

151452

# BASIC COURSE INSTRUCTOR UNIT GUIDE

42

CULTURAL DIVERSITY/DISCRIMINATION  
SEXUAL HARASSMENT  
HATE CRIMES

JUNE 1, 1994

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U.S. Department of Justice  
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THE COMMISSION  
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

1516

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ACQUISITIONS

Curriculum and supporting materials contained in this document are designed as *guidelines* for the delivery of performance-based law enforcement training in the POST Basic Course. Content was developed by a special project committee of human relations professionals, law enforcement trainers and criminal justice educators in cooperation with the California Commission on Peace Officer Standards and Training.

The training specifications referenced herein are excerpted from the document *Training Specifications for the POST Regular Basic Course* and constitute the current required minimum content of this domain as prescribed by the Commission and as specified by Penal Code Sections 13519.4, 13519.6, and 13519.7.

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## SPECIFICATIONS FOR LEARNING DOMAIN #42: CULTURAL DIVERSITY/DISCRIMINATION

June 1, 1994

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### I. INSTRUCTIONAL GOALS

**Cultural Diversity:** The goals of instruction on **Cultural Diversity** are to provide the student with:

- A. knowledge of California laws which define cultural groups;
- B. an understanding of how the cultural composition of California is changing and how this change is impacting the delivery of law enforcement services;
- C. an understanding of the benefits of valuing diversity both within a law enforcement organization and within the community it serves;
- D. information concerning the evolution of human rights, the nature and origins of prejudice, the nature and origins of discrimination, and how understanding these issues can contribute to more effective cultural contacts;
- E. an understanding of how current events or recent experiences can shape the attitude of cultural groups towards law enforcement and towards other cultural groups;
- F. an understanding of the difference between cultural stereotyping and law enforcement profiling;
- G. an understanding of principles associated with professional community contacts and techniques for effective interaction with cultural groups; and
- H. an opportunity for individual self-discovery concerning cultural contact experience and personal prejudices.

Instruction is designed to provide fundamental training on how to professionally interact with a broad spectrum of cultural groups. Content is

intended to complement locally-developed training which specifically addresses the history, customs, religious conventions, or core values of cultural groups within the community served.

**Sexual Harassment:** The goals of instruction on **Sexual Harassment** are to provide the student with:

- I. an understanding of the nature and historical perspectives associated with sexual harassment;
- J. knowledge of state and federal laws which define sexual harassment;
- K. an understanding of behaviors which constitute sexual harassment;
- L. an understanding of how to respond to sexually offensive or unwanted behavior in the workplace, and how to initiate a sexual harassment complaint; and
- M. an understanding of the state mandated sexual harassment complaint process guidelines, legal remedies available, and protection from retaliation against complainants of sexual harassment.

**Hate Crimes:** The goals of instruction on **Hate Crimes** are to provide the student with:

- N. knowledge of laws which define a hate crime;
- O. an understanding of the indicators of hate crimes;
- P. knowledge of legal rights of, and remedies available to, victims of hate crimes;
- Q. an understanding of the impact of hate crimes on victims, victim's families and the community; and
- R. an understanding of elements which comprise an effective law enforcement response to a hate crime.

**II. REQUIRED TOPICS**

The following topics shall be covered:

- A. California laws which define a cultural group
- B. Terminology associated with diversity, ethnicity, and human relations
- C. California's cultural past, present, and future
- D. Professional, personal, and organizational benefits of valuing cultural diversity
- E. Historical evolution of human rights in the United States
- F. Definitions of prejudice and discrimination, and the difference between the two
- G. Examples of recent local, regional, national, and international events impacting the attitudes of cultural groups towards law enforcement and towards other cultural groups
- H. The difference between cultural stereotyping and law enforcement profiling
- I. Principles of professional community contacts
- J. Verbal and nonverbal factors which contribute to negative public responses to law enforcement
- K. Strategies for effective cultural contacts
- L. State and federal laws relating to sexual harassment to include:
  - 1. Title VII
  - 2. Government Code Section 12940 et. seq.
  - 3. Concept of Quid Pro Quo
  - 4. Concept of hostile work environment

