of California shall be

1 entitled to the same relief as if it had instituted the action:

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

5 (e) Any person claiming to be aggrieved by an alleged  
6 unlawful practice in violation of Section 51 or 51.7 may  
7 also file a verified complaint with the Department of Fair  
8 Employment and Housing pursuant to Section 18904.8 of  
9 the Government Code.

10 **SEC. 16.** Section 52 of the Civil Code is amended to  
11 read:

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

25 (b) Whoever denies the right provided by Section  
26 51.7, or whoever aids, incites, or conspires in that denial,  
27 is liable for each and every offense for the actual damages  
28 suffered by any person denied that right and, in addition,  
29 (1) an amount to be determined by a jury, or a court  
30 sitting without a jury, up to a maximum of three times the  
31 amount of actual damages; (2) a civil penalty of ten  
32 thousand dollars (\$10,000); and (3) attorney fees as may  
33 be determined by the court. In the case of multiple  
34 offenders, the ten thousand dollar (\$10,000) civil penalty  
35 shall be prorated between them.

36 (c) Whenever an action has been commenced in any  
37 court seeking relief from the denial of equal protection  
38 of the laws under the Fourteenth Amendment to the  
39 Constitution of the United States on account of race,  
40 color, religion, sex, national origin, or blindness or other

1 physical disability; the Attorney General or any district  
 2 attorney or city attorney for or in the name of the people  
 3 of the State of California may intervene in the action  
 4 upon timely application if the Attorney General or any  
 5 district attorney or city attorney certifies that the case is  
 6 of general public importance. In that action the people of  
 7 the State of California shall be entitled to the same relief  
 8 as if it had instituted the action.

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

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

17 (f) Nothing in this section shall be construed to  
 18 require any construction; alteration; repair; structural or  
 19 otherwise; or modification of any sort whatsoever to any  
 20 new or existing establishment; facility; building;  
 21 improvement; or any other structure; or to augment;  
 22 restrict; or alter in any way the authority of the State  
 23 Architect to require construction; alteration; repair; or  
 24 modifications that the State Architect otherwise possesses  
 25 pursuant to other provisions of the law.

26 Nothing in this section shall require any person  
 27 renting; leasing; or otherwise providing real property for  
 28 compensation to modify his or her proper y in any way;  
 29 or provide a higher degree of care for a blind or other  
 30 physically disabled person than for a person who is not  
 31 physically disabled.

32 **SEC. 2.**

33 **SEC. 3.** Section 52.1 is added to the Civil Code, to  
 34 read:

35 52.1. (a) Whenever a person or persons, whether or  
 36 not acting under color of law, interferes by threats,  
 37 intimidation, or coercion, or attempts to interfere by  
 38 threats, intimidation, or coercion, with the exercise or  
 39 enjoyment by any individual or individuals of rights  
 40 secured by the Constitution or laws of the United States,

1 or of the rights secured by the Constitution or laws of this  
 2 state, the Attorney General, or any district attorney or  
 3 city attorney may bring a civil action for injunctive and  
 4 other appropriate equitable relief in the name of the  
 5 people of the State of California, in order to protect the  
 6 peaceable exercise or enjoyment of the right or rights  
 7 secured.

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

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

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

35 (e) The court shall order the plaintiff or the attorney  
 36 for the plaintiff to deliver, or the county clerk to mail, two  
 37 copies of any order, extension, modification, or  
 38 termination thereof granted pursuant to this section, by  
 39 the close of the business day on which the order,  
 40 extension, modification, or termination was granted, to

1 each local law enforcement agency having jurisdiction  
 2 over the residence of the plaintiff and any other locations  
 3 where the court determines that acts of violence against  
 4 the plaintiff are likely to occur. Those local law  
 5 enforcement agencies shall be designated by the plaintiff  
 6 or the attorney for the plaintiff. Each appropriate law  
 7 enforcement agency receiving any order, extension, or  
 8 modification of any order issued pursuant to this section  
 9 shall forthwith serve one copy thereof upon the  
 10 defendant. Each appropriate law enforcement agency  
 11 shall provide to any law enforcement officer responding  
 12 to the scene of reported violence, information as to the  
 13 existence of, terms, and current status of, any order issued  
 14 pursuant to this section.

