

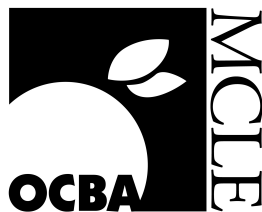
*The Orange County Bar Association  
Covid-19 Task Force and OCBA Diversity & Inclusion  
Committee Present*

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**UNITY IN A TIME OF COVID-19, PART 3:  
Championing the Movement Against Bias,  
Discrimination and Hate**

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Wednesday, May 27, 2020



Speakers

**Todd A. Spitzer, Esq.**

District Attorney

*Orange County District Attorney's Office*

**Jake Jondle, Esq.**

Special Prosecutions Unit-Hate Crimes Coordinator

*Orange County District Attorney's Office*

**Rabbi Peter Levi**

Regional Director, *Anti-Defamation League*

**Navdeep Singh, Esq.**

Policy Director, *National Asian Pacific American Bar Association*

Moderator

**Kimberly La Salle, Esq.**

*Law Office of Kimberly La Salle*

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# Seminar Materials

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# UNITY IN A TIME OF COVID-19:

## CHAMPIONING THE MOVEMENT AGAINST BIAS, DISCRIMINATION, AND HATE

PART III

*May 27, 2020*

Orange County Bar Association Diversity & Inclusion Committee

Elimination of Bias 1 CLE Credit



# UNITY IN A TIME OF COVID-19:

## CHAMPIONING THE MOVEMENT AGAINST BIAS, DISCRIMINATION, AND HATE

### Today's Presentation

#### I. INTRODUCTIONS

- A. *Panelist Introductions*
- B. *Opening Remarks: Todd A. Spitzer*

#### II. PART A

*Hate Crime vs. Hate Incident*  
*Hate Crime Charges & Enhancements,*  
*Motive, Filing Standard*

