

2023 Orange County Hate Crime Report

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Introduction

The County of Orange is committed to reducing, prosecuting and monitoring hate crimes. This report is an extension of data presented in the California Attorney General's (AG) 2023 Hate Crime Report and uses the information regarding details of hate crime events that have been reported to different law enforcement agencies in Orange County. Additional information within this report has been provided by the Orange County's District Attorney's (OCDA) office regarding cases submitted for review, examples of hate crime prosecutions and OCDA's efforts to reduce hate crimes.

All local law enforcement agencies are required to report hate crimes to the Department of Justice (DOJ) in compliance with California Penal Code section 13023. California Penal Code section 422.55 defines a hate crime as, "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, (2) Gender, (3) Nationality, (4) Race or ethnicity, (5) Religion, (6) Sexual orientation, (7) Association with a person or group with one or more of these actual or perceived characteristics." Although all hate crime events are reported to the DOJ, hate crime reporting can differ between agencies. As stated in the 2023 California Attorney General's Hate Crime report:



The DOJ requests that each law enforcement agency establish procedures incorporating a twotier review (decision-making) process. The first level is done by the initial officer who responds to the suspected hate crime incident. At the second level, each report is reviewed by at least one other officer to confirm that the event was, in fact, a hate crime.

The following factors may influence the volume of hate crimes reported to DOJ:

- 1. Cultural practices of individuals and their likeliness to report hate crimes to law enforcement agencies
- 2. Strength and investigative emphasis of law enforcement agencies
- 3. Policies and law enforcement agencies
- 4. Community policing practices

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National and State comparisons are presented in this report when possible to give context to the details regarding the reported hate crimes. Caution should be used with the 2023 data due to some agencies submitting partial data for the year. Data is reported by year, which reflects the calendar year - January through December.

The AG reports hate crimes as events. The AG defines hate crime events as, "an occurrence where a hate crime is involved and the information about the event is a crime report or source document that meets the criteria for a hate crime and has been reported to the DOJ." Examples of hate crime events include assault of an individual, graffiti or vandalism motivated by bias of a protected social group.

Hate crime events do not include hate incidents within Orange County. According to the California DOJ, "hate incidents are acts of prejudice that are not crimes and do not involve violence, threats or property damage." There are some hate incidents that are not hate crimes but are considered to be unlawful discrimination. Examples of hate incidents include flyers left on vehicles with offensive language and symbols, or yelling racial slurs with no violence or threat. Hate incidents are not included in this report.

A hate crime event may involve multiple people. For example, there may be one or more suspects, one or more victims targeted, and/or one or more offenses involved for each event. Hate crime event data presented in this report was retrieved from the mandated reporting of hate crimes by Orange County local law enforcement agencies to the California DOJ. Although all agencies reported to the DOJ in 2023, there may be slight underreporting of the hate crimes presented in this report. Partial reporting occurred for some agencies due to issues in their Records Management Systems (RMS) as they were transitioning to the implementation of Incident Based Reporting during the year. The following agencies are the local law enforcement agencies with partial reporting: Costa Mesa Police Department; Garden Grove Police Department; Orange Police Department; and Westminster Police Department.