- 5. Current case law
- M. Causes of sexual harassment
  - 1. Gender issues
  - 2. Power issues
- N. Examples of sexual harassment to include:
  - 1. Verbal
  - 2. Physical
  - 3. Visual
  - 4. Written material
  - 5. Sexual favors
  - 6. Threats
  - 7. Hostile work environment
  - 8. Force
- O. How to respond to a complaint of sexual harassment
- P. State mandated sexual harassment complaint process guidelines
- Q. Legal remedies and protection from retaliation against complainants of sexual harassment
- R. Laws which define a hate crime
- S. Indicators that a crime is hate motivated
- T. Legal rights of, and remedies available to, victims of hate crimes
- U. Impact of hate crimes on victims, victim's families and the community
- V. Elements which comprise an effective law enforcement response to a hate crime

**III. REQUIRED TESTS**

None

**IV. REQUIRED LEARNING ACTIVITIES**

Students shall be provided with an opportunity to engage in the following learning activities:

- A. Given a diagnostic instrument, questionnaire, personal inventory or equivalent method, students will be accorded the opportunity to conduct a self-assessment to determine their own level of cultural sensitivity and experience in interrelating with cultural groups.
1. The learning activity should provide the student with an opportunity to determine their current level of experience in dealing with cultural groups
  2. The learning activity should also serve as a starting point for an instructor-facilitated classroom discussion and/or small group discussions which address perceptions, experiences, fears, and stereotypes concerning contact with cultural groups
- Discussion may include, but is not limited to cultural stereotypes, ethnophobia, homophobia, xenophobia, gender bias, and media impact on cultural perceptions
- B. Given a minimum of three POST-developed video re-enactments depicting law enforcement contacts with cultural groups, or an equivalent number of simulations, scenarios or video representations provided by the academy, the student must participate in an instructor-led discussion evaluating the appropriateness and professional quality of the contact.

Among the issues which should be addressed are:

1. Any positive or negative behaviors demonstrated by contacting officers

2. The apparent perception of the cultural group regarding the contact
3. Presence or absence of cultural stereotyping
4. The level of cultural understanding demonstrated by the officers
5. The legality of the contact and subsequent actions of the contacting officers
6. The professional, personal, and organizational impact of the contact, either positive or negative
7. Cultural group history, customs, religious conventions, core values, or other perceptions material to the contact

Presentation of the video re-enactments, simulations, or scenarios may be done collectively or may be interspersed throughout the instructional block at the discretion of the instructor.

- C. Given a minimum of four POST-developed video re-enactments depicting possible sexual harassment, or an equivalent number of simulations, scenarios, or video representations provided by the academy, the student must participate in a facilitated discussion which addresses the following:
1. Any behaviors which are illegal, as defined by federal or state sexual harassment laws
  2. Professional, personal, and organizational impacts of the incident
  3. Legal and administrative consequences of the behaviors observed
  4. Whether or not state sexual harassment reporting guidelines apply to the situation

- D. Given a minimum of two POST-developed video re-enactments or written descriptions of possible hate crimes, or an equivalent material provided by the academy, the student must participate in a facilitated discussion which addresses the following:
1. Whether or not the incident constituted a hate crime under the law
  2. Impact of the incident on victims, victim's families and the community
  3. Effectiveness of the law enforcement response
  4. Legal rights of, and remedies available to the victim(s)

IV. **HOURLY REQUIREMENTS**

Students shall be provided with a minimum of **16 hours** of instruction on cultural diversity/sexual harrassment/hate crimes.

VI. **ORINATION DATE**

July 1, 1993

VII. **REVISION DATES**

June 1, 1994



# CURRICULUM

## I. THE CULTURAL MAKEUP OF CALIFORNIA

### A. What is culture?

1. Culture is defined as the total "life way" of a people, a design for living and for coping with a particular society's perceived environment. It is a complete and more or less successful adaptive system.
2. "Culturally diverse" and "cultural diversity" under the law, mean members of all racial and cultural groups and specifically include gender and sexual orientation (Penal Code Section 13519.4).

