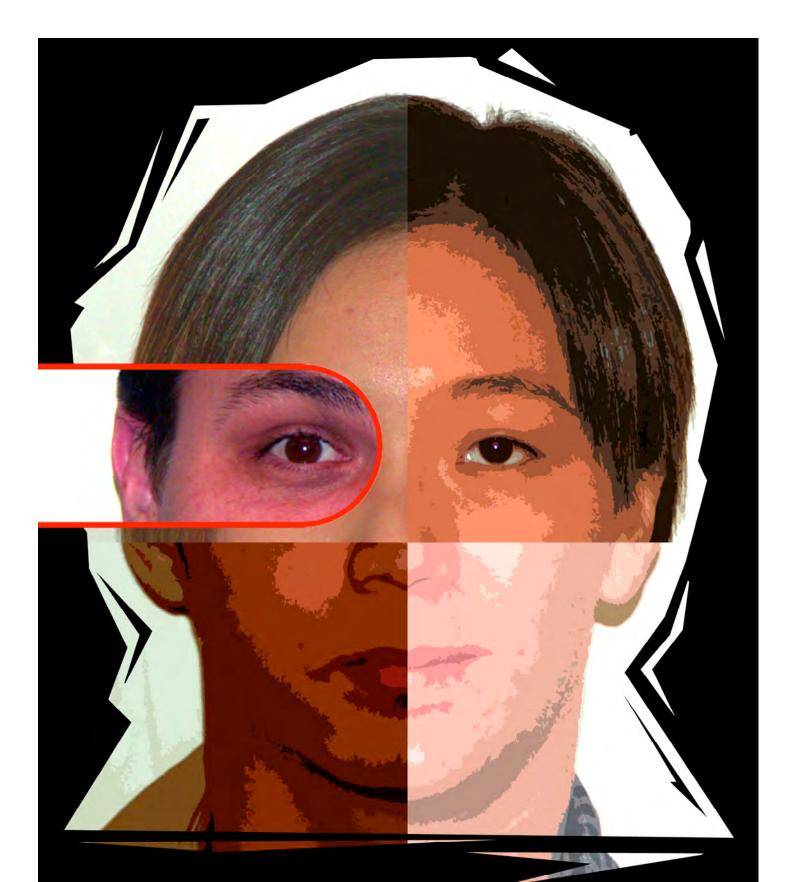




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2003 Hate Crimes and Incidents in Orange County An annual publication of the Orange County Human Relations Commission



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# HATE CRIMES AND INCIDENTS IN ORANGE COUNTY IN THE YEAR 2003

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- Law Enforcement Hate Crime Protocols: A Model Policy
- Hate Crime Network
- Victim Assistance
- Hate Crime Prevention and Response
- **Acknowledgments**

Human Relations

# Orange County Human Relations Commission

Dear Orange County Residents,

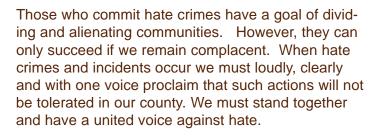
As I reflect on this year's Report on Hate Crimes and Incidents in Orange County, I realize that one of most damaging aspects of such events, aside from the immediate impact on the victim, is the fragmentation it creates in our communities. This reality guides our desire to ensure that all our work as an agency brings diverse people together. We each have the power to counteract this fragmentation by building bridges that connect to others rather than building walls that separate and create ignorance and fear.

Ignorance and fear are the spring board to hate crime, a particularly heinous form of violence that often exacerbates racial and inter-group tension. When an act of hate occurs, it sends shockwaves through communities - carrying a message of intolerance that undermines the civil rights of all. When an individual is targeted because of his or her race, religion, national origin, gender, sexual orientation, or disability the pain does not stay with them alone. People who relate to or have similarities to the victim feel the sting and stigma of hatred. Attacks against one member of a commonly targeted group sends a message that all are potentially at risk and vulnerable because of their "difference." A hate crime against one must be viewed as a hate crime against all.

