



Office of the Mayor

CONSENT CALENDAR
November 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin (Author) and Councilmembers Bartlett, Hahn and Wengraf (Co-Sponsors)

Subject: Improving Hate Crimes Reporting and Response

RECOMMENDATION

Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes:

- Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline.
- Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents.
- Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police.
- Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents.
- Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review:
 - privacy policies/procedures for reporting
 - culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
 - The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes.
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention;

- Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.
- Review other emerging policies and best practices in other communities that support an inclusive and safe community.

POLICY COMMITTEE

On November 2, 2020, the Public Safety Policy Committee adopted the following action: M/S/C (Wengraf/Kesarwani) to send the item with a positive recommendation to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. Vote: All Ayes.

SUMMARY

Hate crime victims are usually targeted not because of anything they have said or done, but because of who they are or what they believe in. As such, hate crimes violate the very basic tenets of our democracy by targeting the right of every resident to be themselves and live safely and freely.

Perpetrators of hate crimes seek to send a message to the victim and his or her community that they are unwanted, that they do not belong, and that the community at large does not care about what happens to them. While we cannot eliminate all hate crimes, we can drastically diminish their impact by the approach taken by the City when hate crimes or incidents occur. We can send an even stronger counter-message to hate by developing a strong community-based infrastructure to support victims and ensure that accurate and transparent reporting and accountability occurs.

BACKGROUND

A 1969 federal hate crimes law was expanded in 2009 to provide protections beyond federally protected activity. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act gave the federal government the authority to investigate and prosecute crimes against victims targeted because of race, ethnicity, sexual orientation, gender identity, religion or disability. Proponents of this expansion argued that hate crimes are worse than regular crimes without a prejudiced motivation from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime.

Sadly, Berkeley is not immune to hate incidents and hate crimes and has policies for police response to address hate incidents. (Attachment #1) In 2001, after a rise in violence and hate speech resulting from the September 11, 2001 terrorist attacks, Berkeley declared itself a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support and discourage hate crimes.

More recently, Berkeley has seen an increase in the number of hate incidents and crimes. Since Donald Trump's election in 2016, there has been a reported increase in hate crimes throughout the country. In response to this alarming trend, the Berkeley City

Council adopted Resolution No. 67,794-N.S. The resolution recitals (Attachment #2) described the increase in hate incidents:

“Communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocating for equality; and”

“Hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and”

On June 19, 2020, two black children learning to rock climb at the popular and picturesque Indian Rock Park in the Berkeley Hills were subjected to a racial slur by a white passerby.¹ And on that same day, Black Lives Matter posters were torn down on Hillcrest Road and a racist altercation occurred concerning the efforts of children chalking their support for their black neighbors. Back on October 23, 2017, at Berkeley’s Pacific Center a man burned a rainbow flag and punched a volunteer.² And on November 28, 2018, someone entered the Pacific School of Religion campus chapel and drew a swastika inside a bible on display. A piece of paper with the words ‘Adolph Hitler’ scribbled on it was tacked onto a nearby bulletin board.³

Acts of hate violence or threats should be viewed as serious and investigations given priority. Such acts generate fear and concern in victims and the public; and have the potential for recurring, escalating and possibly cause retaliation. They divide us, intimidate our most vulnerable citizens and damage our collective spirit. Without addressing these incidents and crimes, communities experience broad harms – well beyond those of the individual victims.

Hate requires a visible and swift response. When such incidents occur the community must be reminded that an attack on one is an attack on all. It is important that Berkeley take proactive steps to create a system of response and reporting and enact procedures to prevent hate incidents. We must remain vigilant and committed to the visible rejection of hate, racism and bigotry.

CURRENT SITUATION AND ITS EFFECTS

Hate Crimes targeted at people based on their perceived race, color, national origin, gender, gender identity, sexual orientation, religion and/or disability are a widespread problem in communities across the United States. However, an acute discrepancy exists between the number of actual hate crimes committed, and the number officially reported to the FBI. This results in significant challenges for a community:

- Hate and bias crimes can escalate if not identified, addresses and tracked
- Without accurate data, appropriate resources cannot be allocated to address tensions and violence in communities
- Inadequate response to hate crimes can leave affected victims feeling unheard and unsafe

¹ <https://www.berkeleyside.com/2020/06/19/black-girls-at-climbing-camp-in-indian-rock-park-called-n-word-by-white-woman>

² <https://www.berkeleyside.com/2017/10/23/man-burns-rainbow-flag-punches-volunteer-pacific-center-berkeley>

³ <https://www.berkeleyside.com/2018/11/28/pacific-school-of-religion-startled-by-anti-semitic-incidents>

Furthermore, there are serious factors that relate to underreporting:

- Communities targeted for hate may not feel safe or comfortable reporting hate crimes to law enforcement
- Long-standing distrust among some communities leads victims to believe law enforcement will be unwilling or unable to help
- Immigrant communities may fear deportation or other consequences if they step forward
- Victims who speak different languages or have disabilities may not report due to cumbersome, inaccessible hate crime reporting procedures
- Individuals and targeted communities may fear retaliation if they report incidents.