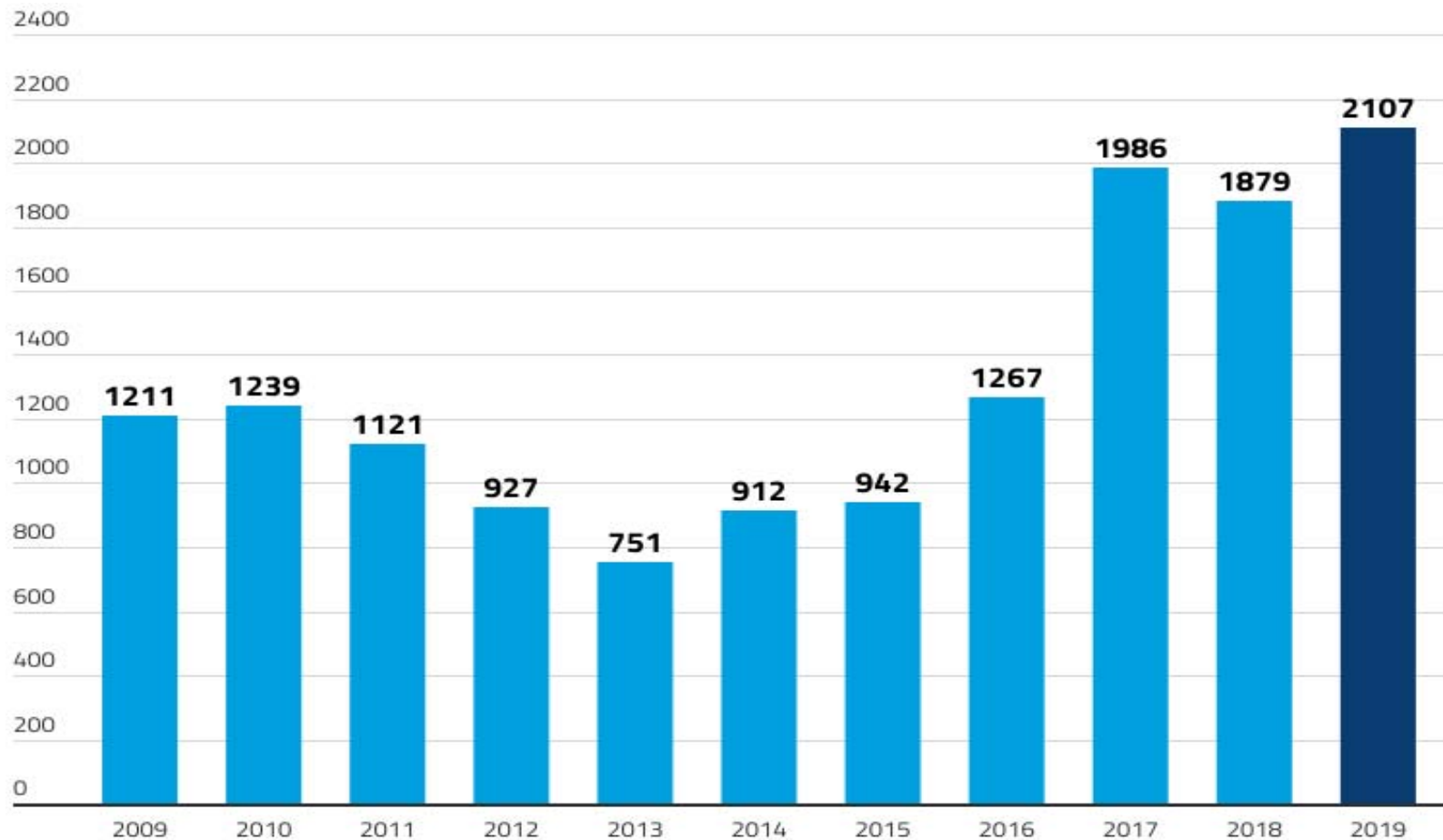
#### PART B

*Potential Hate Crime Victims*  
*How to Help & Resources*

#### III. ATTENDEE Q&A

# Antisemitic incidents: U.S.

Over the Last Decade 2009-2019



# Antisemitic incidents: U.S.

## 2017-2019 Incident Comparisons

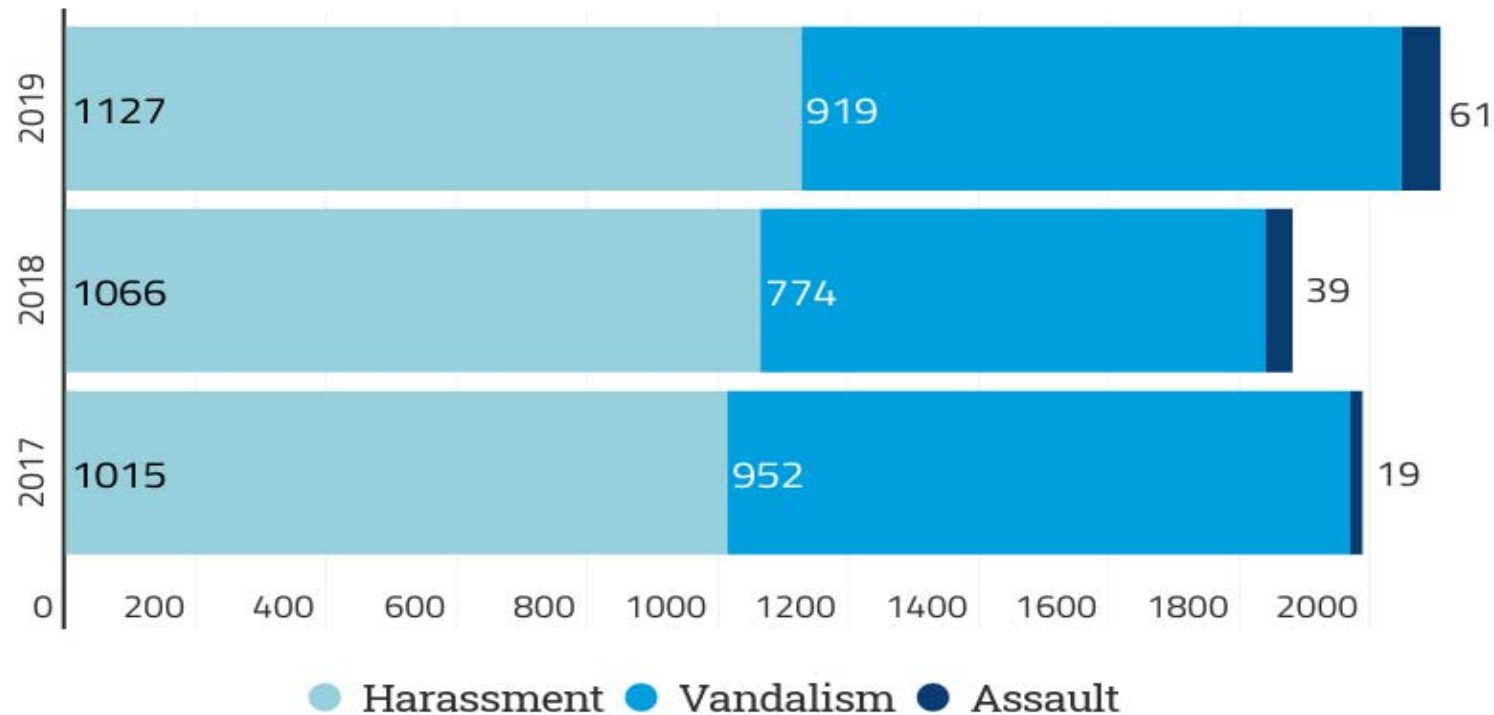
**2019 Total: 2,107**

**12% increased over 2018**

**Orange County/Long Beach: 22% increase**

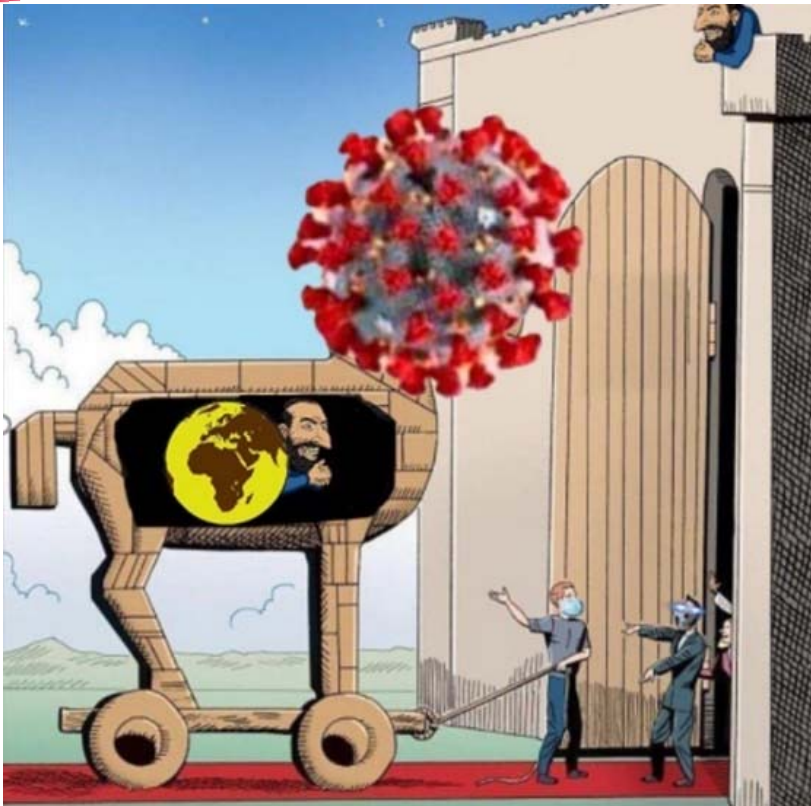
**3% decrease**

**California**



# The Virus of Hate: Coronavirus & Antisemitism

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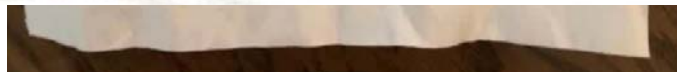


# The Virus of Hate: Coronavirus & Sinophobia

CoronaWaffen

I honestly can't believe Trump called COVID-19 the "Chinese Virus".  
I like don't be racist, mate, call it by its name.