Furthermore, a victim of a hate crime or incident often cannot help but view those, who share similar physical characteristics as the perpetrators, with increased suspicion or fear. Thus, the wedge of mistrust between communities is driven deeper. It is for this reason that we cannot afford to ignore hate crimes and incidents. Silence implies the condoning of such acts, enabling perpetrators to continue to persecute

individuals and communities alike. No victim should have to face the effects of a hate crime alone; all communities need to join together in solidarity. It is our responsibility to counter hate with a message of concern, understanding and compassion. Hate

Crimes need not divide us; they can ultimately bring us together in action.



OC Human Relations works to develop an appreciation of the growing diversity in our neighborhoods. We help to build bridges of understanding and find common ground between communities. We respond to hate crimes and incidents in collaboration with community members, civic organizations and law enforcement to ensure support for those targeted, an effective investigation and expedient prosecution. By working as a member of a diverse, broad-based coalition, we are committed to preventing hate from escalating through education, public awareness and dialogue.

In the last year OC Human Relations brought together those on the frontlines of hate crime work, created awareness of the issues surrounding bias related crime and increased outreach to victims of hate. This was accomplished by organizing the Hate Crime Victim Assistance Partnership -to better address the needs of victims; addressing the most current topics at the Orange County Hate Crime Network meetings; and collaborating to conduct training programs and events, such as Healing the Hate, to reach out to affected communities. In this next year we are committed to furthering our efforts to support victims of bigotry and to set a community standard that discourages hate crimes and incidents.



Sincerely, Becky Esparza, Chair Orange County Human Relations Commission

# PREFACE

Since 1991 the OC 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. The information in this report allows all parties to better understand hate crime and incident trends, measure the outcome of their work and direct prevention campaigns in their community or school. The report can also serve to advise policy decisions and inform the development of services for victims of hate crimes.

This document aims to represent the faces and efforts of people on the frontlines of hate crime work in Orange County. The numbers contained within reflect not only the quantity of hate crimes and incidents, but also 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 are underway. We hope this report not only makes public the reported numbers, but also inspires others to challenge their fears, become part of those who endorse hate crime legislation, and report hate-motivated crimes and

indents.

# **METHODS**

This annual report represents the trends, the faces and efforts of the people on the frontlines of hate crime work in Orange County. It is a compilation of the available data that has been collected in the same manner for the past 12 years, but of course can only represent the number of hate crimes reported, not capturing the many that are not. The information in this report may serve to advise policy decisions; it may direct a prevention campaign in a community or school; and it may inform the development of services for victims of hate crimes.

The Commission receives reports from law enforcement agencies, prosecutors, communitybased organizations, and hate crime victims. To avoid duplication all reports from organizations, individuals, law enforcement and the District Attorney's are crosschecked. Some victims chose to report a hate crime or incident to a community-based organization and not the police.

Some communities and jurisdictions take a more aggressive stand on the documentation of hate crimes and incidents. The result of the variation of stands affects the number of hate crimes that are reported. For example, a community that is active in promoting awareness around documentation may result in a higher number of reported hate crimes affecting that community, but not necessarily a higher rate of hate crimes. The Commission asserts that these numbers are a reflection overall of the number of hate crimes and incidents: these numbers are not to be taken as exact counts but estimates that allows all those entities involved in work around hate crime and incidents to measure the outcome of their work.

### DEFINITIONS

#### Hate Crime

A hate crime is any criminal act in which the perpetrator targets the victim because of the victim's race, ethnicity, religion, sexual orientation, gender, or disability status. California laws call for enhanced penalties for these types of crimes. Some common examples include: racist graffiti on another's property, burning a cross on someone's lawn, assault, and criminal threat.

#### Hate Incident

A hate incident is an action that is motivated by bias but does not constitute any crime. The First Amendment protects these actions as a right to freedom of expression. This freedom, however, cannot interfere with another person's civil rights. Some common examples of hate incidents include: the distribution of non-threatening racist flyers in public, the display of non-threatening anti-gay or lesbian placards at a parade, or a letter ridiculing people with disabilities. Documented hate incidents can possibly be used to show motivation of bias if a person goes on to commit a hate crime.

#### **Multiple Motivation**

Some hate crimes intend to send a message to several groups. The majority of these type of hate crimes involve graffiti or vandalism. Some typical multiple motivation hate crimes include: graffiti with a message threatening several groups and a swastika in a public space.