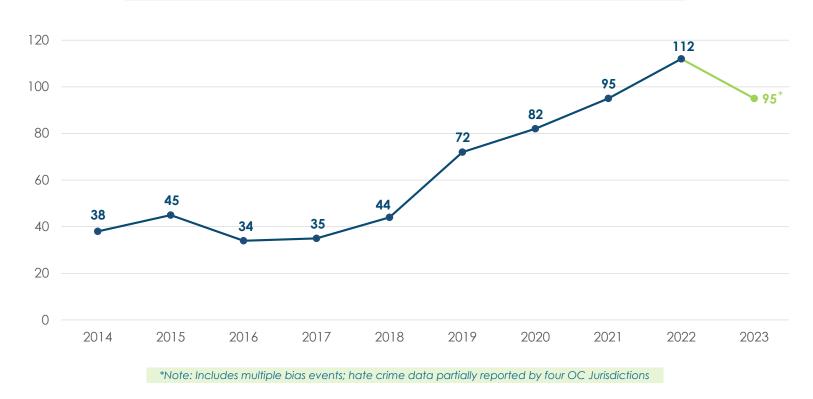
OC Hate Crime Trends

In 2023, within Orange County, there were a total of 95 hate crime events reported. This number may be underrepresented due to the four Orange County agencies partially reporting for the year. Of the 95 reported hate crime events, four were considered multiple bias events. Multiple bias events have implications of more than one bias (e.g., religion and gender, race/ethnicity and sexual orientation) to have been a reason for the offense. The trend for reported hate crime events from the past 10 years are displayed below.

95*
HATE CRIME EVENTS
REPORTED IN 2023

*This number includes four law enforcement agencies within Orange County that partially reported in 2023.

Overall Hate Crime Events in Orange County

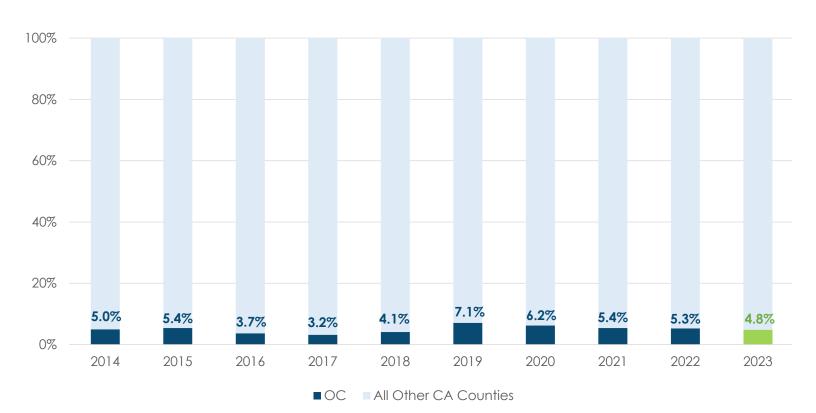


OC Hate Crime Trends

According to the United States Census Bureau, the 2020 Decennial Census resulted in Orange County population (3,186,989) consisting of 8.0% of the total population within California (39,538,223). Over the past ten years, Orange County reported hate crime events have ranged from 3.2% to 7.1% of all reported hate crime events within California for a given year. This trend suggests that Orange County hate crime events are reported at a lower ratio based on population comparisons to the state. For 2023, the reported hate crime events are 4.8% of all hate crime events reported within California. Details of the ten-year trend are displayed below.



OC Hate Crime Events - Percentage within California



OC Hate Crime by Jurisdiction

All local law enforcement agencies are required to report to the DOJ. In Orange County, there are 41 reporting agencies which include city police agencies, the Orange County Sheriff Department, college campus police, the California Highway Patrol and the Union Pacific Railroad. Comparisons between jurisdictions should be made with caution due to the following factors as reported by the DOJ:

DEMOGRAPHIC DIVERSITY AND POPULATION DENSITY

SIZE OF LAW ENFORCEMENT AGENCIES

TRAINING RECEIVED IN THE IDENTIFICATION OF HATE CRIMES BY LAW ENFORCEMENT OFFICERS IN EACH JURISDICTION

The jurisdiction with the most hate crime events reported in 2023 is Santa Ana with 17, followed by Irvine with 14 hate crime events. There were 15 local law enforcement agencies within Orange County that reported zero hate crime events in 2023. Hate crime events by jurisdiction in 2022 and 2023 are displayed below.

