Hate Crimes and Incidents in Orange County







HATE CRIMES AND INCIDENTS IN ORANGE COUNTY: 2004 REPORT

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Special Thanks to Susan Reese



"Hate acts are deliberate efforts to demean and exclude certain people from exercising their rights to live, work and worship where they choose. By coming together as a community we create the human relations infrastructure that protects all Orange County residents from this bigotry. Building awareness of what some in our neighborhoods face is our mission, coordinated action to protect victims of these crimes is our responsibility, and prevention of hate crime by building understanding among our diverse and changing neighbors is our vision."

Bill Wood, Chair, Orange County Human Relations Commission



For the past 14 years, the Orange County Human Relations Commission has collected hate crime and incident data from law enforcement agencies, prosecutors, community-based organizations, and hate crime victims. This data is then analyzed and compiled into an annual report, which is broadly disseminated to policy-makers, law enforcement agencies, community groups and educators throughout Orange County. The information presented in the report allows all parties to better understand hate crime and incident trends, measure the outcome of their work and direct prevention campaigns in their communities and schools. The report also serves to advise policy decisions and inform the development of services for victims of hate. The Commission appreciates the cooperation of the organizations and agencies that provided data for this report.

This document represents the best efforts of people on the frontlines of hate crime response and prevention in Orange County to document bias related incidents. The numbers contained within reflect the quantity of hate crimes and incidents and the willingness of the general population to name and report a hate-motivated occurrence as such. Ongoing efforts to overcome the fear and stigma associated with hate crimes and to address the issue of the many unreported hate crimes and incidents continue to expand. We hope this report both makes public the reported numbers and inspires others to challenge their fears and report hate-motivated crimes and incidents.

Report Summary



- The total number of hate crimes and incidents reported in 2004 was 152, compared to 128 in 2003. While hate incidents remained virtually the same, hate crimes increased by almost 30% in 2004, from 76 to 99.
- African-Americans, Jewish and Gay/Lesbian victims experienced the most hate crimes in 2004.
- The number of hate crimes targeting the Gay/ Lesbian community increased by almost 40%.
- Compared to 2003, there was a 20% increase in hate crimes motivated by Race/Ethnicity/National Origin (42 to 51) and a 40% increase in hate crimes motivated by Sexual Orientation (11 to 16).
- The total number of hate crimes and incidents tageting Middle Eastern, Arab and Muslim individuals was unchanged from 2003 (22). This mainaintains the increased number of hate crimes and incidents reported since September 11, 2001.
- There were 36 hate crimes and incidents targeting members of the Jewish faith, a slight increase over 2003. However, the number of hate crimes increased from 10 (2003) to 15 (2004).

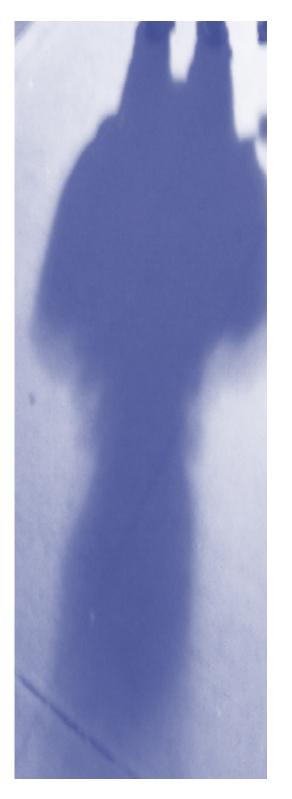
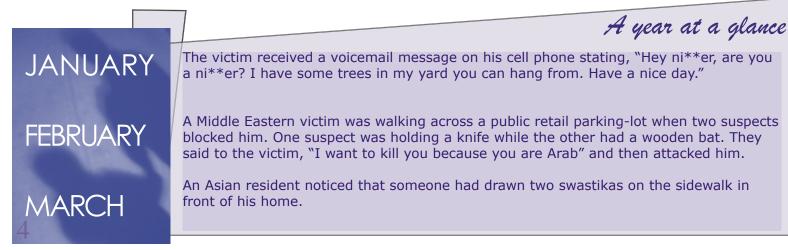


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Historical Perspectives

The Hate Crimes Statistics Act of 1990 spurred the Commission to begin documenting hate crimes and hate incidents in Orange County. Since then, the Commission has tracked hate related trends witnessing how our public policies, media and social movements have influenced societal attitudes.

