

# PCAC

## Campus Safety & Security November 2023

### Foothill De Anza College District Police

Chief Danny Acosta

Joy Garza



1

## Campus Safety & Security

### Alarming Rise of Antisemitic and Islamophobic Events at Schools and College Campuses

According to the Anti-Defamation League, there has been a **388% increase** in antisemitic instances since the attack by Hamas on Oct. 7.

The Council on American-Islamic Relations reported a **182% increase** in bias incidents and requests for assistance in the weeks following the attack.

2

## Campus Safety & Security

- National Center on Safe Supportive Learning Environments, *“It is crucial that colleges and universities address these issues in a way that fosters an academic environment that is safe and where cultural diversity is respected by all.”*

### Cultivating Tolerant, Safe, and Supportive Campuses

- Bridging Differences Playbook
- Civil Discourse in the Classroom
- College Student View on Free Expression and Campus Speech 2022
- Facilitating Political Discussions
- Fostering Civil Discourse: How Do We Talk About Issues That Matter?
- Protecting Student Mental Health in the Face of Antisemitism and Islamophobia

3

## Campus Safety & Security

- National Center on Safe Supportive Learning Environments continued...

### Addressing Discrimination

- Dear Colleague Letter on Shared Ancestry
- Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics
- Office for Civil Rights Complaint Process
- Race, Color, or National Origin Discrimination: Frequently Asked Questions
- How to Respond to Discrimination and Bias

4

## Campus Safety & Security

- National Center on Safe Supportive Learning Environments continued...

### Confronting and Counteracting Antisemitism and Islamophobia

- Fact Sheet: Biden-Harris Administration Takes Landmark Step to Counter Antisemitism
- First-Ever National Strategy to Counter Islamophobia

5

## Campus Safety & Security

- The Jed Foundation (JED) suggests colleges and universities take the following actions to engage students and support their mental health.

- Communicate Clearly
- Share Enhanced Safety and Security Measures
- Disseminate Policies for Reporting Bias Incidents
- Respond to Student Concerns and Distress
- Facilitate Listening Sessions
- Have Campus Leadership Play an Active Role
- Actively Support Student Mental Health
- Promote Campus Connectedness and a Culture of Caring
- Empower Students to Work Together for an Improved Campus Climate
- Enhance Campus Connection Through Celebration of Identities

6

## Hate Crimes

A hate crime is a crime against a person, group, or property motivated by the victim's real or perceived protected social group. You may be the victim of a hate crime if you have been targeted because of your actual or perceived:

- (1) disability
- (2) gender
- (3) nationality
- (4) race or ethnicity
- (5) religion
- (6) sexual orientation and
- (7) association with a person or group with one or more of these actual or perceived characteristics.

Hate crimes are serious crimes that may result in imprisonment or jail time.

7

## Hate Incident

A hate incident is an action or behavior motivated by hate but which, for one or more reasons, is not a crime. Examples of hate incidents include:

- (1) Name-calling
- (2) Insults
- (3) Displaying hate material on your own property.
- (4) Posting hate material that does not result in property damage.
- (5) Distribution of materials with hate messages in public places.

The U.S. Constitution **allows** hate speech as long as it does **not interfere** with the civil rights of others. While these acts are hurtful, they do not rise to the level of criminal violations and thus may not be prosecuted. However, these incidents have a traumatic impact on the victims as well as on the community at large.

8

## Penal Code Sections on Hate Crimes

California law recognizes that certain crimes are more serious where a victim is singled out because of their actual or perceived disability, gender, including gender identity and gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

These offenses are referred to as hate crimes and can serve as a **stand-alone crime under California Penal Code section 422.6**, as an **aggravating factor under section 422.7**, or as an **enhancement under section 422.75**.

9

**P.C. 190.2(a)(16)** *Special Circumstances* for Imposition of Death Penalty or Life Without Parole if the victim was intentionally killed because of race, color, religion, nationality or country of origin.

**P.C. 190.03(a)** *Special Circumstances* for Life Without Possibility of Parole if the victim was intentionally killed because of victim's disability, gender or sexual orientation or a perception the person has one of those characteristics.

**P.C. 302** Disorderly conduct at Church Service (**Misdemeanor**)

**P.C. 422.6** Use of Force, Threats or Destruction of Property to Interfere with Another's Exercise of Civil Rights (**Misdemeanor**)

**P.C. 422.7** Commission of Crime for Purpose of Interfering with Another's Exercise of Civil Rights (**Felony**)

**P.C. 422.9** Violation of Civil Order (Bane Act) Protecting Exercise of Civil Rights (**Misdemeanor**)

10

P.C. 422.75 *Enhancement* for felony committed because of victim's race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation—1-2-3 years prison.

P.C. 594.3 Vandalism, Place of Worship or cemetery (**Felony**)

P.C. 640.2 Placing Handbill, Notice or Advertisement on Consumer Product or Product or Package without authorization (**Misdemeanor**)

P.C. 11411 Terrorizing (e.g., placing a Nazi swastika on private property or burning a cross on private property) (**Misdemeanor**)

P.C. 11412 Religious Terrorism (**Felony**)

P.C. 11413 Use of Explosives in Acts of Terrorism in Specified Places (e.g., health facility, church, temple) (**Felony**)

11

## Penal Code Sections on Hate Crimes

*\*\* If the criminal offense was not committed because of a bias, an appropriate criminal charge may nonetheless be filed.*

*\*\* No person shall be convicted of a hate crime **based on speech alone** unless it is a specific threat of violence and the person had the apparent ability to carry out the threat.*

12

## Civil Rights

In California under the Ralph Act, Civil Code § 51.7, your civil rights may be violated if you have been subjected to hate violence or the threat of violence - even where the incident does not rise to the level of a hate crime and may be otherwise constitutionally-protected from prosecution by the government - because of your actual or perceived: sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, and position in a labor dispute.

A civil violation may result in restraining orders, injunctive and/or equitable relief, damages, a civil penalty of \$25,000, and attorney's fees.

13

## How to Spot a Hate Crime

Signs that a crime was motivated by hate may include:

- The offender chose the victim or property because they belonged to a protected group, like a certain religion or gender.
- The offender made written or verbal comments showing a prejudice.
- The crime happened on a date that is important for the victim's or offender's protected group.
- There is organized hate activity in the area

14

## Hate Crime Victim's

If you are a hate crime victim, you should:

- Contact the local law enforcement agency right away.
- Get medical attention (if you need it).
- Write down the exact words that were said.
- Make notes about any other facts.
- Save all evidence (e.g., graffiti, eggshells, writing on victim's vehicle). If safe, wait until law enforcement arrives and takes photos.
- Get the names, addresses, phone numbers, and emails of other victims and witnesses.
- Try to get a description from any eyewitnesses of the criminal or the vehicle.
- Contact community organizations in your area that respond to hate crimes.

15

## Questions

16