### B. How culture works

1. Cultural/ethnic identity is an issue of pride.
  - a. The deep feelings related to shared beliefs, values, and customs
  - b. The historical, cultural "roots" of a people -- their consciousness
  - c. The renewal and affirmation of a particular cultural identity amidst cultural pluralism
2. Culture is a coping system.
  - a. It is an explanation system. It organizes our world into manageable, meaningful parts.
  - b. Culture defines behavior and establishes a social "comfort zone".
  - c. Culture presents us with cultural "cues" -- common ground which allows for effective communication.
  - d. Culture gives us survival skills to manage difficult situations and manage stress.
3. Culture is an "idea map".
  - a. Culture provides a map of a people.
  - b. The map shows where people "are headed" and their probable reactions.
  - c. Culture includes groups ideas, beliefs, core values and behavior.
  - d. Core values become keys to persuasion.

C. California's past

NOTE: Instructors should identify and discuss the historical influences of the numerous cultural groups who have impacted California's history. Although some groups are predominant, the reality is that a vast number of groups have shaped the character of California.

1. Identification of groups
2. Contribution/impact of the groups

D. California's present

1. Cultural mapping of California
  - a. Predominant cultural groups
  - b. Current statistics
  - c. Language profiles
2. Transitions from past to present
  - a. Changes in ethnic distribution in a given geographical area traditionally occupied by one group
  - b. Changes in worker distribution occupying certain positions traditionally held by another ethnic group
  - c. Increasing reflection of the social and economic conflicts, rather than biological aspects of race
3. Emerging generational diversity
  - a. There will often be significant differences in experiences, values, and language dependency between members of the same ethnic group who were born in this country versus those who immigrated.

E. California's future

1. Workforce 2000
  - a. The workforce of California is changing to reflect the cultural diversity of the State.  
  
**EXAMPLE:** By the year 2010, 75% of the United States' workforce will be women and minorities.
  - b. The cultural makeup of law enforcement agencies is also changing.

2. Demographic shifts
  - a. Today's minority is becoming tomorrow's majority.
  - b. Most of the population growth of California is projected to come from the Pacific Rim and Latin America. This will further change the demographic makeup of the State.
3. Shift in political influence
  - a. Increased representation in political office
4. Economic realities
  - a. Historically, minority groups have been disproportionately affected by rising unemployment or underemployment.
  - b. With the increase of unemployment, service demands of law enforcement increase.

F. Changing law enforcement service demands create a greater need for law enforcement personnel to:

1. intervene in conflicts between cultural groups;
2. communicate effectively with cultural groups;
3. develop positive relationships with cultural groups, and;
4. become integrated with the community they serve.

G. Changing law enforcement workforce

1. The typical law enforcement agency is becoming more culturally diverse because it is a reflection of the community it serves.



## II. THE BENEFITS OF VALUING DIVERSITY

- A. The professional benefits of valuing diversity both within the law enforcement organization and within the community it serves include the following:
1. Professional benefits
    - a. Enhanced community support and improved public trust as the result of a positive relationship with the community served by the law enforcement organization
    - b. Improved quality of service provided
    - c. Reduced tension between law enforcement and specific cultural groups
    - d. Increased access to cultural communities
    - e. Ensured compliance with the letter and the spirit of the law
  2. Organizational benefits
    - a. Reduction of personal and agency exposure to claims and litigation
    - b. Improved morale, effectiveness, and professionalism within the department
    - c. Positive impact on law enforcement's image
    - d. Reduction in the number of discourtesy complaints
  3. Personal benefits
    - a. Positive impact on officer safety
    - b. Career survival
    - c. Ethical satisfaction