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

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

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

26 (i) Violation of an order described in subdivision (d)  
 27 may be punished either by prosecution under Section  
 28 422.7 of the Penal Code, or by a proceeding for contempt  
 29 brought pursuant to Title 5 (commencing with Section  
 30 1209) of Part 3 of the Code of Civil Procedure. However,  
 31 in any such proceeding pursuant to the Code of Civil  
 32 Procedure, if it be determined that the person proceeded  
 33 against is guilty of the contempt charged, in addition to  
 34 any other relief, a fine may be imposed not exceeding one  
 35 thousand dollars (\$1,000), or the person may be ordered  
 36 imprisoned in the county jail not exceeding six months,  
 37 or the court may order both the fine and imprisonment.

38 (j) Speech alone shall not be sufficient to support an  
 39 action under subdivision (a) or (b), except upon a  
 40 showing that the speech itself threatens violence against

1 a specific person or group of persons; and the person or  
 2 group of persons against whom the threat is directed  
 3 reasonably fears that, because of the speech, violence will  
 4 be committed against them or their property and that the  
 5 person threatening violence had the apparent ability to  
 6 carry out the threat.

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

15 ~~SEC. 3.~~

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

18 TITLE 11.6. CIVIL RIGHTS

19  
 20  
 21 422.6. (a) No person, whether or not acting under  
 22 color of law, shall by force or threat of force, willfully  
 23 injure, intimidate or interfere with, oppress, or threaten  
 24 any other person in the free exercise or enjoyment of any  
 25 right or privilege secured to him or her by the  
 26 Constitution or laws of this state or by the Constitution or  
 27 laws of the United States because of the other person's  
 28 race, color, religion, ancestry, national origin, or sexual  
 29 orientation.

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

39 (c) Any person convicted of violating subdivision (a)  
 40 or (b) shall be punished by imprisonment in the county

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

9 422.7. Except in the case of a violation of subdivision  
10 (a) or (b) of Section 422.6, any crime which is not made  
11 punishable by imprisonment in state prison shall be  
12 punishable by imprisonment in state prison or in county  
13 jail not to exceed one year, or by fine not to exceed ten  
14 thousand dollars (\$10,000), or by both the fine and  
15 imprisonment, if the crime is committed against the  
16 person or property of another for the purpose of  
17 intimidating or interfering with that other person's free  
18 exercise or enjoyment of any right secured to him or her  
19 by the Constitution or laws of this state or by the  
20 Constitution or laws of the United States, because of the  
21 other person's race, color, religion, ancestry, national  
22 origin, or sexual orientation, under any of the following  
23 circumstances, which shall be charged in the accusatory  
24 pleading:

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

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

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

35 422.8. Except as otherwise required by law, nothing in  
36 Section 422.6 or 422.7 shall be construed to prevent or  
37 limit the prosecution of any person pursuant to any  
38 provision of law.

39 422.9. (a) Any willful and knowing violation of any  
40 order issued pursuant to subdivision (a) or (b) of Section

1 52.1 of the Civil Code shall be a misdemeanor punishable  
2 by a fine of not more than one thousand dollars (\$1,000),  
3 or by imprisonment in the county jail for not more than  
4 six months, or by both the fine and imprisonment.

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

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

17 ~~SEC. 4.~~

18 ~~SEC. 5.~~ Section 1170.75 of the Penal Code is amended  
19 to read:

20 1170.75. Except in a case in which the person has been  
21 convicted of an offense subject to Section 1170.8, the fact  
22 that a person committed a felony or attempted to commit  
23 a felony because of the victim's race, color, religion,  
24 nationality, country of origin, ancestry, or sexual  
25 orientation, shall be considered a circumstance in  
26 aggravation of the crime in imposing a term under  
27 subdivision (b) of Section 1170.

28 ~~SEC. 4.5.~~ This act shall be known and may be cited as  
29 the Tom Dane Civil Rights Act.

30 ~~SEC. 4.6.~~ Section 1.6 of this bill incorporates  
31 amendments to Section 52 of the Civil Code proposed by  
32 both this bill and AB 191. It shall only become operative  
33 if (1) both bills are enacted and become effective on  
34 January 1, 1988; (2) each bill amends Section 52 of the  
35 Civil Code; and (3) this bill is enacted after AB 191, in  
36 which case Section 1.5 of this bill shall not become  
37 operative.

38 ~~SEC. 5.~~

39 ~~SEC. 6.~~ No reimbursement is required by Sections 3  
40 and 4 4 and 5 of this act pursuant to Section 6 of Article

1 XIII B of the California Constitution because the only  
2 costs which may be incurred by a local agency or school  
3 district will be incurred because this act creates a new  
4 crime or infraction, changes the definition of a crime or  
5 infraction, changes the penalty for a crime or infraction,  
6 or eliminates a crime or infraction.