#### History

The Hate Crimes Statistics Act of 1990 spurred the Orange County Human Relations Commission to begin documenting hate crimes and hate incidents in Orange County. Since then, we have seen trends emerge as the landscape of our public policies, media and social movements have shaped societal attitudes.

One noteworthy trend has been the forward movement in hate crime legislation, a reflection of the public's feelings of repugnance towards such crimes. Examples of legislation include the Violent Crime Control and Law Enforcement Act of 1994, Church Arson Prevention Act of 1996, Hate Crime Prevention Act of 1999, and the Bane and Ralph Civil Rights Acts. These laws are not only intended to more severely punish those who perpetrate such crimes but also set standards for behavior. They send a message to those who attempt, by means of hate crime, to intimidate and terrorize entire groups of people that such 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 Gulf War.

**1992** 61 crimes or incidents were reported against African Americans immediately following the Rodney King verdict and the LA Riots. During this year, there were also 41 crimes or incidents reported targeting Asian Americans. This period coincided with an 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 discourse 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 Most recently, a sharp increase in retaliatory crimes occurred across our nation in the weeks following

The September 11th terrorist attacks. In Orange County there were 69 hate crimes and incidents targeting people perceived to be Muslim or of Middle Eastern origin.

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 take discourse one-step further and 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.

1991-2003 charts

# Victims

Again in 2003, anti-Jewish hate crimes or incidents were the highest number reported. The totals were similar to last year and most likely reflect both historical anti-Semitism and that community's exemplary efforts to encourage reporting. Despite their numerically small population in Orange County, African-Americans reported the second highest number of hate crimes and incidents; the same number of cases as last year. There were 22 hate crimes and incidents reported by Muslims or people of Middle Eastern/Arab, an increase of 7 cases from 2002. While this number is down considerably from the 69 cases reported in 2001, it does indicate that the ongoing conflict in Iraq and the memory of September 11, 2001 has resulted in a continued ill-will towards this community.

Number of Hate Crimes and Incidents by Location Type/2003 Number of Hate Crime Victims/2003 Number of Types of Hate Crimes/2003

### **Perpetrators**

The charts below present the gender, ethnicity and age groupings of Orange County hate crime and incident perpetrators reported during the year 2003. Because not all reports contained this demographic information, the numbers in these charts do not add up to the total hate crimes reported during the year.

Number of Perpetrators by Gender/2003

Number of Perpetrators by Ethnicity/2003

Number of Perpetrators by Age Groups/2003

### Law Enforcement

Law enforcement personnel are essential in the prevention and prosecution of hate crime because they are uniquely situated to interpret state hate crime law and to discharge the duty to enforce it. Enforcement is implemented through the general orders, or agency polices, on hate crime.

On the Importance of Hate Crime Policies General orders are important elements in the policing of hate crime for several reasons, they:

Serve as a critical link between legislative mandates (i.e., state hate crime law) and law enforcement agents.

Provide a crucial link in the chain of command, from police chief to beat cop. Ideally, all frontline officers should be made aware of agency policy and be expected to follow it, or be subject to disciplinary action.

Provide a window through which stated goals and practices of law enforcement agencies and personnel can be documented. Indeed, the very existence of a hate crime policy serves as a symbol of a department's affirmative commitment to enforce hate crime law.

Shape the practice of policing insofar as they influence what police actually do. A number of well-done pieces of research found that when a specific hate crime policy exists, officers tended to follow the guidelines closely. The simple existence of a general order can actually increase the rate of hate crime reporting.

On the Content of Hate Crime Policies Given the importance hate crime policies, it is not surprising that over 75% of law enforcement agencies in Orange County have implemented general orders on hate crime. Although the content of the policies vary greatly, they do contain similar components and often have the same structure as general orders related to other policing concerns. For example,

Almost all stipulate a mandate to report hate crimes; and some go further to require reporting hate crime incidents.

They typically begin with a section that describes the purpose of the policy and law

enforcement's responsibility to enforce hate crime law. Some do this by simply referencing the state law and/or the U.S. Constitution while others reference the importance of responding to moral threats and community strife.