### III. HUMAN RIGHTS, PREJUDICE AND DISCRIMINATION

#### A. Evolution of human rights in the United States

1. Constitutional tolerance of slavery (three-fifths of a person provision in Article 1)
2. Removal of Native Americans from their lands to reservations
3. Introduction of the concept "separate but equal" - legal segregation of cultural groups
4. Historic separation of male and female roles and concurrent denial of full rights for women

NOTE: This issue provides the historic context for today's male-female tension and for some of the difficulty society is facing in trying to adjust to a new value system which acknowledges women as full participants

5. Internment of American citizens of Japanese descent
6. Emergence of equal opportunity laws
7. Passage of civil rights legislation
8. Expansion of the human rights umbrella beyond ethno-cultural groups to:
  - a. Physically challenged (e.g., Americans With Disabilities Act)
  - b. Sexual orientation
9. Evolution to an era of valuing diversity

#### B. Cultural groups may have experienced a variety of problems, controls, or denial of rights in their native countries.

1. Repression of groups within their own country as a result of:
  - a. War conditions (e.g., Vietnam, El Salvador)
  - b. Martial law (e.g., Philippines)
  - c. Economic conditions (e.g., Russia, Mexico)
  - d. Political repression (e.g., Cuba, South Africa, Haiti)
2. Repression of groups by law enforcement within their own country
  - a. Incarceration because of a political viewpoint

- b. Feeling that law enforcement has to be bribed in order to obtain service or avoid enforcement

NOTE: Instructors should highlight any specific examples from their own areas.

C. Prejudice

1. Defined as:
  - a. A point of view
  - b. A prejudgment about a person or class of persons composed of opinion or bias
  - c. Socially learned, and usually grounded in misconceptions, misunderstandings, and inflexible generalizations
2. A common misunderstanding of prejudice and what can be done about it goes something like this: Prejudice is prejudging people. Therefore, effective counteraction involves learning about human differences and fostering opportunities for intergroup interaction.
3. This common concept is at best simplistic and offers only limited prospects for overcoming prejudice. More helpful is to see the process of prejudice:  
  
**Prejudice is the result of psychological filtering and screening which every person uses all the time. It is not a static attitude.**
4. Each person develops convenient and effective systems for simplifying and ordering the large amount of information and stimuli received daily. The systems help persons in making decisions, determining preferences, and selecting courses of action.

D. Discrimination

1. Discrimination defined
  - a. Discrimination is an action or behavior.
  - b. Discrimination is differential treatment based on unfair categorization.
  - c. It is denial of justice prompted by prejudice.
  - d. When we act on our prejudices, we engage in discrimination.
  - e. Discrimination often involves keeping people out of activities or places because of the group to which they belong.

E. Differences between prejudice and discrimination

1. Because prejudice is a point of view it is difficult, if not impossible, to regulate.

2. Discrimination is, however, a behavior or an action which can be addressed in law.



#### IV. PERCEPTIONS OF CULTURAL GROUPS

A. Recent events can shape the perceptions of cultural groups regarding government and regarding law enforcement in particular.

1. Local, regional or national events

a. The Los Angeles civil unrest in the spring of 1992 is an example. Several events contributed to the situation including:

(1) Rodney King verdict

(2) Harlins shooting in South Central L.A.

NOTE: The Harlins shooting was an incident in which a black juvenile was shot by a Korean merchant. The key to the resulting racial tension was the fact that the merchant was given a sentence of probation and the perception was that the life of the black juvenile was not valued.

(3) Pre-existing tensions among cultural groups

(4) Media coverage

2. International events

a. Gulf War (negative feelings toward Iraqis/Muslims)

b. Hostage situation in Iran (negative feelings toward Iranians/Arabs)

3. The current economic recession

a. Negative feelings can be directed toward a particular immigrant group (e.g., scapegoating tendency)

4. Media coverage of current events

a. "Instant" access to information (e.g., Gulf war and Los Angeles riot brought into your living room)

b. One small event can be instantly communicated worldwide and the magnitude of an event can be distorted.

c. The media can distort reality (accidentally or deliberately).