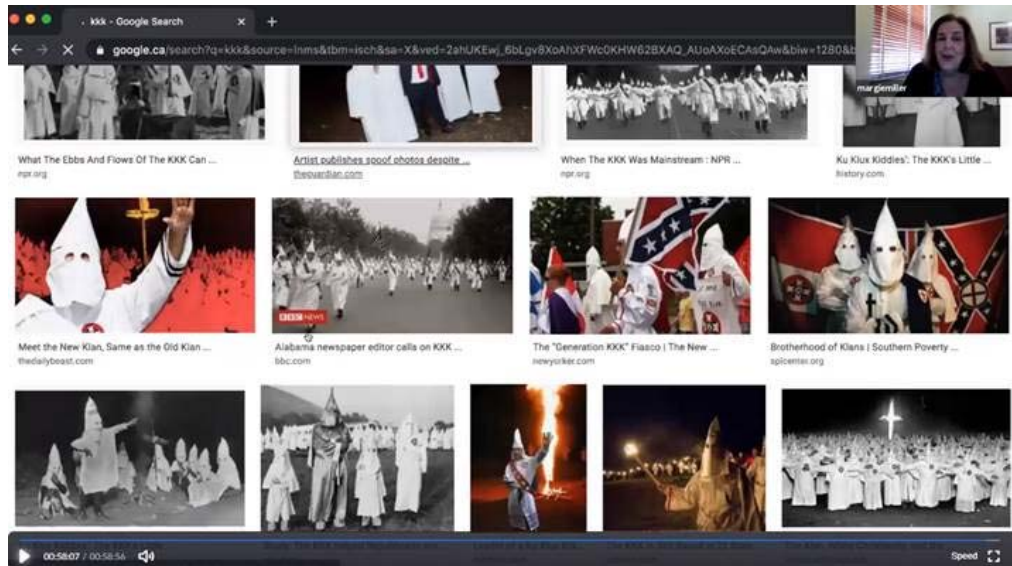
- >Wu Flu
- >WHO Flu
- >Wumonia
- >Kung Flu
- >Gook Flu
- >WuHu Flu
- >Chinkpox
- >Chinobyl
- >Boomer Remover
- >Justa Flu
- >Coofit-19
- >Holocough
- >Boomerpox
- >Poohmonia
- >Coronachan
- >Red Plague
- >Chinkenpox
- >Canton Coof
- >Wu-Tang Flu
- >Flu Man Chu
- >Xi Jinplague
- >Nothingburger
- >Flu-Tang Clan
- >Airborne AIDS
- >Bat-Man Virus
- >Winnie the Flu
- >Shanghai Shivers
- >Bat Soup Croup
- >Wu-Ping Cough
- >Wubonic Plague
- >ChinAIDS/ChAIDS
- >Chink Flying AIDS
- >Pangolin Pandemic
- >Wuhan Coronavirus
- >Mandate of Heaving
- >The Shaolin Sneeze
- >Wet Market Surprise
- >Sweet and Sour Sicken
- >Communist Lung Herpes
- >China's One Corpse Policy
- >SARS-CoV-2: Alveolar Boogaloo
- >Bill Gates Event 201
- >Experimental Bioweapon CW-19



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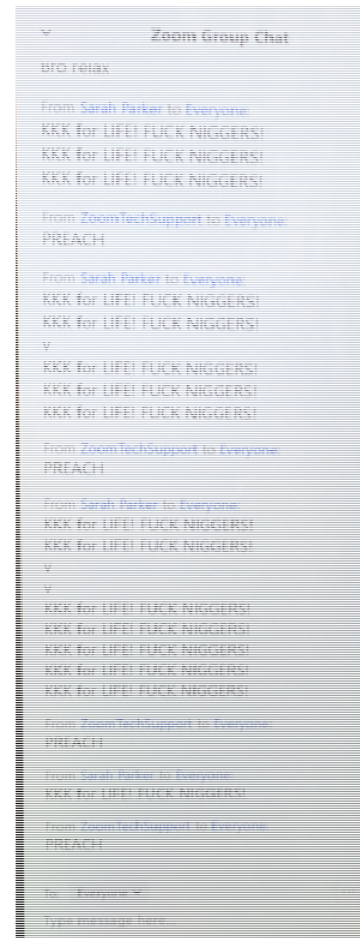