They typically provide a definition of hate crime to which officers are supposed to adhere when enforcing hate crime law. However, it is noteworthy that there is considerable difference in the definitions used and the laws sited.

Finally general orders on hate crime vary in terms of the degree to which they articulate a mandate to provide victim services and engage with the community as part and parcel of enforcing hate crime law. For example, some general orders specifically require officers to not only provide the victim with law enforcement services, but to also undertake follow-up contact with the victim, including ensuring the provision of victim services.

#### On the "Ideal" and the "Real"

While an ideal hate crime order would contain all of the elements described above and correspond with state law, there are good reasons some agencies fall short of this ideal. Despite pronouncements by the California Attorneys General, multiple California Governors, a slew of community leaders, and others well situated to speak about the importance of responding to hate crime, the charge to enforce hate crime laws is not always a welcome nor an easy task.

The mandate to enforce hate crime law brings with it definitional ambiguities related to establishing the parameters of "hate crime" in general and "motive" in particular; political controversies surrounding hate crime and its relationship to "political correctness" in both law enforcement agencies and communities alike; and organizational dilemmas connected to agency structures, resource allocation decisions, and workplace culture. As a result of these considerations, as well as others, the enforcement of hate crime law is often delayed and, when it is forthcoming, it is quite variable.

Dr. Valerie Jenness, Professor and Chair of Criminology, University of California, Irvine

### Prosecution

### Message from the Orange County District Attorney

The perpetration of hate crimes strikes the very core of our society. Hate crimes greatly diminish the sense of personal and public security among our citizens. Not only do hate crimes have a deep and lasting effect on the individual victim, they also have a profoundly negative impact on the community as a whole by creating a sense of fear, intimidation and distrust. The society at large is victimized by hate crimes.

Since being elected Orange County District Attorney in 1998, I have implemented the following mission statement for my Office:

"The mission of the Office of the District Attorney of Orange County is to enhance public safety and welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner."

I have made it a top priority of my administration to bring these perpetrators of hate crimes to justice. Our track record over the last several years demonstrates that we are accomplishing our mission. Over the past two years, we have filed over thirty hate crime cases while achieving a 100% conviction rate.

Penalties and punishments for those convicted of hate crimes can include: serving jail or prison sentences, paying back full restitution to the victim, complying with all of the restrictions and supervisory terms of probation, participating in mandatory tolerance training, and/or psychological counseling. Below is a representative sample of cases from 2003 where we brought justice to victims of hate crimes through successful prosecutions in court.

A 19-year-old male vandalizes and spray

paints racial epithets on a business owned by a Korean victim.

• Two 18 and 20-year-old males attack two men because they believe the men are gay.

• A 31-year-old male crashes his car into the garage of his Jewish ex-employer and makes anti-Semitic statements.

• A 26-year-old male, white supremacist gangmember, while in jail custody, utters a racial epithet and punches another inmate/victim who is African-American.

• A 42-year-old male brandishes a metal pipe, utters racial epithets, and assaults two Hispanic victims (a father and his son) as they are exiting a restaurant.

• A 20-year-old male utters racial epithets against an Asian victim and then breaks the windows of his apartment.

• A 34-year-old male spits at an African-American female while she is waiting in her car at a fast food restaurant, makes a racial epithet and states, "you don't belong here."

We will continue to vigorously prosecute hate crimes as we seek to enhance public safety and welfare and create a sense of security in our community. I would like to thank you in advance for your continued support of our efforts.



**Orange County District Attorney** 

my lachande

The following is a summary of the hate crime cases referred to the Orange County District Attorney's Office in the year 2003:

- 1. Nineteen (19) cases of suspected hate crimes were referred to our office for review.
- 2. Seventeen (17) cases were filed as hate crimes.
- 3. Fifteen (15) hate crime convictions as of December 31, 2003.

### Prosecution

#### Message from the California Attorney

Hate Crimes are among the most dehumanizing of crimes. The tragic events of September 11, 2001, have had a profound impact on our country and each of us as individuals. For some, in the immediate aftermath of the attacks, it brought fear, anger and suspicion. It was not surprising that the Hate Crimes Report of 2001, issued by the California Department of Justice, found an increase in hate crimes. Although the number of hate crimes decreased in 2002, we as Californians must not tolerate any such crimes. California is fortunate to have several resources to address hate crimes.