(1) The coverage of an event by a small ethnic newspaper might be an example.

(2) Mainstream newspapers, radio, TV, magazines may "sensationalize" their reports.

NOTE: Instructors are encouraged, when possible, to use local examples including video clips obtained from local news stations.

B. Why is it also important to understand the historical experience of a given cultural group?

1. Past experience of cultural group members shapes their attitude and expectations regarding governmental authority including the role of law enforcement.
  - a. The group may have experienced direct repression by law enforcement.
  - b. The group may have experienced law enforcement being controlled by and servicing only special interest groups.

NOTE: Relationships among cultural groups are very dynamic. Demographic shifts in communities, unstable political situations in homelands, economic opportunity conflicts, and other factors can cause significant intergroup conflict. Instructors may wish to cite local examples as a means of underscoring the relevancy of the curricula.

## V. CULTURAL STEREOTYPING VERSUS PROFILING

### A. Stereotyping

1. A stereotype is a preconceived or oversimplified generalization involving negative or positive beliefs about a group.
2. Stereotypes are often at the base of prejudice.
3. The danger of stereotyping is that people are not recognized as individuals, but rather categorized as members of a group who all think and behave in the same way.
4. We pick up these stereotypes from what we hear other people say, what we read, and what people around us believe (learned behavior).

### B. Instructors are encouraged to involve the students in a classroom discussion to identify typical stereotypes regarding a variety of groups, such as:

1. African-American
2. Mexican-American
3. Asian-American
4. Anglo
5. Native-American
6. Gay and lesbian
7. Gender
8. Law enforcement

NOTE: The intention of this block is for the instructor to have the class identify **commonly held** cultural stereotypes. The discussion should include information as to where some of the stereotypes might have originated. A key learning point is for students to realize that although some stereotypes may have once contained a thread of truth, they are inaccurate exaggerations which can lead to discriminatory behaviors.

### C. Law enforcement profiling

1. Profiling criteria
  - a. Knowledge-based information
  - b. A set of articulatable facts

2. The public will often consider law enforcement profiling as stereotyping. It is important to distinguish that there are significant and important differences between the two (e.g., profiling can be defended as being based upon FACTS known to the officer)
3. Differences of opinion can occur regarding how many "facts" justify a certain action (e.g., the decision to stop a motorist or pedestrian). It will be a matter of law as to whether or not sufficient probable cause existed to support the officer's actions.
4. It is important to recognize that although a member of a cultural group may fit a defensible profile, the officer should consider the long and short term community impact which may result from his or her actions.

## VI. STRATEGIES FOR EFFECTIVE CULTURAL CONTACTS

- A. The most reliable strategy for successful public contacts is to treat all individuals and groups with dignity and respect
- B. Effective communication techniques must be employed during any public contact. These include:
  - 1. Patience
  - 2. Effective listening
  - 3. Clear, concise message
  - 4. Testing for understanding
  - 5. Effective nonverbal communication
- C. Verbal communications factors which contribute to a negative response from the public must be avoided. Examples include:
  - 1. Profanity
    - a. Not to be used
    - b. Negative effect on the professional image of the officer
  - 2. Derogatory language
    - a. Detracts from professional effectiveness
    - b. Generates complaints
    - c. Makes people reluctant to cooperate
  - 3. Ethnically-offensive terminology
    - a. "Turns people off"
    - b. Demonstrates a lack of ethnic awareness
    - c. Demonstrates a lack of sensitivity for the feelings of others
  - 4. Use of police jargon
    - a. Any use of jargon with the public is inappropriate
    - b. The public does not understand jargon
    - c. Use of jargon can confuse and demean

D. Nonverbal communication factors which contribute to a negative response from the public must be avoided. Examples include:

1. Official and oppressive manner
  - a. Overbearing demeanor
  - b. Using the badge to accomplish tasks
  - c. Discouraging feedback
2. Disrespectful attitude
  - a. Lack of understanding
  - b. Lack of sympathy
  - c. No cultural awareness
  - d. Personal bias/prejudice
3. Official tone of voice
  - a. Not necessary to control a situation
  - b. May be manifestation of insecurity or immaturity
4. Inappropriate body language
  - a. Nonverbal cues
  - b. Failing to establish a positive first impression
  - c. General demeanor
  - d. Inappropriate body distance

NOTE: Although negative aspects are listed above, the instructor may wish to point out the positive aspects of effective nonverbal communications.