One positive trend has been the continued expansion and clarification of hate crime legislation, a reflection of the public's feelings of repugnance towards such crimes. Examples of such legislation include the Violent Crime Control and Law Enforcement Act of 1994, Church Arson Prevention Act of 1996, Hate Crime Prevention Act of 1999, the Bane and Ralph Civil Rights Acts and 2004's CA Senate Bill 1234. These laws are not only intended to more severely punish those who perpetrate such crimes but also set standards for societal behavior. The legislation sends a message to those who attempt, by means of hate crime, to intimidate and terrorize entire groups of people that their actions will not be tolerated.

Unfortunately, there have also been countervailing trends – increases in hate crimes and incidents targeting specific groups in Orange County:

1991

A spike in the number of reported incidents and crimes against Middle Eastern/Arab Americans occurred during the time that the United States fought the first Gulf War.

1992

61 crimes or incidents were reported against African Americans immediately following the Rodney King verdict and the LA Riots. During that year there were also 41 crimes or incidents reported targeting Asian -Americans. The year fell in a period of economic recession that led to a rise in anti-Asian sentiment.

1993

The highest recorded number of incidents/crimes against Gays and Lesbians occurred in a year in which there was a national debate over gays in the military.

1996

There was another spike in cases targeting African Americans the year the OJ Simpson case was televised.

1998

There was a marked increase in the victimization of Latinos coinciding with the hardening of attitudes toward immigrants – both legal and undocumented – that took place in the mid-late 1990's.

2001

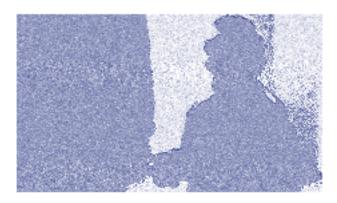
A sharp increase in retaliatory crimes occurred across our nation in the weeks following the September 11 terrorist attacks. In Orange County there were 69 hate crimes and incidents targeting people perceived to be Muslim, Arab or of Middle Eastern origin.

2002

Although the hate crime and incidence numbers were considerably less than in 2001, the Muslim/Arab-American communities were targets of hate crimes and incidents at three times their historical level.

It is not possible to attribute, with absolute certainty, all peaks of hate related activity to a specific event or an increase in media coverage. However, the data indicates that when a particular group is spotlighted or highlighted in a negative light there is a commensurate increase in hate crimes or incidents. Some individuals, it appears, are emboldened to violate the rights of others. Thus, when noticeable demographic changes, economic downturns, controversial legislation, and other events that fuel bigotry occur, it is prudent to be on the alert for an increase in hate related activity.

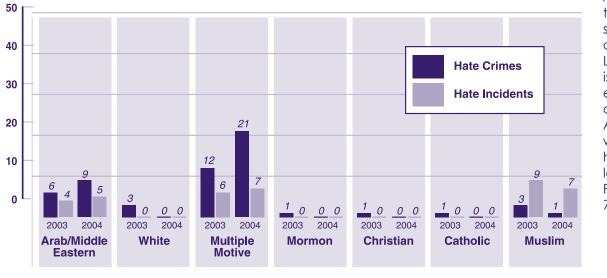






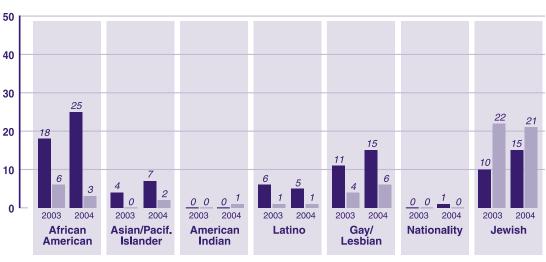
Hate Crimes and Incidents

In 2004, the most frequently targeted victims of hate crime in Orange County were African-Americans at 25, which is a 45% increase from 2003, and continues



the historical pattern targeting this small portion of our community. Gay/ Lesbian and Jewish victims were each the target of 15 hate crimes. Arabs/Muslims were targets of 10 hate crimes, followed by Asian/ Pacific Islanders at 7 and Latinos at 5

Reported hate incidents show important patterns of bias but are less uniformly documented. In 2004, Jewish victims reported 21 incidents, Mulsim/Arabs reported 12, Gay/Lesbian reported 6, African-Americans reported 3, Asian/ Pacific Islanders reported 2 and Latino and Native American victims reported 1 hate incident each.