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

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

## Assembly Bill No. 181

## CHAPTER 159

An act to amend Sections 51, 51.5, 51.8, 52, and 53 of the Civil Code, relating to civil rights.

[Approved by Governor July 14, 1967. Filed with Secretary of State July 14, 1967.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 181, Harris. Civil rights: bases of discrimination: physical disability.

Existing law relating to civil rights provides, generally, that (1) all persons no matter what their sex, 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; (2) 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 that person; (3) no franchisor shall discriminate in the granting of franchises solely because of the racial, ethnic, religious, or national origin composition of a neighborhood or geographic area in which the franchise is located; and (4) every restriction or prohibition relating to the acquisition, use, or occupation of real property which is based on sex, race, color, religion, ancestry, or national origin is void. Existing law provides similar, but less inclusive, civil rights provisions with respect to blind and other physically disabled persons.

This bill would include blindness or other physical disability within the bases of discrimination prohibited by these general civil rights provisions. This bill would also provide that it shall not be construed to require any construction, alteration, repair, or modification to any existing establishment, facility, building, improvement, or any other structure, or to augment, alter, or restrict the authority of the State Architect, as specified.

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

SECTION 1. Section 51 of the Civil Code is amended to read:  
51. This section shall be known, and may be cited, as the Unruh Civil Rights Act.

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

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

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

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

SEC. 2. Section 51.5 of the Civil Code is amended to read:

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

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

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

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

SEC. 3. Section 51.8 of the Civil Code is amended to read:

51.8. No franchisor shall discriminate in the granting of franchises solely because of the race, color, religion, sex, or national origin of the franchisee and the racial, ethnic, religious, national origin, or blindness or other physical disability composition of a neighborhood or geographic area in which the franchise is located. Nothing in this section shall be interpreted to prohibit a franchisor from granting a

franchise to prospective franchisees as part of a program or programs to make franchises available to persons lacking the capital, training, business experience, or other qualifications ordinarily required of franchisees, or any other affirmative action program adopted by the franchisor.

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

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

SEC. 4. Section 52 of the Civil Code is amended to read:

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

(b) Whoever denies the right provided by Section 51.7, or whoever aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, (1) an amount to be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages; (2) a civil penalty of ten thousand dollars (\$10,000); and (3) attorney fees as may be determined by the court. In the case of multiple offenders, the ten thousand dollar (\$10,000) civil penalty shall be prorated between them.

(c) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights hereby secured, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General, any district attorney or city attorney, or any person aggrieved by the pattern or practice may bring a civil action in the appropriate court by filing with it a complaint (1) signed by the officer (or in his or her absence the individual acting on behalf of the officer) or by the

person aggrieved, (2) setting forth facts pertaining to the pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, as he or she deems necessary to insure the full enjoyment of the rights herein described.

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

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

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

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

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

SEC. 5. Section 53 of the Civil Code is amended to read:

53. (a) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of that real property to any person of a specified sex, race, color, religion, ancestry, national origin, or blindness or other physical disability, is void and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's sex, race, color, religion, ancestry, national origin, or blindness or other physical disability is void.

(b) Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits

the acquisition, use or occupation of that property because of the acquirer's, user's, or occupier's sex, race, color, religion, ancestry, national origin, or blindness or other physical disability is void.

(c) In any action to declare that a restriction or prohibition specified in subdivision (a) or (b) is void, the court shall take judicial notice of the recorded instrument or instruments containing the prohibitions or restrictions in the same manner that it takes judicial notice of the matters listed in Section 452 of the Evidence Code.

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

SEC. 6. The Legislature does not intend by this act to impose building standards or construction requirements of any sort whatsoever or to augment, restrict, or alter in any way the authority that the State Architect otherwise possesses pursuant to other provisions of the law.

AMENDED IN ASSEMBLY JULY 13, 1987

AMENDED IN ASSEMBLY JUNE 16, 1987

AMENDED IN ASSEMBLY MAY 21, 1987

CALIFORNIA LEGISLATURE—1987-88 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1081**

Introduced by Assembly Member Moore

March 2, 1987

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An act to add and repeal Title 13 (commencing with Section 14170) of Part 4 of the Penal Code, relating to crime; and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Moore. ~~Hate Anti-hate crime centers projects.~~

Under existing law, there is no requirement that "~~hate anti-hate crime~~" ~~centers projects~~ be established.