# CORONAVIRUS AND RELATED REAL-WORLD ACTION: ZOOM-BOMBING



Zoombombing of a Jewish nonprofit (source: image shared with ADL)

Zoombombing at UC Irvine, the School of Social Sciences hosted a public event on the importance of the Census with experts from: Census, the community, and scholars.



Zoombombing at local OC candidate's online forum, May 19, 2020

**ADL**®

Anti-lockdown protests  
spawn antisemitic conspiracy theories,  
Holocaust imagery...



Huntington Beach protest, May 9, 2020

Laguna Beach Protest, May 2, 2020



Anti-lockdown protests  
spawn antisemitic conspiracy theories,  
Holocaust imagery...



Huntington Beach protest, May 9, 2020

# WHAT IS A HATE CRIME?

- **Penal Code § 422.55(a)** defines a hate crime:
  - A criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:
    - (1) **Disability**. Includes mental disability and physical disability
    - (2) **Gender**. Includes sex, gender identity, and gender expression.
    - (3) **Nationality**. Includes citizenship, country of origin and national origin
    - (4) **Race or ethnicity**. Includes ancestry, color, or ethnic background
    - (5) **Religion**. Includes all aspects of religious belief, observance, and practice; includes agnosticism and atheism
    - (6) **Sexual Orientation**. Includes heterosexuality, homosexuality, or bisexuality.
    - (7) **Association with** a person or group with one or more of these actual or perceived characteristics. Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, group or person with protected characteristics.



A CRIME



MOTIVE BASED ON BIAS  
AGAINST A PROTECTED  
CHARACTERISTIC



HATE CRIME





## COMMON HATE CRIME CHARGES & ENHANCEMENTS

- **P.C. § 422.6(a)** Interference with Civil Rights by Force or Threat
- **P.C. § 422.6(b)** Interference with Civil Rights by Damaging Property
- **P.C. § 422.7** Used to Enhance Misdemeanor to Felony Based on Bias-Motivation
- **P.C. § 422.75** Enhancement for Any Felony w/ Bias Motivation
- **P.C. § 594.3** Vandalism to Place of Worship or Cemetery
- **P.C. § 11411** Terrorizing by Noose, Cross Burning, or Other Symbol
- **P.C. § 11412** Threats Obstructing Exercise of Religion



## MOTIVE

- The important question of whether a crime is a hate crime turns on the defendant's motivations.
- As the definition includes the language “actual *or perceived*” characteristics of the victim, we prosecute hate crimes if the defendant acted from a bias motivation, whether they correctly identified their victim or not.
- For example, if an Islamophobic defendant attacked a Sikh in the mistaken belief he was Muslim, and committed that act because he perceived the victim to be Muslim, it is a hate crime even though the defendant was mistaken.



## FILING STANDARD – PROOF BEYOND A REASONABLE DOUBT

- Defendants may have more than one motivation in committing a crime.
- One of those may appear to be a bias motivation based on the use of a racial slur or the presence of a hate symbol.
- As prosecutors, our analysis does not end there. In order to file a hate crime charge or enhancement, we must be convinced we can prove to a jury, beyond a reasonable doubt, that the bias was a substantial motivating factor in the commission of the crime.