A year at a glance

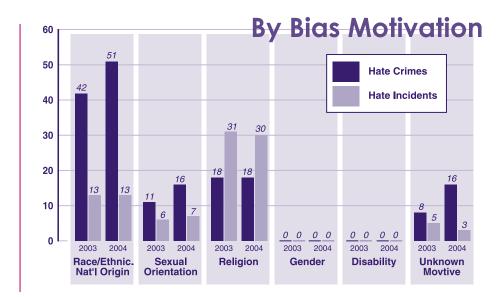


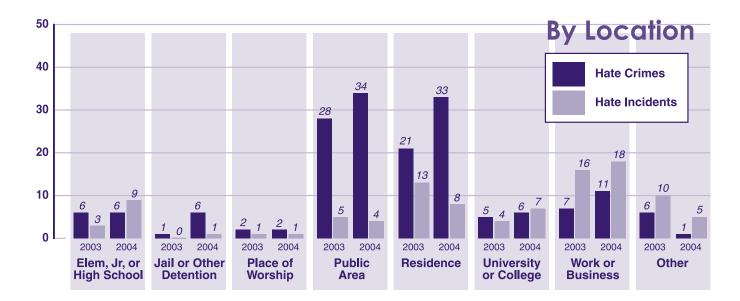
An Asian inmate in a prison exercise area was beaten by five Hispanic inmates. Reports indicate that Hispanic prison gangs had given the "green light" to attack any inmate of Asian descent.

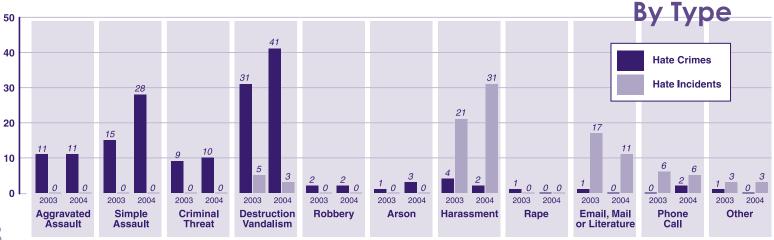
A taxicab driver of Middle Eastern descent was choked by a customer while driving. The perpetrator told him, "Did you see my homeboy get his head chopped off? You f***ers killed my homeboy, and I'm going to kill you twice for what your brothers did." The perpetrator also spit on and struck the taxicab driver.

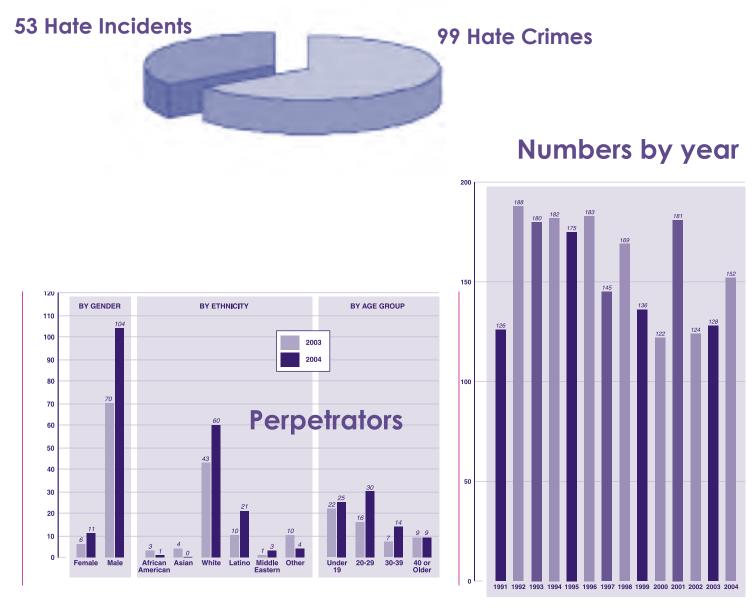
The perpetrator boarded a bus and said "f**ing ni**er" to a woman passenger. A second female told the perpetrator not to call people names. The perpetrator walked up to the second passenger, said "F**k you Lesbian" and struck her in the mouth with a closed fist.