Local prosecutors who prosecute hate crimes have available to them the support of the full resources of the California Department of Justice. The Ralph Civil Rights Act and the Bane Civil Rights Act, both state laws that I strengthened as a former California legislator, provide civil remedies to victims of hate crimes. Local agencies, like the Orange County Human Relations Commission, also play an important role in the prevention of hate crimes and in reducing community conflict. The Civil Rights Commission on Hate Crimes that I convened found that because human rights commissions are often times first responders, such networks embrace a community's ability to identify and resolve civil rights violations and hate crimes.

Working together, we can continue to educate both the general public and law enforcement officials and officers on the importance of preventing and redressing hate crimes. In the coming years, I will continue to speak out against hate crimes and will do everything I can to curb hate violence in California.

I look forward to continuing to work with local law enforcement agencies and agencies such as the Orange County Human Relations Commission to protect all Californians from this evil.

Sincerely,

Bill Lockyer Attorney General

### **Hate Crime Network**



Since 1991, the Hate Crime Network has brought together representatives from law enforcement, community organizations, and the District Attorney and Attorney General's offices in a setting that facilitates updating on current issues on hate crimes and most importantly to network with each other. At this past year's quarterly meetings panelists addressed the following topics: Responding to Victims of Hate, Hate Groups in Orange County and the community's response to hate crimes and incidents in Orange County and Hate Crimes against Transexuals.

The Hate Crime meetings are scheduled quarterly on the third Thursday of the months of February, May, August, and November.



"Attending the meetings quarterly helps to further our mission of partnership with community agencies and other departments. It is important for community

members to have a forum to voice concerns and to safely make suggestions to improve and or change attitudes. Hate Crime prevention is important for every community member and these forums open a dialogue between the citizenry and law enforcement to work together. The network has enhanced and strengthened our ongoing relationships within the community." Jason Lacsamana, – Orange County Asian and



Pacific Islander Community Alliance "Civil liberties are protected when we take a stand against hate crimes. Hate crimes perpetuate a

stigma against those to be perceived as minorities." Charlie and Birdie Reed, American Civil Liberties Union Southern California

#### Victim Assistance

Hate Crime 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:

• To address the underreporting of hate crimes and incidents in our communities,

To increase immediate assistance to victims of hate and
To increase collaborations between community organiza-

tions and law enforcement.

The Partnership is proud of its 2003 accomplishments, which included developing an action plan to meet the needs of victims of hate, mapping resources, updating a standardized intake form for the use of police and community organizations, developing guidelines for responding to victims of hate, developing a protocol which routes cases for documenting and service provision, creating a resource directory and delivering a "Responding to Victims of Hate" training to first responders and victim and community advocates.

The Partnership will continue to work collaboratively creating strategies for community wide hate-crime response, reaching out to communities that are believed to underreport hate crimes, developing public awareness hate-crime campaigns and literature and obtaining referrals from law enforcement. The Partnership meets from 10am – noon on the last Wednesday of each month and reports on its progress at the quarterly Hate Crime Network meetings.

#### The organizations and individuals that enabled the Partnership to have such a productive year are:

Orange County Human Relations Iliana Soto, Community Building Director

Orange County Asian & Pacific Islander Community Alliance Jason Lacsamana, Communications Manager

American Civil Liberties Union of Southern California Birdie Reed, Representative

Anti-Defamation League Orange County/ Long Beach Region Kevin O'Grady, Associate Director

Los Amigos of Orange County Tom Reeves, Representative

Parents, Families & Friends of Lesbians and Gays Birdie and Charles Reed, Representative Asian Pacific American Legal Center Daniel Huang, Hate Crimes Project Coordinator Council on American-Islamic Relations, Southern California Ra'id Faraj, Public Relations Director