Approximately 25% of victims⁴ do not report a hate crime because they do not believe the police would or could help. These statistics point out the reluctance of many targeted groups due to historical difficulties with police departments or a feeling that their interests will not be protected. For victims that are not comfortable reporting to law enforcement, a trusted intermediary or community group should be part of the reporting process, familiar with agency policies and demand accurate, transparent reporting protocols.

The Department of Justice recommends creating and fostering partnerships within community to respond to hate incidents and crime – communities need to be involved in the solutions. They also note that victims of hate and other vulnerable individuals are sometimes mistrustful or fearful of law enforcement and turn first to community groups or faith-based organizations for support and as a link to law enforcement and other authorities.⁵

California Attorney General, Xavier Becerra, launched a new hate crime prevention website, intended to be a one-stop shop for information and resources, and a Hate Crime Rapid Response Team. At the time it was launched, AG Becerra stated, “When someone commits a crime motivated by hate, it is not just an attack on one innocent person, but an attack on the entire State.”⁶

Los Angeles has recently launched LA vs HATE in partnership with Los Angeles County’s Human Relations Commission and Department of Mental Health. 211 LA hosts a hotline for individuals who have been victims or witnesses to acts of bullying or incidents motivated by hate or discrimination to connect with services. San Diego has created a San Diego Regional Hate Crime Coalition⁷ that coordinates outreach, education, and dialogue regarding bullying, hate incidents and hate crimes and also developed a Model Hate Crime Protocol Procedure Manual in coordination with their Hate Crimes Community Working Group.⁸

When a hate crime occurs:

1. Victimization is projected outward to all members of the victim’s wider community.

⁴ <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>

⁵ <https://www.justice.gov/hatecrimes/preventing-hate-crimes-your-community>

⁶ <https://oag.ca.gov/hatecrimes>

⁷ <https://sdnohate.org>

⁸ https://www.ncjrs.gov/ovc_archives/reports/responding/files/appendixA.pdf

2. Other members of the same group feel victimized.
3. Members of other commonly targeted groups are reminded of their vulnerability to similar attacks.
4. The community is polarized into an “us-versus-them” mentality.
5. It impedes community spirit, morale, and growth.
6. Property values are lowered.
7. It increases security concerns at schools, churches, businesses, and private homes.

RATIONALE FOR RECOMMENDATIONS

While Berkeley police do respond to hate crimes and incidents, real change and support for victims will only occur with a constructed, socially appropriate response from an organized community and neighborhoods infrastructure. City and community mechanisms must be developed to support impacted community members and organizations,

- Consistent communication that the City takes hate crimes and bias incidents seriously
- Online and call-center reporting systems that will allow the incident or crime to be directed to the appropriate resource within the City of Berkeley
- Conduct outreach to individuals and communities targeted for hate to listen to their concerns, assist with their needs and respect requests for privacy
- Develop easy, transparent reporting resources for victims and/or their support networks including accessible and multilingual reporting procedures
- Engage youth to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Establish culturally appropriate and supportive networks that prioritizes clear, decisive response to hate crimes and hate incidents, ongoing collaboration to promote healing and strengthen prevention activities
- Engage and organize the community when it is necessary to stand up to hate groups

Victims should be given an option of first speaking with a public health official or community support group before officially reporting a hate event to Berkeley Police. This could encourage reporting for those that would be otherwise inclined to stay silent. It would also provide support for the victims if it is determined that reporting the crime to Berkeley Police is necessary.

Engaging the community to respond to hate incidents, empowers all to stand up against hateful acts. The response from the Berkeley community to the tragic events of Charlottesville, and the still evident Berkeley Stands United Against Hate signs, speaks to the powerful message embraced by an entire community and region. Ensuring that there are mechanisms in place to rally the community when hate happens will only make Berkeley safer and more inclusive.