Hate by the Numbers

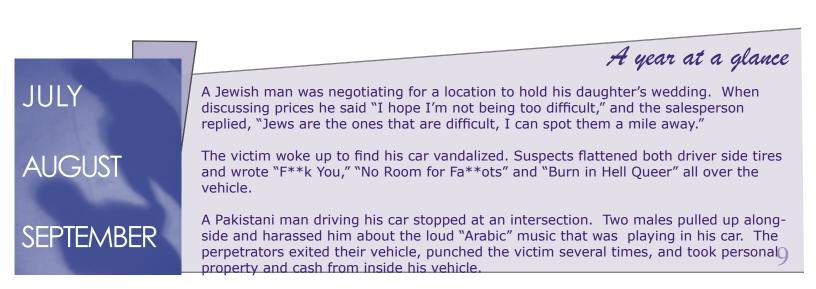








2004 Hate Crimes and Incidents



California Enforcement of Hate Crime Law

In October 2004 the California Policy Research Center, a University of California program that applies the extensive research expertise of the UC system to the analysis, development, and implementation of state policy and provides technical assistance to policymakers, published an informative report on the policing of hate crime throughout California (for the full report, see http://www.ucop.edu/cprc/haterpt.pdf and for a policy brief deriving from the report, see http://www.ucop.edu/cprc/hatebrf.pdf). The first of its kind, the report documents how and why California's hate crime laws—among the oldest and most comprehensive in the nation—are unevenly interpreted and enforced across the state.

To conduct this study, my collaborator, Ryken Grattet, a Professor of Sociology at the University of California, Davis, and I surveyed 397 police and sheriff departments in California to determine which agencies have hate crime policies in place and why about 40% of California law enforcement agencies do not have hate crime policies. Our most significant finding is that law enforcement agencies approach the hate crime issue differently because of two factors: features of the community in which the agency resides and features of the agency itself. Certain types of communities are likely to have certain types of law enforcement agen-

cies; in turn, certain types of law enforcement agencies are more or less likely to develop policy designed to promote the enforcement of hate crime law. For example, statistically speaking, more racially and ethnically diverse communities are more likely to have hate crime policies, perhaps because these communities see greater need for them. And, more affluent communities, especially those that house active human rights commissions, are more likely to have hate crime policies. At the same time, law enforcement agencies that embrace and enact community policing and have diverse workforces tend to have established a hate crime policy. Surprisingly, a community's political leanings, the amount of violent crime and the size of its law enforcement department have minimal influence on whether a hate crime policy is adopted.

When hate crime policies are adopted by po-



lice and sheriff departments, the policies appear to be instrumental in raising officers' awareness of the law and willingness to actively enforce it. Again, speaking statistically, law enforcement agencies with an established hate crime policy are about 25 percent more likely to identify and report such crimes, according to data gathered for the report. For this reason, in our report we recommended that agencies without a hate crime policy be encouraged to adopt one. The report also proposes a model hate crime policy that includes a standard statement of purpose and hate crime definition, but allows law enforcement agencies leeway in how they assign responsibility for enforcement within their department. From our point of view, combining both standardized and customized elements of hate crime policy is crucial to law enforcement, according to the report.

Consistent with these recommendations, as well as others itemized in the report, we were pleased to see Governor Schwarzenegger signed into law Senate Bill 1234, which requires a framework for a formal hate crime policy that all state law enforcement agencies should adopt. The passage of this legislation is a milestone in the enforcement of hate crime law in California.

Contributed by Dr. Valerie Jenness, Professor and Chair Department of Criminology, Law and Society University of California, Irvine

Hate Crime Legislation

State Legislation

In 2004, three bills relevant to hate crimes were passed by the California State Legislature and signed into law.

<u>Assembly Joint Resolution 64</u> (Chu) is a statement from the legislature noting its concern over bias-motivated crimes against Arab-Americans, Muslim-Americans, South Asian-Americans and Sikh-Americans and encouraging all law enforcement authorities to work to prevent such crimes and to investigate and prosecute vigorously all bias-motivated crimes committed against all Americans.

<u>Assembly Bill 2428, Hate Crime Victim Safety Bill (Chu)</u> This bill, commonly known as "Kenny's Law", was named after Kenneth Chui, a 17 year-old Taiwanese American living in Laguna Hills who was brutally murdered by an avowed white supremacist neighbor in 2001. The law requires courts to issue a protective order to protect hate crime victim(s) and their families from further acts of violence, threats, stalking or harassment. It also has provisions for defendants to undergo programs on sensitivity counseling or training.