E. Effective contacts with cultural groups

1. The potential for a successful cultural contact is enhanced by the officer's level of knowledge concerning the following information:
  - a. History of the group
  - b. Group customs
  - c. Religious conventions
  - d. Core values

- e. Language
  - f. Group's attitude toward law enforcement
2. Effective cultural contacts cannot be reduced to a "recipe style" approach for the following reasons:
- a. Generalizations can be proven erroneous
  - b. Varying dimensions of diversity can exist among members of the same cultural group. These can include:
    - (1) Generational differences (first, second, third generation)
    - (2) Economic differences
    - (3) Educational differences
    - (4) Religious differences
    - (5) Work background differences
    - (6) Age differences (younger-older)
    - (7) Disabilities (physical or developmental)
3. It will be valuable for the officer to understand how law enforcement and individual peace officers are perceived by the cultural group
- a. Law enforcement may be viewed as being repressive or brutal
  - b. Law enforcement may be viewed as being corrupt or unprofessional
  - c. Law enforcement may be viewed as being responsive and protective
4. It will be valuable for the officer to recognize any personal preconceptions that exist regarding a cultural contact or a particular cultural group. These may include:
- a. Varying levels of fear or apprehension concerning the contact
  - b. Personal prejudices
  - c. Levels of experience in dealing with the cultural group
  - d. Amount of prior training
  - e. Negative experiences
    - (1) Prolonged assignment to a high crime minority area
      - (a) Gang area

- (b) High drug trafficking area
  - (c) Personal danger level/tension
  - (d) Economically depressed/poverty area
  - (5) Jail environment
- (2) Personal assault by a member of a particular cultural group
  - (3) Negative locker room talk or negative interpersonal relationships with peers
  - (4) Negative stereotypes
- f. Positive experiences:
- (1) Positive association(s) with a co-worker who belongs to a given cultural group
  - (2) Successful work with a community group
  - (3) Positive peer communication (e.g., sharing a positive experience)
  - (4) Positive characterizations
5. It is valuable for the officer to understand that cultural groups will differ in their opinion as to the "legality" of specific acts and behaviors or the authority of law enforcement to intervene. Examples could include:
- a. A given cultural group may believe that (substantive) corporal punishment to a child is a permissible and appropriate form of parental discipline.
  - b. A given cultural group may believe that forcible rape of a young woman by a young male member of the group constitutes an acceptable way to "claim" a potential bride.
  - c. A given cultural group may believe that criminal victimization should not be reported to the police, but should be handled strictly "within the group" or as a "family matter".
6. Stereotyping must be avoided
7. Officers should capitalize on the availability of language lines and translator services
8. Officers should capitalize on opportunities to interrelate with cultural groups in a nonenforcement capacity by:
- a. Spending time in the community getting to know the people

- b. Establishing cultural **building blocks** between the officer and the cultural group
- 9. Fluency in the language of a given cultural group is an obvious advantage in prompting a successful contact,
- 10. Participation in training opportunities (e.g., instruction regarding group history, customs, religious conventions, core values, and perceptions of law enforcement will all prove beneficial.