## OCDA HATE CRIME EMPHASIS

- All hate crimes are handled by Special Prosecutions Unit
  - From investigation & filing through trial
- Every new DDA receives hate crime training
- Every new paralegal receives hate crime training
- Produced Hate Crime Training Bulletin for LEOs
- Train LEOs at department briefing
- Seeing more police departments designate one or more detectives to work hate crimes

# HATE CRIME STATISTICS

Year	Total # HC Cases Referred to or Initiated by OCDA	Total # Filed of Initiated as HC	HC Convictions	Cases Reviewed w/ hate undertones (not included in # Referred to/Initiated
2019	30	13	13	56
2018	32	15	9	15
2017	17	8	9	No Stats
2016	12	6	4	No Stats
2015	22	12	6	No Stats
2014	12	8	3	No Stats

Source: OCDA





# HATE INCIDENT

- Non-criminal conduct that is motivated by hatred or bigotry and directed at any individual, residence, house of worship, institution, or business expressly because of the victim's real or perceived race, nationality, religion, sexual orientation, gender, or disability.
- Hate incidents also include conduct directed against an individual or group because of their association or advocacy on behalf of a member or members of a protected class. <https://police.ucdavis.edu/hate-incidents>.



## POTENTIAL HATE CRIME VICTIMS

- Individuals
- Businesses
- Schools
- Religious institutions
- Community centers
- Outreach groups
- Public property associated with protected group



# RESOURCES

- Orange County Human Relations Commission:
  - <http://www.ochumanrelations.org/>
  - <https://www.ochumanrelations.org/hatecrime/hate-crime-resources/>
- Anti-Defamation League: <https://www.adl.org/>
  - Resource Library <https://www.adl.org/education-and-resources/resource-knowledge-base>
    - Information on various hate groups and current developments
  - Hate Symbols Database re: tattoos, clothing, or literature: <https://www.adl.org/hate-symbols>
- Bias incident community story collection tool - [www.Standagainsthatred.org](http://www.Standagainsthatred.org)
- Stop AAPI Hate, California based incident story reporting tool - <http://www.asianpacificpolicyandplanningcouncil.org/stop-aapi-hate/>
- NAPABA's resource page, with specific information on COVID-19 related incidents – [www.napaba.org/covid19](http://www.napaba.org/covid19)



# HOW TO GET INVOLVED

- **PANELIST INFO**

- **Jake Jondle**

- <http://orangecountyda.org/>

- **Peter Levi**

- ADL Website: <http://orangecounty.adl.org/>

- **Navdeep Singh**

- Email: [nsingh@napaba.org](mailto:nsingh@napaba.org)
    - Twitter: @navdeepsinghjd
    - NAPABA Website: [napaba.org](http://napaba.org)
    - NAPABA Facebook: @NAPABANational
    - NAPABA Twitter: @napaba

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# Speaker Biographies

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# Todd Spitzer

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## District Attorney Todd Spitzer



Todd Spitzer has dedicated his life to keeping families safe and was inspired to dedicate his career to public service as an Orange County Supervisor, former California State Assembly Member, and now as the Orange County District Attorney. A champion for public safety,

District Attorney Spitzer is recognized as an expert on security issues, whose reputation as an advocate for victims' rights is respected nationally. Spitzer chaired the ground-breaking campaign for Proposition 9, Marsy's Law, the nation's most comprehensive Victim's Bill of Rights, and served as State Co-Chair for Proposition 83, the nation's toughest sex offender punishment and control law as well as Proposition 69, which requires the collection of DNA samples from all felons.

Fighting to protect our community, he joint-authored Megan's Law on the Internet, the landmark legislation requiring the release of public information related to sex offenders and as a former deputy and assistant district attorney he handled complex criminal matters while managing line prosecutors.

As Third District Supervisor, he secured Orange County's first year-round, supportive housing shelter for the homeless, established an Ethics Commission, gained passage of pension reform measures, and strengthened public safety oversight by expanding the Office of Independent Review.

Spitzer earned his Bachelor's degree from UCLA (1982), a Master's degree in Public Policy from UC Berkeley (1989), and a Law Degree from UC Hastings School of Law (1989). While at Hastings, Spitzer was awarded the George Moscone Fellowship, for the law student dedicating his career to public service.

Spitzer is a former high school teacher and reserve police officer assigned to DUI enforcement and patrol duties. He is a doting father of a son and daughter and a dedicated husband to Judge Jamie Spitzer, Presiding Judge of the Workers' Compensation Appeals Board.