This bill would institute a pilot project, operative until June 30, 1990, administered by the Office of Criminal Justice Planning, for the purpose of establishing 3 ~~hate anti-hate crime centers projects~~ with the goal of eliminating hate crimes, as defined, as specified. The bill would require that the ~~centers projects~~ be established in ~~conjunction with county human relations commissions specified counties, at the option of those counties.~~ The bill also would require the Office of Criminal Justice Planning to submit a report, as specified, on the ~~centers projects~~, to specified legislative committees by March 30, 1990.

The bill would appropriate \$240,000 from the General Fund to the Office of Criminal Justice Planning for the purposes of the act, as specified.

Vote:  $\frac{2}{3}$  majority. Appropriation: yes no. Fiscal committee:

yes. State-mandated local program: no.

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

1 SECTION 1. Title 13 (commencing with Section  
2 14170) is added to Part 4 of the Penal Code, to read:

3  
4 TITLE 13. ~~HATE CRIME CENTERS~~ ANTI-HATE  
5 CRIME PROJECTS  
6

7 14170. The Legislature finds and declares that hate  
8 crimes, which are those primarily founded in racial,  
9 ethnic, or religious bias, are a statewide problem. Efforts  
10 to eradicate hate crimes require systems and mechanisms  
11 in both the public and private sectors to detect and  
12 respond to the community tension and violence  
13 underlying the crimes. The Legislature further finds and  
14 declares that counties do not have adequate mechanisms  
15 for detecting or responding to these crimes, and need a  
16 capability to detect increasing racial, ethnic, religious, or  
17 other biased-based tensions in the community in advance  
18 of conflict; to prevent racial, ethnic, religious, or other  
19 tensions from leading to conflict; and to develop  
20 alternatives to police action in dealing with activities of  
21 violence.

22 14171. As used in this title, "hate crime" means a  
23 crime committed against the person or property of  
24 another for the purpose of intimidating or interfering  
25 with that other person's free exercise or enjoyment of any  
26 right secured to him or her by the Constitution or laws of  
27 this state or by the Constitution or laws of the United  
28 States, because of the other person's race, color, religion,  
29 ancestry, national origin, or sexual orientation.

30 14172. The Office of Criminal Justice Planning, from  
31 funds appropriated for that purpose, shall assist in the  
32 establishment of three ~~hate crime centers~~ *anti-hate crime*  
33 *projects* within the state on a pilot project basis. ~~These~~  
34 ~~centers shall be established in conjunction with existing~~  
35 ~~county human relations commissions. Participation of~~  
36 ~~any local~~ *One project shall be established in a county of*

1 *the first class, one project shall be established in a county*  
2 *of the ninth class, and one project shall be established in*  
3 *a county selected by the Office of Criminal Justice*  
4 *Planning on the basis that it contains a population*  
5 *representative of the state's racial, religious, and minority*  
6 *communities. The projects shall be established in*  
7 *conjunction with existing human relations commissions*  
8 *in those counties. Participation of any local agency in one*  
9 *of the pilot projects shall be voluntary.*

10 The ~~hate crime centers~~ *anti-hate crime projects* shall  
11 be located with one each in the northern, central, and  
12 southern regions of the state.

13 14173. Each ~~hate crime center~~ *anti-hate crime project*  
14 shall do all of the following:

15 (a) Conduct a survey of cities and unincorporated  
16 areas in the county to determine availability of (1)  
17 systems for identifying and responding to hate crimes;  
18 (2) conflict resolution programs; and (3) resources for  
19 assessing and relieving racial, ethnic, religious, and  
20 minority tension.

21 (b) Create a community task force including  
22 representatives of ethnic and religious communities,  
23 schools, and law enforcement agencies to: (1) develop  
24 and implement a plan for responding to hate crimes; (2)  
25 develop and implement a plan for assessing and relieving  
26 racial, ethnic, religious, and minority tensions; and (3)  
27 develop and implement a plan for coordinating the  
28 collection and maintenance of data on hate crimes for the  
29 making of reports to the Bureau of Criminal Statistics of  
30 the Department of Justice.

31 (c) Create a task force, consisting of elementary and  
32 secondary school faculty members, to design and  
33 introduce curricula on prejudice, racism, and hate crimes  
34 in the public school system.

35 (d) Establish community volunteer programs to  
36 provide services to hate crime victims.