Senate Bill 1234 (Kuehl) creates a standard definition of a hate crime to apply across all hate crime statutes and requires all state and local agencies to use this new definition. Other components of this hate crime omnibus bill include clarifying who and what can be considered a victim of a hate crime and in particular stating that hate crime protections extend to victims who are targeted for their association with a member of a protected class; establishing goals of sentencing for hate crimes; requiring Judicial Council to develop a Rule of Court guiding hate crime sentencing; allowing the court to order the defendant to perform community service; preventing hate crime victims and witnesses who cooperate with the police from being deported because they are simply out of status; adding mosque and temple to the list of religious institutions protected from hate motivated violence and requiring the California Commission on Peace Officer Standards and Training (POST) to include in its hate crime training components on the special problems inherent in certain categories of hate crimes including: gender bias, disability bias (including homeless people with disabilities) crimes, and anti-Arab and anti-Islamic crimes.

Federal Activities

In June, the Senate approved the Local Law Enforcement Enhancement Act (LLEEA), to expand federal hate crimes legislation by adding new protected categories of gender, sexual orientation and disability. Currently, federal law restricts the prosecution of bias crimes to those committed on the basis of race, color, religion or national origin. While California law covers all these protected categories, federal prosecution of hate crimes is needed when local authorities are unable or unwilling to prosecute.

This bill would also enable the Department of Justice to prosecute hate crimes in instances beyond the current narrow scope of intervening only in crimes committed during a victim's involvement in "federally-protected" activities such as voting, serving on a jury, or attending school.

The Senate had passed the LLEEA as an amendment to the Fiscal Year 2005 Defense Authorization Act, however, when this Act reached the House, the hate crime language was dropped. Senate proponents of the legislation have vowed to bring the bill up again in the next Congress.

Prevention and Response

OC Human Relations engaged in a number of initiatives in 2004 intended to bring a proactive approach to hate crime prevention. The Commission is of the opinion that the environment that produces hate crimes can be altered through education. These initiatives included a series of presentations dealing with hate and hate crimes at the University of California, Irvine and a Hate Crime Forum at Cypress College. The agency also conducted similar presentations for a number of community groups throughout the year. Proactive hate crime response and initiatives have featured prominently in the quarterly meetings of the recently formed Community Policing Advisory Committee. And, since 1988 OC Human Relations has offered the nationally recognized BRIDGES School Inter-Ethnic Relations Program. This program works collaboratively with schools to create and sustain a safe, inclusive school environment that is respectful of society's diversity.

A Message from California Attorney General Bill Lockyer



Attorney General Bill Lockyer has taken aggressive measures to improve civil rights enforcement in the State of California. The programs administered by the Office of the Attorney General are committed to the strong and vigorous enforcement of civil rights laws. Attorney General Bill Lockyer has implemented several programs to address hate crimes:

• The Civil Rights Enforcement Section represents the Attorney General in enforcing the Ralph Civil Rights Act and the Bane Civil Rights Act, which provide civil remedies for hate crimes.

• The Attorney General's Criminal Justice Statistics Center collects hate crime data from all law enforcement agencies and publishes an annual report, which provides a valid measure of hate crimes and the prosecution of those crimes in California.

• The Crime and Violence Prevention Center of the California Attorney General's Office provides hate crime prevention, training and technical assistance to local law enforcement agencies, schools and community organiztions.

A Message from OC District Attorney Tony Rackauckas



A hate crime against one individual strikes to the very core of our society. As District Attorney, it is my goal to prevent and vigorously prosecute these heinous and violent acts of discrimination. My office works with local law enforcement and other agencies

to educate and inform the public about hate crimes and encourage victims and witnesses to come forward if they feel harassed or threatened in any way.

Following is a representative sample of the 2004 cases that were prosecuted by my office:

- A 38-year-old male kidnapped a Muslim taxi driver and threatened to kill him.
- A 27-year-old male threatened an African-American man with a gun while yelling racial epithets.
- Four young adults attacked a Hispanic man while uttering racial epithets.
- The California Community Relations Service (CCRS) provides mediation intervention for conflicts involving co munity, school or law enforcement where race, ethnicity, national origin, religion, sexual orientation or disability is a factor and peaceful relations are threatened.
- The Attorney General's Executive Program monitors hate crimes and coordinates the Office's response with local aw enforcement, local government and community and civil rights organizations.