JURISDICTION	2022	2023
Aliso Viejo	1	1
Anaheim	ן ויו	2
Brea	0	0
Buena Park	0	1
CA Highway Patrol - Orange	0	0
Costa Mesa	5	5 [2]
CSU Fullerton	1	0
Cypress	4	1
Dana Point	2	1
Fountain Valley	0	3
Fullerton	6	5 [1]
Garden Grove	2	1 [2]
Huntington Beach	7	8
Irvine Valley College	0	0
Irvine	19 [1]	14
La Habra	1	0
La Palma	1	0

JURISDICTION	2022	2023
Laguna Beach	1	0
Laguna Hills	0	0
Laguna Niguel	1	1
Laguna Woods	1	0
Lake Forest	1	1
Los Alamitos	0	1
Mission Viejo	1	1
Newport Beach	2	4
Orange County Sheriff's Department	1	7 [1]
Orange Coast DPR	0	1
Orange	4] [2]
Placentia	0	0
Rancho Santa Margarita	0	0
San Clemente	1	1
San Juan Capistrano	1	0
Santa Ana	32	17
Seal Beach	3	1
Stanton	1	ן נוז
Tustin	5	1
UC Irvine	3	6
Union Pacific Railroad - Orange	0	0
Villa Park	0	0
Westminster	3	9 [1,2]
Yorba Linda	1	0
TOTAL	112	95

^[1] Jurisdictions reported a multiple bias hate crime event.

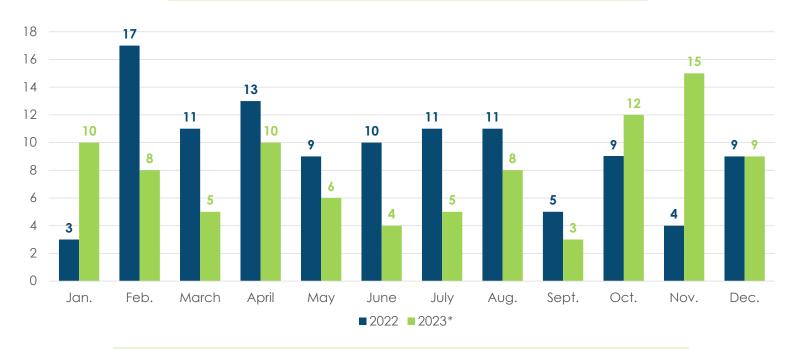
^[2] Agencies partially reported for 2023. Numbers for these jurisdictions may be higher than what is displayed.

OC Hate Crime by Month

Hate crime events fluctuate by month during the year and are not typically consistent from year to year. In 2023, the month with the most hate crime events was in November, with a total of 15 hate crime events. September was the month with the least reported hate crime events with a total of three. Monthly details are displayed below.

- 1 5 MOST HATE CRIME EVENTS REPORTED IN NOV.
 - 3 LEAST HATE CRIME EVENTS REPORTED IN SEPT.

Total Hate Crimes Reported by Month



*This number includes four law enforcement agencies within Orange County that partially reported in 2023.

Reported hate crime events contain different reporting elements that describe the potential hate crime. Victims, when known, are included in the reporting. A victim can have more than one offense committed against them. According to the DOJ, the following elements are reported for each potential hate crime:

- Occurrence of one or more criminal offenses
- Committed against one or more victims
- One or more suspects or perpetrators involved

These totals are then classified and counted by:

TYPE OF BIAS MOTIVATION

- Anti-black or African-American
- Anti-Hispanic or Latino
- Anti-Jewish
- Anti-Gay

TYPE OF CRIME

- Murder
- Aggregated Assault
- Burglary
- Destruction/Vandalism

CRIME LOCATION

- Residence
- Street
- Synagogue
- School

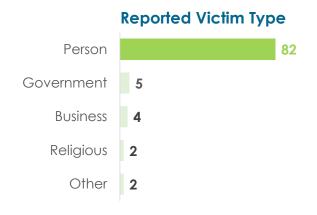
TYPE OF VICTIM

- Individual
- Property

Victims, or those who were affected by the hate crime event, are tracked and reported when possible. There are five reporting categories which include: person; government; business; religious; and other. Nationally in 2023, the highest reported victim type was person which accounted for 80.8% of all reported hate crime events (Federal Bureau of Investigation Crime Data Explorer). This is the highest reported victim type category (12,584) followed by business (1,141) and then government (728). California follows a similar trend with person (2,001) as the highest reported victim type. Government (221) and business (151) do not follow the same trend as the national data as there are more government victims in California. Orange County follows a similar trend to California, in which person is reported most frequently as the victim type and results in a similar percentage (86.3%), followed by government and then business.