37 14174. Each ~~hate crime center~~ *anti-hate crime project*  
38 shall submit quarterly reports on its activities to the  
39 Office of Criminal Justice Planning and on hate crime  
40 incident reports to the Bureau of Criminal Statistics of

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1 the Department of Justice. The quarterly reports on  
2 activities shall include all of the following:

3 (a) Results of the countywide survey described in  
4 subdivision (a) of Section 14173.

5 (b) Copies of plans and progress reports on plans  
6 developed by the community task force pursuant to  
7 subdivision (b) of Section 14173.

8 (c) Progress reports on the design and introduction of  
9 curricula on prejudice, racism, and hate crimes in the  
10 public school system, as required by subdivision (c) of  
11 Section 14173.

12 (d) Progress reports on community volunteer  
13 programs to provide services to hate crime victims,  
14 including numbers of victims served and descriptions of  
15 services provided, as required by subdivision (d) of  
16 Section 14173.

17 (e) Copies of the hate crime statistics report  
18 forwarded to the Bureau of Criminal Statistics of the  
19 Department of Justice.

20 *14175. A pilot project established pursuant to this title  
21 shall be deemed to be successful if any of the following  
22 apply:*

23 (a) *The anti-hate crime project involves  
24 representatives from at least three minority ethnic  
25 communities in the identification and prevention of hate  
26 crimes.*

27 (b) *The anti-hate crime project documents the  
28 occurrences of 20 or more hate crimes annually.*

29 (c) *The anti-hate crime project establishes a  
30 replicable program for monitoring those crimes and  
31 providing services to victims, or where a similar program  
32 was already in existence in the county on the date of the  
33 establishment of the pilot project, the number of hate  
34 crimes identified, services provided to victims, and  
35 educational or preventative workshops for law  
36 enforcement agencies and community groups is  
37 increased by at least 20 percent.*

38 (d) *The number of hate crimes in the county is  
39 reduced by 15 percent during the period of the existence  
40 of the pilot project.*

1 ~~14175.~~

2 *14176.* On or before March 30, 1990, the Office of  
3 Criminal Justice Planning shall report to the Legislature  
4 and to the Assembly Public Safety Committee and to the  
5 Senate Judiciary Committee, summarizing the  
6 information received from the ~~hate crime centers~~  
7 *anti-hate crime projects* and recommending a statewide  
8 system for responding to and preventing hate crimes.

9 ~~14176.~~

10 *14177.* This title shall remain in effect only until June  
11 30, 1990, and as of that date is repealed, unless a later  
12 enacted statute, which is enacted before June 30, 1990,  
13 deletes or extends that date.

14 ~~SEC. 2. The sum of two hundred and forty thousand~~  
15 ~~dollars (\$240,000) is hereby appropriated from the~~  
16 ~~General Fund to the Office of Criminal Justice Planning~~  
17 ~~for the purposes of this act in fiscal year 1988/89. The~~  
18 ~~department shall allocate eighty thousand dollars~~  
19 ~~(\$80,000) to each hate crime center established pursuant~~  
20 ~~to this act. It is the intent of the Legislature that funding~~  
21 ~~for the centers for fiscal year 1989/90 shall be through the~~  
22 ~~annual budget process.~~

O

Introduced by Senator Watson

March 2, 1987

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

LEGISLATIVE COUNSEL'S DIGEST

SB 802, as introduced, Watson. Criminal records.

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

This bill would require local law enforcement agencies to report to the Department of Justice in a manner to be prescribed by the Attorney General such information as may be required relative to any acts or attempted acts to cause physical injury, emotional suffering, or property damage which appear to be motivated, in whole or in part, by the victim's race, ethnicity, religion, or sexual orientation.

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by

the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be made from the State Mandates Claims Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 13023 is added to the Penal
- 2 Code, to read:
- 3 13023. Local law enforcement agencies shall report to
- 4 the Department of Justice, in a manner to be prescribed
- 5 by the Attorney General, such information as may be
- 6 required relative to any acts or attempted acts to cause
- 7 physical injury, emotional suffering, or property damage
- 8 which appears to be motivated, in whole or in part, by the
- 9 victim's race, ethnicity, religion, or sexual orientation.
- 10 SEC. 2. Notwithstanding Section 17610 of the
- 11 Government Code, if the Commission on State Mandates
- 12 determines that this act contains costs mandated by the
- 13 state, reimbursement to local agencies and school
- 14 districts for those costs shall be made pursuant to Part 7
- 15 (commencing with Section 17500) of Division 4 of Title
- 16 2 of the Government Code. If the statewide cost of the
- 17 claim for reimbursement does not exceed five hundred
- 18 thousand dollars (\$500,000), reimbursement shall be
- 19 made from the State Mandates Claims Fund.