Summary of the hate crime cases referred to the OC District Attorney:

- Ten cases of suspected hate crimes were referred to our office for review.
- Six cases were filed as hate crimes. One case had investigation pending as of 1/1/05.
- As of December 31, 2004, we secured six convictions on cases involving hate crime charges.

• Over the past three years, 96% of the filed hate crime cases that were completed in court resulted in criminal convictions

• Three of the cases did not meet the "substantial factor" and "proof beyond a reasonable doubt" test for the filing of hate crimes. However, we successfully prosecuted one of these cases on other criminal charges.

Hate Crime Network

The Commission formed the Hate Crime Network in 1991 to bring together representatives from law enforcement, community organizations, and the Orange County District Attorney, California Attorney General and the United States Attorney General's offices in a setting that facilitates the sharing of current hate crime issues and, most importantly, the opportunity to network with others. In 2004, experts addressed the topics: "The Life of A Hate Crime: A Criminal Justice Perspective", "Civil Remedies Available to Victims of Hate", "Hate Crimes and Incidents in Orange County" and "2004 Hate Crime Legislation".

Hate Crime Network meetings are held from 10:00 A.M.-12:00 P.M. on the third Thursday of the months of February, April, August, and November in Conference Room A/B, Building B, 1300 S. Grand Ave., Santa Ana. **All members of the community are welcome to attend these meetings**.

Victim Assistance Partnership

In 2003, the OC Human Relations Commission was at the forefront of the development of the Hate Crime Victim Assistance Partnership, a working group of the Hate Crime Network. The Partnership is a collaborative of organizations that jointly have a goal of creating a united voice against hate, developing resources for victims of hate, and building an appreciation of diversity in the community. The objectives of the Partnership are:



- $\cdot\,$ To address the underreporting of hate crimes and incidents in our communities,
- · To increase immediate assistance to victims of hate and
- $\cdot\,$ To increase collaborations between community organizations and law enforcement

Through the work of the collaborative in 2004, 37 hate crime victims were able to receive crisis intervention, resources and referrals, follow up counseling, and orientation to the criminal justice system. In addition, the victim's emergency fund paid \$4,115.00 out to hate crime victims. The money was used to assist with living expenses, relocations, food, and car insurance deductibles.

Education Committee

The Hate Crime Education Committee, created in 1995, is comprised of OC Human Relations, the Orange County Department of Education and the Anti-Defamation League. Programs and projects of the Committee strive to increase the community's awareness of hate motivated behavior in the schools; to encourage policy review and implementation of comprehensive preventive hate motivated behavior action plans by schools; and to exchange information with the community.

During 2004, the Committee was active conducting presentations on hate crimes in local schools for students, educators and other school administrators. The Committee also focused on staffing the "Teaching Understanding Respect and Nonviolence" Program, T.U.R.N., which provides a resource for courts to refer juvenile offenders involved in hate-related incidences and educates youth offenders to develop an understanding of the foundations, manifestations and consequences of their hate behavior.

A year at a glance OCTOBER Unknown suspects scratched the words "F**k Persians" into the painted surface of the victim's vehicle. The perpetrator approached the victim and pushed him on the chest, with one hand landing near the victim's throat. The perpetrator said, "Why don't you fucking learn NOVEMBER how to drive; go back to your country you fu***ng immigrant." The victim was walking to a friend's home when a passing male called him a "faggot" and threw a plastic cup at him. The perpetrator tried to punch the victim, but the DECEMBER victim grabbed his wrist and pushed him away. The perpetrator responded by saying, "You F***ing Faggot! I'm gonna blow you and your lover up inside your home!"



ACLU of Southern California

1616 Beverly Blvd. Los Angeles, CA 90026 Phone: (213) 977-9500 Email: acluinfo@aclu-sc.org Website: www.aclu-sc.org

Anti-Defamation League (ADL)

Orange County/Long Beach Region 959 South Coast Dr, Suite 374, Costa Mesa, CA 92626 Phone: (714) 979-4733 Email: orange-county@adl.org Website: www.adl.org

American-Arab Anti-Discrimination Committee (ADC)

LA/OC Chapter P.O. Box 8686, Anaheim, CA, 92814 Phone: (714) 535-1719 Email: mail@adclaoc.org Website: www.adclaoc.org

Asian Pacific American Legal Center (APALC)