The age of the victim(s) is also captured and categorized by adult, those 18 years and older and juvenile, those under 18 years of age. Most of the victims who reported hate crime events in Orange County were adults (87) compared to juvenile victims (9). The total of adults and juveniles reported are greater than the number of hate crime events because for some hate crime events, more than one victim was involved. 2023 Orange County victim information is displayed below.

2023 Victim Information*



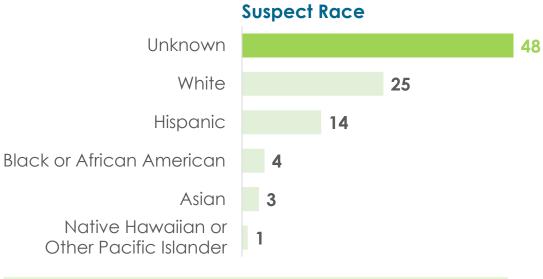
87 9
ADULTS JUVENILES

*Victims are not always determined for all events.

The person committing the crime is the suspect. The suspect's information is also captured, when possible, for hate crime events. Due to the nature of hate crimes not always happening in person (e.g., graffiti, damage to property, virtual, etc.), a suspect is not always identified and/or reported. It is also possible for multiple suspects to be involved in one hate crime event.

For the suspects that were identified in Orange County in 2023, 68 were adults and 16 were juveniles. The total number of suspects is greater than the number of hate crime events reported, indicating there were multiple suspects involved in some of the hate crimes. In addition, when suspects are identified, the race of the suspect is not always known. This is true most of the time, as the highest category of suspect race is unknown (48), followed by White (25) and Hispanic (14). 2023 Orange County suspect information is displayed below.



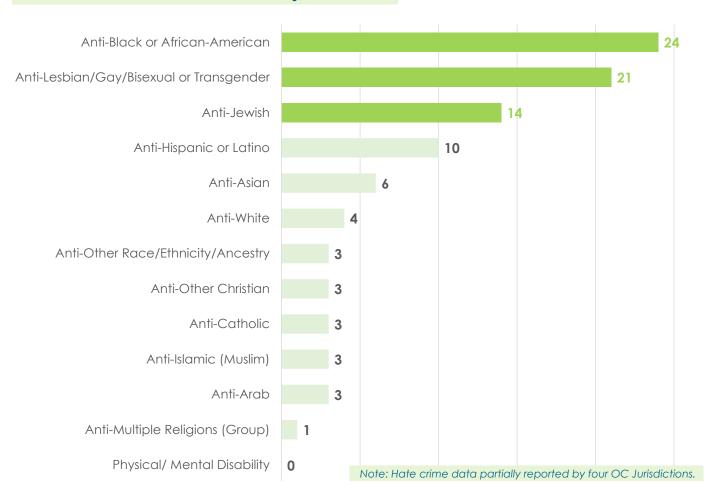


*Suspects are not always determined for all events. There may be more than one suspect per reported Hate Crime event and suspect race is unknown most of the time.

68 16
ADULTS JUVENILES

Bias or a perceived negative opinion or attitude toward a group of persons based on their race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or physical/mental disability, is also tracked at the time of reporting for hate crime events. The most serious bias, or most evident bias, is identified by the officer. Nationally in 2023, the top bias for hate crime events was based on Race/Ethnicity/Ancestry which accounted for 58.4% of all events. Of the 58.4% slightly over half were anti-Black or African American bias. Overall, anti-Black or African American bias accounted for 30% of all hate crime events nationally. This percentage is also consistent with California in which 30% of hate crime events were motivated by anti-Black or African American Bias. The trend is also apparent in Orange County, where most of the hate crime events were racially motivated as anti-Black or African American (24) followed by the second category of anti-Jewish (14) as displayed below.