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App. 21

Appendix C - 5

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 244

An act to amend Section 52 of the Civil Code, relating to civil rights.

[Approved by Governor July 2, 1986. Filed with Secretary of State July 2, 1986.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1961, Watson. Civil rights: freedom from violence: damages. Existing law provides that 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 person or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. Existing law provides that whoever denies this right is liable for actual damages suffered by any person denied the right, plus a \$10,000 civil penalty.

This bill would provide that whoever denies this right shall also be liable for (1) an amount to be determined by a jury, or a court sitting without a jury, up to a maximum of 3 times the amount of actual damages; and (2) attorney fees as may be determined by the court.

This bill would also include a provision which indicates that any person claiming to be aggrieved by an alleged unlawful practice in violation of specified civil rights provisions may file a verified complaint with the Department of Fair Employment and Housing.

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

SECTION 1. Section 52 of the Civil Code is amended to read:

52. (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 that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, (1) an amount to be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages; (2) a civil penalty of ten thousand dollars

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

(c) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights hereby secured, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General, any district attorney or city attorney, or any person aggrieved by the pattern or practice may bring a civil action in the appropriate court by filing with it a complaint (1) signed by the officer (or in his or her absence the individual acting on behalf of the officer) or by the person aggrieved, (2) setting forth facts pertaining to the pattern or practice, and (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.

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

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John Van de Kamp  
Attorney General

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

1515 K Street  
Suite 371  
Sacramento, CA  
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September 21, 1987

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Norman Boehm  
Commission on Peace Officer  
Standards and Training  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083

Dear Mr. Boehm:

As you may be aware, in April of 1984, Attorney General John Van de Kamp created a Commission on Racial, Ethnic, Religious, and Minority Violence. The Commission presented its final report and recommendations to the Attorney General in April of 1986. One of the major Commission findings and recommendations was the need for increased training of law enforcement officers, including Field Training Officers, on identification of crimes whose motivation is based on bigotry and hatred and mandated reporting of such crimes.

You may also be aware that legislation (AB 39 and SB 63) is currently moving through the Legislature which would mandate statewide reporting of hate crimes by law enforcement. A standard definition and guidelines for this purpose were developed by the Attorney General's Division of Law Enforcement as mandated by SB 2080 (Stat. 1984). Training for law enforcement officers in the field who will be the first ones to respond to victims of such crimes is imperative, and we would urge your consideration for training programs for this purpose.

In addition, and equally important, as our communities become more and more diverse, it is essential that law enforcement officers recognize and become familiar with the differences in ethnic cultures reflected in our communities so that they may effectively deal with situations which may occur because of a lack of such understanding.

The number of "hate crimes" is increasing sharply in California and across the country. Data regarding such violence are shocking, but they provide a realistic indicator that racial and religious victim assistance training is also essential. According to the Los Angeles County Commission on Human Relations, during the first half of 1986, religiously motivated acts of violence and vandalism in Los Angeles County jumped by 53 percent over the five year average for that period and racially motivated incidents rose by a shocking 280 percent.

Mr. Boehm  
September 21, 1987  
Page Two

The need to provide victims of "hate violence" with proper assistance is essential.

Clearly, all victims of violent crime experience injury to their dignity and self-esteem as well as possible physical injury. However, when a person is victimized because of his or her race, ethnicity, sex or sexual preference, the victim is the entire community to which that person belongs. Moreover, there is a qualitative difference in the pain experienced by that person. For example, picture if you will, two victims - one of a robbery and one of a "hate" crime - suffering identical physical injuries. The robbery victim is singled out for purely pecuniary purposes. The "hate" crime victim is not. He is a victim because his physical characteristics so devalue him in the eyes of the attacker that the attacker feels impelled to inflict physical injury on the person. Such a victim, unlike the robbery victim, cannot save himself from harm by offering money. No offer of anything of value will save this person from injury because the desire of the attacker is not to take property from the victim. The attacker desires to take from the victim his dignity, his honor and his self-esteem.

All victims need reassurance, information and practical assistance. However, the needs of the "hate" crime victim are qualitatively different in many significant respects from the needs of the victim of another type of crime.

We would strongly urge, therefore, that cultural relations training in the existing basic training course for law enforcement officers be increased and strengthened if necessary and expanded to include training on victim assistance and "hate crimes" reporting.

Thank you for your consideration. We would be happy to meet with you, at your convenience, to discuss this matter further.