**Jake Jondle, DDA:** Jake has been a deputy district attorney for six years. He is currently assigned to the Special Prosecutions Unit and serves as the OCDA's Hate Crimes Coordinator. He is involved in training Orange County law enforcement and prosecutors on recognizing, investigating, and prosecuting hate crimes with an emphasis on dealing compassionately with hate crime victims. He was previously assigned to the Central Justice Center, North Justice Center, and the Felony Panel. Jake has previously presented on the topic of hate crimes in front of the Orange County Human Relations Commission and the Irvine Iranian American Community Town Hall.

Jake received his Juris Doctorate from the UC Davis School of Law and his Bachelor of Science in Managerial Economics from UC Davis.



Rabbi Peter Levi is a veteran Jewish community professional with experiences in community relations and interfaith affairs. After leading congregations for more than a decade at the Wilshire Boulevard Temple in Los Angeles, Temple Chai in Phoenix and Temple Beth El in South Orange County, he now directs the Anti-Defamation League's Orange County/Long Beach Regional Office, serves as president of the Orange County Board of Rabbis, is a member of the Orange County Sheriff's Interfaith Advisory Council, and was named one of Orange County's 100 most influential people in 2018 by the Orange County Register.

Peter is a Los Angeles native who grew up in a secular Jewish and social activist family. His Jewish journey began in his 20s. After immersing himself in hearing Jewish stories, learning values of the Jewish tradition, participating in efforts to heal our world, and eating, singing and dancing with his local Jewish community, the decision to become a rabbi and spiritual teacher was easy. As a community leader, Peter shows a passion for securing justice and fair treatment for all. He has been deeply involved in interfaith relations, fought discrimination against marginalized groups and the scourge of poverty, struggled for comprehensive immigration reform, lobbied for global justice to end gender-based violence and is a lover and defender of Israel and the Jewish people.

The Anti-Defamation League was founded in 1913 "to stop the defamation of the Jewish people and to secure justice and fair treatment to all." Now the nation's premier civil rights/human relations agency, ADL fights anti-Semitism and all forms of bigotry, defends democratic ideals and protects civil rights for all. ADL does so by responding to hate incidents, building relationships with elected officials, the interfaith community, law enforcement, other cultural and civil rights organizations, and educating the community [anti-bias and anti-bullying programs for K-12 schools, college campuses].

Peter earned his bachelor's degree in Mathematics and Philosophy from Yale College, then taught high school before pursuing a PhD in Analytic Philosophy from the University of California at Santa Barbara. He was ordained as a rabbi by the Hebrew Union College - Jewish Institute of Religion. Peter is married to artist Ruth Levi and is the proud father of four.



**Navdeep Singh**  
**Policy Director**  
**National Asian Pacific American Bar Association (NAPABA)**

Navdeep Singh is the Policy Director at the National Asian Pacific American Bar Association (NAPABA) where he leads the organization's government relations, nominations and appointments, community partnerships, and advocacy programs.

His work centers on building, uplifting, and valuing community. He uses public policy and public affairs tools to help communities flourish. He has experience working on issues important to the Asian Pacific American community, including civil rights issues, diversity in the legal profession, and language access. Navdeep worked extensively on issues affecting Arab, Muslim, Sikh, and South Asian communities.

Navdeep is an author of "Interpreting Justice", a report on language access for Asian Pacific Americans in the courts and agencies. He wrote about racial profiling and the growth of the Asian Pacific American community for UCLA's AAPI Nexus Journal. He co-authored "Turban Myths", the first study on implicit bias and the Sikh American community, and advised the FBI on the implementation of expanded hate crimes categories. He was part of the team that responded to the attack on the Sikh Temple in Oak Creek, Wisconsin.

Prior to joining NAPABA, Navdeep was Policy Director at the Sikh American Legal Defense and Education Fund, the Transportation Security Administration, the Becket Fund for Religious Liberty, and in the private sector. He is a graduate of the FBI's Citizen's Academy, received his J.D. from the George Washington University Law School, and his B.S. in Systems Engineering and Economics with a minor in Asian Pacific American Studies from the University of Virginia.