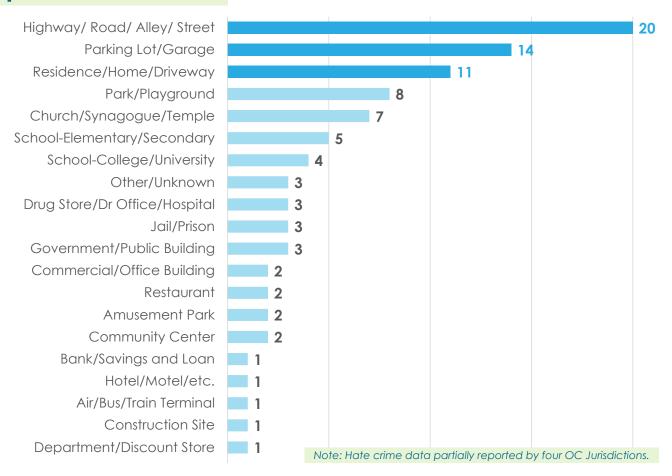
Most Serious Bias Reported



The location is also determined and reported for where the hate crime event occurred. The location categories used in reporting follow Uniform Crime Reporting program location specifications developed by the Federal Bureau of Investigation (FBI). In 2023 within California, the most frequently reported location of a hate crime event occurred at a highway/road/alley/street in which 27.7% took place. This was followed by 18.8% at residence/home/driveways and 8.5% at parking lot/garage categories.

Orange County followed a similar trend in which 21.5% of hate crime events happened at a highway/road/alley/street, 15.1% at a parking lot/garage and 12.0% at a residence/home/driveway. The number of hate crime events at each reported location are displayed below.

Reported Location



OC Process for Filing

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The prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and presentation of the truth. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, particularly victims of crime, are respected. - National Prosecution Standards, Third Edition, National District Attorney's Association.

Many members of the public are not aware of how the OCDA's Office determines whether a crime has been committed. Sometimes there are hate incidents that do not rise to the level of a crime based on the "elements" necessary to prove that crime occurred. The process is a fundamental part of the role of a Deputy District Attorney.

When a police report is made, the report is submitted to the District Attorney's Office for review. The primary responsibility of a Deputy District Attorney reviewing the case is to determine whether or not there is sufficient admissible evidence to convict the accused of the particular crime and to authorize the filing of appropriate charges. In making this determination Deputy District Attorneys will review the police reports and any accompanying evidence and the jury instructions for that particular crime. Criminal charges will not be filed as a result of improper factors such as (1) the race, religion, nationality, sex, occupation, economic class, or political association or position of the victim, witnesses or the accused; (2) the mere fact of a request to charge by a police agency, private citizen, or public official; (3) public or journalistic pressure to charge, (4) the facilitation of an investigation including obtaining a statement from the accused; or (5) to assist or impede, purposely or intentionally, the efforts of any public official, candidate, or prospective candidate for elective or appointed public office.

If the Deputy District Attorney determines there is insufficient admissible evidence to prove a case beyond a reasonable doubt, the Deputy District Attorney can reject the case or send it back to the police agency for further follow-up investigation. If the Deputy District Attorney reviews the case and determines that a crime was committed, as dictated by the jury instructions, the Deputy District Attorney will initiate a criminal complaint, which will start the criminal court process.