The Gay & Lesbian Center of OC Tricia Aynes, Director of Communication

Japanese American Citizens League Ken Inouye, SELANOCO Chapter

South Asian Network Shiu S. Chand, Community Advocate

Federal Bureau of Investigation Claire Balanay, Victim Advocate

CSP, Victim Assistance Programs Heather Banuelos, Program Director

#### CSP, Victim Assistance Services

Being the victim of any crime can have a tremendous impact on an individual, their family members and the community. Long after the violation the victim may still experience emotional, physical, and financial problems. In 2003, OC Human Relations and CSP, Victim Assistance Services began working strategically to more effectively support victims of hate. Now, when a hate crime is reported to OC Human Relations it collaborates with CSP to ensure victims receive the community support and services they need. The partnership is working actively to make law enforcement and community organizations aware of this unique resource. CSP, Victim Assistance Services provides:

- Crisis Intervention
- Resource and Referrals
- Emergency Assistance
- Property Return

- Restitution Assistance
- Translation services for non-English speakers
- Filing Victims of Crime Compensation Claims
- Other Assistance and Services as needed

### **Prevention and Response**

OC Human Relations wishes to recognize the admirable efforts that law enforcement, community organizations, schools and colleges have made to prevent hate from escalating in our communities. Some noteworthy prevention and response initiatives include:

**Bridges School Inter-Ethnic Relations Program** For the past fifteen years OC Human Relations has offered the nationally-recognized **BRIDGES** program to improve inter-group relations by enabling a representative group of school community members to work collaboratively toward creating and sustaining a safe, inclusive school environment that is respectful of society's diversity. Inter-ethnic relations and violence reduction programs bring together students, parents, teachers and administrators to build inter-ethnic communication, cohesion and sense of community on campus. Age-appropriate programming is offered for K-12 and college level students.

Living Room Dialogues Since September 11, 2001 OC Human Relations has brought together close to 1000 diverse Orange County residents to engage in dialogues that promote respect and understanding. Dialogues are a tool in developing and increasing lines of communication across groups to avoid conflicts that emerge from misunderstandings and to resolve conflicts that do arise.

Community Based Initiatives OC Human Relations offers a

breadth of proactive programs to increase respect and understanding and decrease the potential for conflict in our communities. Cultural Competency Planning involves working with agencies and businesses to develop behaviors, attitudes and policies that enable an organization to work effectively with diverse clientele. Dispute Resolution provides mediation and conciliation services to resolve disputes in a quick, efficient and cost-effective manner. The Leigh Steinberg Human **Relations Institutes bring** together a diverse group of young people to prepare and empower them to be stronger human relations leaders in the schools and communities. Parent Leadership Training builds the skills and abilities of non-English speaking parents to be more effectively involved in their communities and schools.

T.U.R.N Program (Teaching, Understanding, Respect and Non-Violence) TURN provides an anti-bias education program to high school youth who have been identified by the Orange County District Attorney's Office, Orange County Sheriff's Department and Orange County Probation Department as having engaged in hate related behavior or activity. T.U.R.N. brings the anti-bias educational tools and resources of the Anti-

Defamation League, Orange County Department of Education Division of Alternative Education and Orange County Human Relations together to deliver a comprehensive 15-hour training for young people.

These agencies work in partnership to provide a resource for courts to refer juvenile offenders involved in hate-related incidence and assist youth offenders to develop an understanding of the foundations, manifestations, and consequences of their hate behavior.

Healing the Hate In the spring of 2003, two terri-

ble, violent crimes occurred within a month of each other in two neighboring cities. In Yorba Linda, Rashid Alam, a young Arab-American teenager, was brutally beaten by white-power teenagers. In Anaheim Hills, a family was woken in the middle of the night to a cross burning in their front yard. These disturbing incidents motivated concerned community members to unite and take a public stand against hate, thus building solidarity across communities. OC Human Relations partnered with the Council on American-Islamic Relations and representatives from the Anaheim City Council, Anaheim Police Department, Brea Police Department, Placentia-Yorba Linda Unified School District, local community organizations such as the Orange County Asian Pacific Community Alliance, Japanese American Citizens League and Friendship Baptist Church to host a community forum and bring the neighbors, family, representatives from the community and the victims of the hate crimes together to begin the healing process.

Special Thanks to....

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Anne Dean, Public Relations Britt Schron, Instructor

And our friends at the The Art Institute ... for helping to design and produce this report.