Sincerely,

  
Msgr. William J. Barry  
Chairperson

WJB:dah

cc: Implementation Task Force

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

## FINDINGS AND RECOMMENDATIONS

### Findings

1. ***Hate violence persists in California and poses a threat to the peace and safety of our communities.***

In every region of the state, incidents have occurred in which racial, ethnic, religious, and sexual minorities have been harassed, intimidated, assaulted, and even murdered.

2. ***A central system for collecting and reporting hate crime data is essential.***

Comprehensive data collection will enable California to assess and monitor the magnitude of hate violence and to design and implement effective measures to respond to and prevent it.

3. ***Enactment of a comprehensive civil rights statute with criminal penalties and amendments is necessary to effectively deter hate crimes.***

Existing civil and criminal laws fail to effectively protect the rights of hate violence victims.

4. ***California needs to establish human relations centers in every county charged with responding to and preventing hate violence.***

State agencies should contract with human relations centers to provide victim services and assistance for law enforcement agencies and schools.

5. ***Victims of hate violence need immediate access to practical assistance and support services.***

Meeting the needs of hate violence victims should be a priority for state and local governments and community organizations.

6. ***The development of comprehensive criminal justice policies for responding to and preventing hate crimes is imperative.***

Policies should be formulated for assessing the potential for hate violence, for responding to hate violence, for equal employment opportunity, and for effective law enforcement on American Indian reservations.

7. ***Police officers and district attorneys need training on how to respond to, and prevent, hate crimes.***

Training topics should include recognizing the precursors of hate crimes, responding to hate crimes, working with minority communities, and criminal laws related to hate violence.

8. ***Public awareness of hate violence, its causes and effects, legal remedies, and available resources, must be increased.***

California citizens and service providers lack important information necessary to respond to and prevent hate violence.

9. ***Comprehensive efforts for responding to and preventing violence against elderly and disabled persons are necessary.***

Public policies and practical programs must be developed to address the needs of elderly, physically disabled, developmentally disabled, and mentally ill persons.

10. ***California can respond to and prevent hate violence effectively.***

A review of successful legislative, law enforcement, and community efforts provides convincing evidence that Californians can work together to develop practical programs to end the cycle of hate violence. Consideration should be given to appointing a task force to monitor and provide assistance in the implementation of the following recommendations.

## RECOMMENDATIONS

### Data Collection and Reporting

1. The California Department of Justice should collect and disseminate information on the incidence of hate crimes.
2. County human relations centers should be designated to supplement the work of police departments in:
  - a) gathering information about the incidence of hate violence, and;
  - b) providing information about the incidence of hate violence to the California Department of Justice.
3. California Penal Code Section 628 et seq., which mandates reporting of school violence, should be amended to distinguish violence motivated by bigotry from other forms of school violence and to require distribution of data on hate violence to local school boards.

## Proposed California Civil Rights Act

4. California should enact a comprehensive civil rights statute with criminal penalties.

## The Ralph Civil Rights Act and Other Legal Remedies

5. Legislation should be enacted and judicial procedures developed to facilitate access to the courts for obtaining temporary restraining orders and other forms of injunctive relief for hate violence victims.
6. The Ralph Civil Rights Act should be amended to include an award of fees for legal representation in successful actions.
7. The Ralph and Unruh Civil Rights Acts should be amended to state clearly that the California Department of Fair Employment and Housing and the Fair Employment and Housing Commission have jurisdiction to investigate and hear complaints under the acts.
8. The Ralph Civil Rights Act should be amended to treble the amount of compensatory damages awarded with a minimum \$10,000 fine.
9. A statute should be enacted to toll the right to file libel and slander counterclaims in Ralph Civil Rights Act proceedings until the Ralph Civil Rights Act litigation is completed.
10. Legislation should be enacted to provide trial setting priority for Ralph Civil Rights Act proceedings.
11. State funds should be authorized to compensate successful plaintiffs for court costs and attorney's fees when defendants are judgment proof in Ralph Civil Rights Act proceedings.
12. The California Attorney General should develop and implement administrative procedures and policies for handling complaints involving Ralph Civil Rights Act violations.
13. The California Attorney General should explore Ralph Civil Rights Act proceedings against law enforcement agencies when a pattern and practice of violation occurs in an agency.
14. California Penal Code Section 1170.75 which identifies motive of bias based on race, religion, or ethnicity as an aggravating factor for consideration in sentencing, should be amended to add bias based on sexual orientation, disability, or age as aggravating factors.