Police Agency Process

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- Report of law violation by public
- Investigation is conducted
- If sufficient evidence, an arrest is made
- A police report is written
- Case is presented to the DA's office for filing/ charging consideration

District Attorney Process

Deputy District Attorney reviews case

Deputy District Attorney either:

- Rejects case,
 - Sends it back for follow-up or
 - Files a compaint
- If Deputy District Attorney files the case, the criminal court process begins and a victim advocate is assigned

OC District Attorney's Office

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To hate someone simply for who they are is a hate like no other. It targets our identity and our self-worth to attempt to render us worthless. But every one of us has worth and meaning – and every one of us brings value to our collective table of who we all are and who we want to be as a community. The acceptance of hate by one of us is a condemnation of all of us because silence is what allows hate to flourish. Here in Orange County, there is no tolerance for hate. And those who commit acts of hate against others will be punished and those who are victimized by hate will be protected. - Orange County District Attorney Todd Spitzer

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The OCDA is the only entity in the county with the legal authority to determine whether there is sufficient evidence to prove beyond a reasonable doubt that a reported hate crime event is in fact a hate crime. Every case submitted to the OCDA for a possible hate crime criminal filing is thoroughly reviewed by a veteran prosecutor to determine if the government can meet its legal burden to file hate crime charges beyond a reasonable doubt.

The OCDA has also taken a proactive role in community outreach and education to provide information to the public about hate crimes and hate incidents; explaining the legal distinctions between these two factual events as well as the process by which potential hate crimes are investigated, reviewed and prosecuted.

As a result of a significant increase in potential hate crimes being reported to law enforcement as displayed on page 6-7, Orange County District Attorney Todd Spitzer announced in May 2021 the creation of his Hate Crimes Unit. The Hate Crimes Unit is overseen by the office's Special Prosecutions Unit, a specialized unit within the District Attorney's Office. The Hate Crimes Unit is focused on prosecuting crimes in which the perpetrators acted based on a bias against the victim's race, color, religion, national origin, actual or perceived sexual orientation, gender identity, disability or gender. The OCDA Hate Crimes Unit is staffed by three prosecutors, two investigators and is supervised by the head of Special Prosecutions and a Senior Assistant District Attorney. In addition to prosecuting hate crimes, the Hate Crimes Unit also works with our law enforcement partners to train first responders on how to improve their hate crime investigations while also educating members of our community on how to identify hate crimes and hate incidents and how to effectively report them to law enforcement.

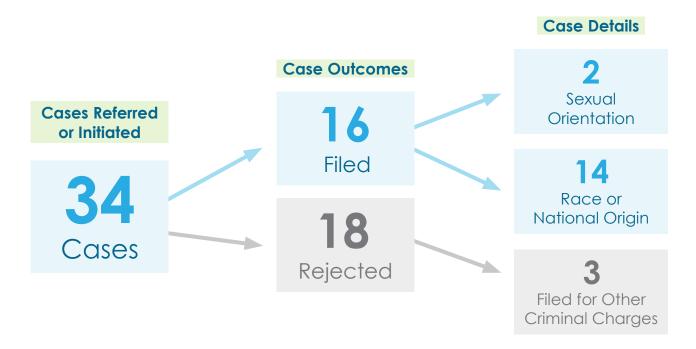
The OCDA Hate Crimes Unit is the embodiment of the OCDA's aggressive stance on protecting public safety and its recognition that a hate crime is not committed against a single individual; it is a crime committed against our entire community. The scars may not necessarily be physical, but they are permanent.

Between January 2019 and May 2021, the OCDA prosecuted more than twice the number of hate crimes compared to the number of hate crimes prosecuted in the previous 25 years by prior administrations.

- In 2023, the OCDA received 34 cases that were directly referred to our office for hate crime consideration
 or initiated by our office. After a thorough review of the evidence, hate crimes charges were filed in 16 of
 those cases.
- Of the 16 cases that were filed as hate crimes, 14 involved crimes motivated by bias against race or national origin. Two of the cases filed involved crimes motivated by bias against sexual orientation.
- Out of the 18 cases that were rejected due to insufficient evidence to prove a hate crime, other criminal charges were filed in three of the cases.

OC District Attorney's Office

2023 Hate Crimes Reviewed by OC District Attorney's Office



Of the 95 Hate Crime Events reported to law enforcement agencies, only 34 were referred to OCDA for criminal review as hate crimes. This is not unusual as investigations may determine that no criminal statutes were violated (e.g. hate incident), the incidents were not hate-based, or that the evidence was insufficient to establish probable cause that a crime occurred. Similarly, there may be significant evidentiary issues such as the inability to identify a perpetrator or locate victims and necessary witnesses. In these situations, a referral for potential criminal filing may not be warranted.

