

Attorney General's

Commission on
Racial, Ethnic, Religious,
and Minority Violence

Final Report

April 1990



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**Commission on
Racial, Ethnic, Religious,
and Minority Violence**

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April 1990



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

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

Dear Attorney General Van de Kamp:

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

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

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

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

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

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

Sincerely yours,

Msgr. William J. Barry  
Commission Chair

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

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## **Summary of Findings**



## **SUMMARY OF FINDINGS**

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

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

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

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

The State and most communities do not know:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Recommendations



## **RECOMMENDATIONS**

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

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



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

# Introduction



## **INTRODUCTION**

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### **The Commission**

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

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

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

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

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

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

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

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

**The Commission recommended:**

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

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

## **Implementation of Commission Recommendations**

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

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

The Task Force identified the continuing need for:

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

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

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

### **Commission Update**

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

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

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

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

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

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

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

# **Chapter One**

## **Hate Violence in California**



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

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## **FINDING:**

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

### **The Problem**

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

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

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

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

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

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

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

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

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

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

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

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

## **Efforts to Curtail Hate Violence**

### **Legislation:**

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

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

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

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

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

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

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

**Community Initiatives:**

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

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

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

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

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

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

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

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

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

## **Chapter Two**

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



## **CHAPTER TWO -**

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

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#### **FINDING:**

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

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

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

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

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

**RECOMMENDATION:**

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

**Monitoring Hate Violence**

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

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

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

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

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

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

### **Providing Services For Victims**

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:**

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

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

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

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

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

## **Policy Planning Body**

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

## **Objectives**

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

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

## **Conflict Resolution**

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

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

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

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

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

# **Chapter Three**

## **Hate Crime Reporting**



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

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### **FINDING:**

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

### **Critical Lack of Information**

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

The State and most communities do not know:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **RECOMMENDATION:**

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

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

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

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

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

<sup>20</sup> Ibid.

# **Chapter Four**

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



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

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### **FINDING:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **RECOMMENDATIONS:**

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

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

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

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

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

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

## **Chapter Five**

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



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

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### **FINDING:**

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

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

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

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

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

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

**RECOMMENDATION:**

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

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

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

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

# **Chapter Six**

## **Hate Crime Sanctions**



## CHAPTER SIX - HATE CRIME SANCTIONS

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### FINDING:

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

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:**

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

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

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

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

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

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

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

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<sup>25</sup> Ibid.

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

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

# **Chapter Seven**

## **Schools and Hate Violence**



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

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### **OVERVIEW**

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

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

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

## **PRIMARY AND SECONDARY SCHOOLS**

### **FINDING:**

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

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

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

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

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

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

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

**FINDING:**

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

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

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

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

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

## **Tracking Hate Violence in Schools**

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

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

The Commission believes the solution to the school officials'

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

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

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

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

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

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

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

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

### **Affirmative Action**

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

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

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

## **POST-SECONDARY INSTITUTIONS**

### **FINDING:**

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

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

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

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

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

#### **FINDING:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **RECOMMENDATION:**

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

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

## **RECOMMENDATIONS:**

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

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

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

**RECOMMENDATION:**

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

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

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

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

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

**RECOMMENDATIONS:**

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

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

# **Chapter Eight**

## **Other Issues**



## **CHAPTER EIGHT - OTHER ISSUES**

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

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

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

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

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

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