FINANCIAL IMPLICATIONS

Unknown. Staff time to determine the optimal approaches for hate crime reporting, organizing an internal response team and engaging the community for real-time action.

Possible resource development that educates the public about what to do when a hate crime occurs.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's policies for a safe and resilient community

CONTACT PERSON

Mayor Jesse Arreguin 510-981-7100

Attachments:

1. Berkeley Police Department Policy 319, Hate Crimes
2. Resolution No. 67,794-N.S., "Expand the City's Hate-Free Zone Resolution in Order to Support Vulnerable Individuals and Communities", December 13, 2016, Berkeley City Council
3. Memo on San Francisco Hate Crimes Reporting Hotline

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender, gender identity or gender expression
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

Hate Crimes

319.2 POLICY

The Berkeley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

319.4 HATE CRIME VS. HATE INCIDENT

Many acts of hate violence fall under the category of a hate crime, which is punishable by law. However, not all hate incidents are hate crimes. For example, verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry out the threat.

For a hate incident to be categorized as a hate crime, it must violate a criminal law. A hate crime might include threatening phone calls, physical assaults, destruction of property, bomb threats, and/or the disturbance of religious meetings.

A hate incident that does not constitute a hate crime might include hate speech, display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage. Even if a hate incident does not rise to the level of a hate crime, the victim will still need support and assistance and may have an actionable civil claim as well.

319.5 CRIMINAL STATUTES

The key criminal statutes on hate crimes are

- (a) Penal Code § 422.6 which provides that it is a misdemeanor to both (a) threaten or injure an individual or (b) damage property because of the real or perceived beliefs or characteristics of the other person; and
- (b) Penal Code § 422.7 which provides that it is a felony to both (a) threaten or injure an individual (when the injury could or does result in great bodily injury) or (b) damage

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property (when the damage is in excess of \$950) because of the real or perceived beliefs or characteristics of the other person.

319.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

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319.6.1 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems.

319.6.2 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Management Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate.
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 - 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

RESOLUTION NO. 67,794–N.S.

Attachment #2

EXPAND BERKELEY HATE FREE ZONE TO SUPPORT VULNERABLE INDIVIDUALS
AND COMMUNITIES

WHEREAS, after a rise in violence and persecution resulting from the attacks of September 11, 2001, the City established Berkeley as a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support; and

WHEREAS, communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocates for equality; and

WHEREAS, members of the affected communities have expressed their deep concerns for their safety and well-being; and

WHEREAS, hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and

WHEREAS, immigrant families and children live in fear of separation and possible permanent loss of loved ones who may be forcibly returned to a country where their lives are in danger; and

WHEREAS, numerous Muslims are facing, what the Council on American-Islamic Relations described as an accelerated spike in Islamophobia and Anti-Muslim rhetoric that have triggered an unbelievable spike of hate crimes targeting Muslims and other minorities with more than 100 incidents specifically targeting Muslims post-election; and

WHEREAS, the Jewish community has faced what the Anti-Defamation League (ADL) described as “growing numbers of reports about anti-Semitic, racist, and bigoted incidents, including vandalism, assaults and harassment, from around the country”; and

WHEREAS, according to Anirvan Chatterjee, the curator of the Berkeley South Asian Radical History Walking Tour that numerous Asian American community members experienced harassments including words like “go back to where you come from”, even when many of those members are in fact from the United States; and

WHEREAS, the disabled community has experienced ridicule and disrespect, on top of practical fears of privatization and reductions to life saving health support programs; and

WHEREAS, the LGBTQQIA+ community fears the ongoing failure to ban employment discrimination nationwide will be compounded by high ranking officials including Cabinet nominees who demean and disparage them, and risk rollbacks of the great progress seen in recent years of positive executive branch actions; and

WHEREAS, an estimated 1,500 Berkeley high students walked out of their classes to protest against the prospects of the new Trump administration; and

WHEREAS, the Southern Poverty Law Center has counted over 867 reported incidents of election related intimidation and harassment as of November 29.

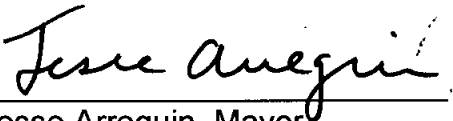
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley sends a clear message to all of our vulnerable threatened communities that we accept them, value them and respect them. Furthermore our city and our leaders will offer solidarity, stand up and speak out against hate speech, hate behavior and hate crimes, and that we will do everything we can to protect people during these difficult days.