The cases for review for 2023 are close to the number of potential hate crimes submitted to the OCDA by law enforcement for review over the last three years. In 2021, 39 potential hate crimes were submitted for review and in 2022 there were 37 cases submitted. This trend is displayed below.



OC Hate Crime Prosecution Examples

RESIDENTIAL BURGLARY RING TARGETING ASIAN HOMEOWNERS

Hate crime charges filed May 17, 2023

In May 2023, following a more than nine-month investigation by the Brea Police Department into a residential burglary ring, multiple defendants were arrested in a multi-county operation. Seven of those defendants have been charged with hate crimes enhancements for specifically targeting Asian homeowners, charges that recognize the targeting of a specific group of people for financial gain. Menes Carter, 20, of San Jacinto was sentenced to four years in state prison after pleading guilty to three felony counts of first-degree residential burglary, one felony count of conspiracy to commit burglary, and three felony hate crime enhancements. The other six defendants charged with hate crimes enhancements are awaiting trial.

IMMIGRATION AGENT IMPOSTERS CHARGED FOR TARGETING HISPANIC VICTIMS

Hate crime charges filed June 26, 2024

In June 2024, the OCDA charged two Romanian nationals with hate crimes for posing as United States immigration agents while targeting Hispanic victims across Orange County whom they believed were undocumented immigrants fearful of deportation in order to steal their cash and debit cards. The men are accused of displaying fake law enforcement badges while they spoke to their victims in Spanish and threatened to have them deported if they refused to hand over money and debit cards. The two suspects, who are believed to be in the United States illegally and have ties to Romanian organized criminal organizations, have also been charged with felony kidnapping, false imprisonment, and robberies in Contra Costa County, and are suspected to have carried out similar crimes in Santa Clara County, and possibly in the states of Washington and New York.

Both suspects were charged with 13 felony counts of second-degree robbery, one felony count of attempted robbery, one felony count of attempted kidnapping and 15 felony hate crime enhancements in connection with 15 different victims in Orange County. In many of these incidents they identified themselves as agents with U.S. Immigration and Customs Enforcement agents or FBI agents. They each face a maximum sentence of life in state prison if convicted on all counts.

GAY AND JEWISH MOTIVATED MURDERER CONVICTED

Hate crime charges filed August 2, 2018

On July 3, 2024, after a three-month trial, the OCDA convicted a Newport Beach man of a hate-motivated murder for stabbing Blaze Bernstein, his gay and Jewish former high school classmate, to death in a Lake Forest park after reconnecting on a dating app for men seeking men. A knife belonging to defendant Samuel Woodward that had the defendant's father's name engraved on it was found with the victim's blood on it. Blood droplets were also found on a skull mask that prosecutors argued Woodward wore to represent his allegiance to Atomwaffen, a Neo-Nazi and homophobic group that the defendant traveled to Texas to train with after studying their teachings. Woodward continued to draw pictures related to Atomwaffen and their beliefs following his arrest for Bernstein's murder. Woodward faces a maximum sentence of life without the possibility of parole in state prison. On November 15, 2024, Woodward was sentenced to live in prison without the possibility of parole.

OCDA's Office Accomplishments & Next Steps

As a result of the investment in eradicating hate, the OCDA was selected by the United States Department of Justice as a recipient of the four-year, \$1.4 million Matthew Shepard and James Byrd, Jr. Hate Crimes Grant^[1], to be a regional leader to combat hate crimes.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Grant provides the OCDA with the incredible opportunity to add to the strong foundation that OCDA has already built to prevent and prosecute hate crimes, including creating a Peace Officer Standards and Training (POST) certified multi-day hate crimes course for law enforcement, creating a curriculum for K-12 school administrators and educators, and working with community-based organizations and the Orange County Board of Supervisors to host community listening sessions to facilitate honest conversations about hate in our communities and develop collective strategies to address it.