1145 Wilshire Blvd. 2nd Floor, Los Angeles, CA 90017 Phone: (213) 977-7500 Email: hatecrimes@apalc.org Website: www.apalc.org

Community Service Programs (CSP), Victim Assistance

1821 E. Dyer Rd, Suite 200, Santa Ana, CA 92705 Phone: (949) 975-0244 Email: Hbanuelos@cspinc.org Website: www.cspinc.org

Council on American-Islamic Relations, S. California (CAIR)

2180 W. Crescent Ave, Suite F, Anaheim, CA 92801 Phone: (714) 776-1847 Email: socal@cair.com Website: www.cair-california.org

The Center Orange County

12832 Garden Grove Blvd #A, Garden Grove, CA 92843 Phone: (714) 534-0862 Email: tstone@thecenteroc.org Website: www.thecenteroc.org

Huntington Beach Human Relations Task Force

2000 Main Street, Huntington Beach, CA 92648 Phone: (714) 536-5577

Japanese American Citizens League (SELANOCO Chapter)

Phone: (949) 586-6640 Email: selanoco@jacl.org Website: www.jacl.org

NAACP of Orange County

PO Box 3141, Santa Ana, CA 92703 Phone: (714) 543-3637 Website: www.naacp.org

National Conference for Community and Justice (NCCJ)

Orange County Region P.O. Box 26454, Santa Ana, CA 92799 Phone: (949) 442-2814 Email: longbeach@nccj.org Website: www.nccjlongbeach.org

OC Asian and Pacific Islander Community Alliance (OCAPICA)

12900 Garden Grove Blvd, Suite 214A, Garden Grove, CA 92843 Phone: (714) 636-9095 Email: ocapica@ocapica.org Website: www.ocapica.org

Parents, Families & Friends of Lesbians and Gays (PFLAG)

PO Box 28662, Santa Ana, CA 92799-8662 Phone: (714) 997-8047 Email: info@pflag.com Website: www.ocpflag.com

California Sikh Council

65 Edenbrook, Irvine, CA 92620 Phone: 1-877-CALSIKH Email: nirinjan@khalsa.com Website: www.calsikhs.org

South Asian Network

18173 S. Pioneer Blvd, Suite I, Artesia, CA 90701 Phone: (562) 403-0488 Email: saninfo@southasiannetwork.org Website: www.southasiannetwork.org

Office of the Orange County District Attorney

401 Civic Center Dr W Santa Ana, CA 92701-4515 Phone: (714) 834-3600

Center for the Study of Hate & Extremism

California State University, San Bernardino Department of Criminal Justice 5500 University Pkwy. San Bernardino, CA 92407 Phone: (909) 880-7711

Federal Bureau of Investigation, Victim Assistance

901 W. Civic Center Dr, St. 330, Santa Ana, CA, 92703 Phone: (714) 542-8825 Website: www.fbi.gov/hq/cid/victimassist/home.htm

Agencies Providing Data

City Police Departments

Anaheim Huntington Beach Orange Brea/Yorba Linda Placentia Irvine **Buena Park** La Habra Santa Ana Costa Mesa La Palma San Clemente Cypress Laguna Beach Seal Beach Fountain Valley Tustin Los Alamitos Fullerton Westminster Newport Beach

Orange County Sheriff's Department Representing:

Aliso Viejo Coto de Caza Dana Point Laguna Hills Laguna Niguel

Garden Grove

Laguna Woods Lake Forest Mission Viejo Rancho Santa Margarita San Juan Capistrano

Stanton Villa Park Unincorporated areas of Orange County

Organizations

ACLU - Orange County Chapter Anti-Defamation League of B'nai B'rith Council on American Islamic Relations Orange County Asian Pacific Islander Community Alliance Orange County District Attorney's Office Orange County Human Relations Commission The Center Orange County

Universities and Colleges

Santa Ana College University of California, Irvine California State University, Fullerton Chapman University

OC Human Relations is committed to providing training to law enforcement, hate crime presentations, and to work collaboratively with other groups. Our objective is to create awareness about the impact of hate and to provide prevention and intervention initiatives such as forums, dialogues and trainings.

To report a hate crime, or if you are in need of assistance or wish to learn how you can help, call: **1-888-NO-2-HATE.**



2004 Hate Crime Report



1300 S. Grand Ave Bldg. B Santa Ana, CA 92705 (714) 567-7470 FAX 567-7474 www.ochumanrelations.org