## Proposed Hate Violence Prevention and Protection Act

15. The California Attorney General should sponsor a Hate Violence Prevention and Protection Act establishing county human relations centers to:

- a) work with community organizations to respond to and prevent hate crime;
- b) gather information about the incidence of hate violence and report it to the California Department of Justice;
- c) assist local schools in developing programs and curricula addressing human rights issues;
- d) develop responses to hate violence in cooperation with local law enforcement;
- e) develop programs to assist victims and witnesses of hate crimes in cooperation with district attorneys; and
- f) develop and implement conflict resolution programs.

## Victim Assistance

16. County human relations centers should provide services to victims of hate crimes.
17. District attorneys' offices and county human relations centers should develop and implement cooperative programs to provide assistance to victims and witnesses of hate crimes.
18. The California Office of Criminal Justice Planning should provide for training on hate violence for staff of toll free hotlines for crime victims on the particular needs of hate violence victims and distribute public information materials that make it clear that hotlines are available to victims to report hate crimes and receive referrals for getting the help they need.

## Criminal Justice Policy Formulation

19. The California Attorney General should:
  - a) use publications, letters, conferences, and other means to remind local law enforcement agencies and district attorneys' offices of the crucial role they must play in responding to and preventing hate crimes;
  - b) distribute model police procedures for community assessments to identify incidents that may be precursors of hate crimes; and
  - c) provide law enforcement agencies with guidelines on releasing the names and addresses of hate crime victims to the media.
20. Law enforcement agencies should adopt policies and procedures for responding to hate crimes.
21. The California Attorney General should work with local law enforcement agencies and representatives of organizations working with immigrants to develop and distribute model policies for addressing violence perpetrated against undocumented immigrants.
22. The California Commission on Peace Officer Standards and Training (POST) should issue

guidelines governing discrimination against gays and lesbians in law enforcement personnel practices.

23. The Attorney General should appoint a Task Force on American Indians and Justice to analyze law enforcement needs on reservations, the impact of Public Law 280, and other appropriate topics.

## Law Enforcement Training

24. The California Attorney General should recommend that the Commission on Peace Officer Standards and Training (POST) appoint a committee consisting of members of the Commission and minority community representatives to:
  - a) set specific training objectives on hate crimes;
  - b) review course materials, curricula, and resumes of trainers; and
  - c) distribute recommended materials, curricula, and lists of certified trainers to law enforcement agencies and academies.
25. Law enforcement basic academies, field training programs, and advanced officer and management courses should include training on cultural differences and hate crimes.
26. The California Department of Justice should take the lead in working with minority community representatives and prosecutors to develop training programs and materials on prosecuting hate crimes for staff in district attorneys' offices.

## Education and Awareness

27. The California Department of Justice should annually update *Unlawful Discrimination: Your Rights and Remedies*, the handbook on civil rights laws and remedies, and distribute it to community organizations, law enforcement agencies, schools, and other appropriate organizations.
28. The California Department of Justice should distribute a multi-lingual public information brochure on hate crimes and victims' rights and remedies to community groups, social service agencies, religious institutions, and other organizations.
29. The California Department of Justice should release periodic public reports on the incidence of hate crimes.

30. The California Department of Education should develop a handbook to provide information on gay and lesbian lifestyles and counter myths and stereotypes about gays and lesbians for teachers and school administrators.

## Violence Against the Elderly and Disabled

31. The California Department of Justice should collect and disseminate information on the incidence of violence against elderly and disabled persons.
32. Law enforcement agencies should establish units to respond to situations involving mentally ill persons.
33. Law enforcement agencies should establish escort services for elderly and disabled persons.
34. The California Attorney General should appoint a committee of elderly and disabled community representatives and POST to:
  - a) set specific training objectives for training on violence against elderly and disabled persons;
  - b) develop training guides and review training materials, curricula, and resumes of appropriate trainers; and
  - c) recommend curricula and trainers for law enforcement training centers and agencies.
35. Basic academies, field training programs, and advanced officer courses should include training on violence against elderly and disabled persons.
36. Community organizations should develop self-protection programs for elderly and disabled persons.
37. District attorneys' offices and community organizations should develop cooperative programs for providing assistance to victims of violence against elderly and disabled persons.
38. The California Department of Justice Crime Prevention Center should update crime prevention materials for elderly and disabled persons and distribute multi-lingual materials to senior centers, social service agencies, religious institutions, law enforcement agencies, and other appropriate organizations.