Over the last five years, the OCDA has been a strong voice in the conversation to eradicate hate in Orange County. From writing opinion pieces in the Orange County Register to send a strong message that hate motivated crimes will be prosecuted to the fullest extent of the law, to hosting "A Conversation About Race" trainings for our prosecutors and law enforcement in the wake of national protests, over the murder of George Floyd, the OCDA has embraced its role in helping shaping Orange County's attitude toward hate while empowering the residents we serve with the information they need to protect themselves and protect others. The OCDA has also been educating Orange County Superior Court judges the catastrophic impact of hate crimes on an individual as well as the community as a whole.

Orange County District Attorney Todd Spitzer successfully appealed a five-year sentence^[2] given to a white supremacist third-striker who attacked a Black pregnant woman at a Fullerton bus stop and threatened to kill her baby while hurling racial slurs at the woman as she ran for her life – and the life of her unborn baby. As a result of the appellate decision, Tyson Mayfield, who is tattooed with a swastika and Nazi SS lightning bolts, is facing 38-years to life for the hate-motivated attack.

Recognizing the need to build trust and encourage reporting among communities who have historically demonstrated mistrust towards law enforcement, the OCDA conducted multiple press conferences and listening sessions in diverse communities throughout the County while confronting anti-Asian sentiments in the midst of the COVID-19 pandemic. Language access has been a priority for these outreach efforts, resulting in multilingual translations and materials. The OCDA also redesigned the agency's website to ensure language access for our diverse community. In 2022, the OCDA convened a roundtable on hate crimes and together with California Attorney General Rob Bonta, hosted a community conversation in one of the County's most diverse cities, Santa Ana. A second roundtable on hate crimes was convened with Attorney General Bonta in the fall of 2023 in Irvine. Recently, the District Attorney was asked to participate in a multi-episode series on iHeart radio entitled, Hate: Modern Antisemitism. These efforts represent only a small sampling of OCDA's efforts to educate the community and bring awareness to the negative impacts of hate incidents and crimes throughout Orange County. OCDA's engagement on this topic has been welcomed by both local law enforcement agencies and community-based-organizations, resulting in formal collaborations with the Anti-Defamation League, the LGBTQ Center, and the Orange County Human Relations Commission.

[1] The Matthew Shepard and James Byrd, Jr. Hate Crimes Grant provides the OCDA with the incredible opportunity to add to the strong foundation we have already built to prevent and prosecute hate crimes, including creating a Peace Officer Standards and Training (POST) certified multi-day hate crimes course for law enforcement, creating a curriculum for K-12 school administrators and educators, and working with community-based organizations and the Orange County Board of Supervisors to host community listening sessions to facilitate honest conversations about hate in our communities and develop collective strategies to address it.

[2] Judge Roger B. Robbins' decision to strike Mayfield's prior 2005 mayhem conviction, in which he made racist comments towards a couple while punching the male victim repeatedly in the face, causing a gash in his mouth that required eight stiches, allowed him to sentence Mayfield to five years in state prison instead of the mandatory 25 years to life required by California's Three Strikes Law. Mayfield was facing 38 years and four months to life in state prison as a result of sentencing enhancements charged in the case.

References

California Report

2023 Hate Crime in California, Office of the Attorney General, California Department of Justice. Hate Crime in California 2023.

Data Resources

Hate crime data displayed in this report is retrieved from the publicly available State of California Department of Justice, Open Justice Data Portal, through the following website: https://openjustice.doj.ca.gov/data.

National and state comparisons were made with the data posted on the United States Department of Justice website: https://justice.gov/hatecrimes.

The United States Census Bureau, California and Orange County Population Data: https://data.census.gov.



Orange County District Attorney

To learn more about the Orange County District Attorney's Office's efforts to eradicate hate, please visit: www.orangecountyda.org.