The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2016 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk



MEMORANDUM

Date: November 1, 2020
To: Berkeley City Council Public Safety Policy Committee
From: Mayor Jesse Arreguin
Regarding: Research on San Francisco Hate Crimes Hotline

On September 21, 2020, the Berkeley City Council Public Safety Committee discussed the item Improving Hate Crimes Reporting and Response, which recommends that the City Manager implement the following new systems for reporting and responding to hate crimes and hate incidents:

- Develop easy, transparent reporting systems for victims and/or their support networks, including a hate crime reporting hotline and/or an online reporting tool
- Privacy policies and procedures that will provide support for victims and encourage reporting
- Culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
- Establishing supportive community-based networks that provide clear, decisive response to hate crimes and hate incidents
- The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Engaging youth and BUSD to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention
- Other emerging policies and activities that support an inclusive and safe community

The item noted that San Francisco had developed a hotline for hate crimes. On September 28, my staff spoke with Alex Bastian, Prosecutor and Deputy Chief of Staff at San Francisco's District Attorney's Office, to learn about the office's hotline and hate crime reporting policies.

Background

San Francisco, like Berkeley, has seen an uptick in hate crimes and hate incidents since the last presidential election. In response, the then District Attorney George Gascón developed a hate crime hotline in 2016 to be managed by the District Attorney's Office. The office has continued to operate the hotline under the leadership of District Attorney Chesa Boudin.

The San Francisco Hate Crime Hotline's Purpose

San Francisco's hate crime hotline was never intended as a reporting tool. Rather, its purpose is

to provide information about hate crimes and hate incidents and to help connect callers to helpful organizations and sources of information. The District Attorney's Office was wary to develop a hate crime reporting hotline for two reasons:

1. All information provided in a hate crime report, including that in a call to a hate crime reporting hotline, is admissible evidence in court. By *Brady v. Maryland* (1963) the defense has the right to access this information.¹ A civilian employee who answers the hate crime call would become a witness to the reported crime. Police department employees are better trained to be criminal witnesses, and therefore less likely to compromise the case of the District Attorney's Office.

2. Bastian stressed that the hotline is "not a replacement for 911." The SF District Attorney's Office wants the SF Police Department to always be the first to hear reports of hate crimes that are in progress, so that it can quickly respond to emergency situations. Despite its intent, the office has received some hate crime reports through the hate crime hotline.

In these cases, callers have been connected with the dedicated hate crimes prosecutor of the District Attorney's Office, who works with SFPD's Special Investigations Division.

Online Hate Crime Resources

The SF District Attorney's Office did at one point run an email address that people could contact to receive information similar to what the Hate Crime Hotline provides. However, the office encouraged the public to use the hotline instead. Under the California Public Records Act, the office's email threads are recorded for public inspection, making privacy an issue. There is no longer an email for hate crime information listed on the office's website.

Outreach

San Francisco's Hate Crime Hotline is listed on the "Contact" page of the website for the District Attorney's Office.² The office's website also includes Vimeo clips in three languages that offer definitions of hate crimes and explain the city's resources for victims before directing viewers to the hotline.³ In addition, the office has run public service announcements on the radio and on television to raise awareness of the hotline, in multiple languages.

Use Demographics

The hotline is geared towards a diverse population. It is available in Cantonese, Mandarin, Spanish, Tagalog, Vietnamese, and Arabic. Bastian did not have exact statistics for the demographics of the hotline's callers, but he said that the calls "mirror substantially" the demographics of victims of hate crimes and hate incidents. In other words, the proportion of callers coming from a certain victim demographic (e.g. Muslims) roughly correlates with the proportion of hate crimes and incidents committed against that group. However, outreach campaigns have impacted caller demographics. For example, after a PSA about hate crimes

¹ <https://supreme.justia.com/cases/federal/us/373/83/>

² <https://sfdistrictattorney.org/contact/>

³ You can see these videos here: <https://sfdistrictattorney.org/victim-services/combating-hate-crimes/>

against San Franciscans of Asian descent aired in Cantonese on KTSF, the office saw an increase in callers speaking Cantonese. The same trend occurred after a similar PSA in Spanish.

Costs

According to Bastian, the SF District Attorney’s Office incurred only “nominal” costs to develop and implement its Hate Crime Hotline. Gascon and Bastian relied on internal employees and did not need to purchase new information technology. They developed the Hate Crime Hotline by extending the capacity of their Consumer Mediation Hotline. Note that the hotlines have the same phone number: (628) 652-4311.