## VII. HISTORY AND NATURE OF SEXUAL HARASSMENT

### A. Causes of sexual harassment

1. Gender Issues (response differs by gender because of socialization)
  - a. Male messages
    - (1) Compete to win at any cost
    - (2) Decision maker
    - (3) Protector/Provider
  - b. Female messages
    - (1) Cooperate to avoid conflict
    - (2) Nurturing and responsibility for emotional care of family, pregnancy, child care
  - c. Extension to the police culture
    - (1) Changing role expectations
    - (2) Fear that women are competing for jobs traditionally thought of as men's jobs
    - (3) Confusion about the boundaries of proper conduct because of differences among work setting, social setting, and cultural factors.
    - (4) Sexual jokes, touching, or other inappropriate behavior meant to show acceptance
2. Power issues
  - a. Using position to request date or sex
  - b. Exclusion from work activities
  - c. Subservient status
  - d. Insensitive interruptions
  - e. Failure to remove harasser from the situation after it is reported

### B. Why is sexual harassment wrong?

1. Disrespect

2. Counterproductive

3. Illegal

## VIII LEGAL ASPECTS OF SEXUAL HARASSMENT

### A. State Laws

1. Government Code Section 12940 et. seq
2. Penal Code Section 13519.7

### B. Federal Laws

1. Title VII

### C. What constitutes sexual harassment under the law?

#### 1. Unwelcome sexual conduct

- a. Physical
- b. Verbal
- c. Written
- d. Visual
- e. Etc.

#### 2. Quid Pro Quo

- a. Submission or rejection of sexual conduct which is explicitly or implicitly made a term or condition of employment or an employment decision
  - (1) Assignment
  - (2) Promotion
  - (3) Etc.

#### 3. Hostile work environment

- a. Sexually harassing conduct, within the complainants immediate work environment, which is so pervasive as to interfere with his or her work performance.
- b. Such conduct may or may not be directed at the complainant.

#### 4. Retaliation

- a. Adverse action against the complainant
- b. Adverse action against witnesses

D. Examples of sexual harassment cases

1. Meritor Savings Bank v. Vinson
2. Ellison v. Brady
3. Harris v. Forklift

E. False claims

## IX. UNDERSTANDING SEXUAL HARASSMENT

### A. Examples of sexual harassment

1. Verbal harassment
  - a. Repeated, unsolicited, derogatory comments or slurs
  - b. Continued requests for social or sexual contact after being advised that such is unwelcome (i.e., repeated phone calls)
  - c. Discussing sexual exploits
  - d. Sexually patronizing comments ("Honey", "Babe", "Doll")
  - e. Commenting on body parts
  - f. Telling vulgar sexist jokes
  - g. Making obscene or suggestive sounds or gestures
  - h. Questions or comments about a person's sexual practices
  - i. Requesting employees wear sexually suggestive or demeaning clothing
2. Physical harassment
  - a. Physical interference or contact which impedes normal movement when directed at an individual
  - b. Unwelcome touching (e.g., back rubs, brushing up against an individual, hugging, patting, kissing, and grabbing body parts)
3. Visual harassment
  - a. Sexually offensive computer software, posters, cartoons, drawings, magazines, or objects
  - b. Staring or leering
  - c. Sexual gestures
4. Writings
  - a. Unwelcome notes
  - b. Greeting cards
  - c. Love letters

- d. Invitations
- 5. Sexual favors
  - a. Quid Pro Quo
    - (1) Actual or perceived requests for sexual favors in exchange for employment benefits.
    - (2) Such may include, but are not limited to: offers of job assignments and promotions
  - b. Request for sexual favors **without** threat to employment benefits
- 6. Hostile work environment
  - a. Any behavior or activity which discriminates by gender or sexual orientation
  - b. Any of the above examples which is not directed toward the complainant but which the complainant is subjected to in his or her immediate work environment.
  - c. Any of the above examples which is directed toward the complainant and is ongoing and pervasive
- 7. Threats
  - a. Failure/refusal to provide timely backup
  - b. Loss of assignment
  - c. Loss of job status
- 8. Force
  - a. Physical assault

**X. RESPONDING TO SEXUAL HARASSMENT**

- A. Recipients of perceived sexual harassment, when appropriate, should inform the harasser that the conduct is unwelcome, offensive, and should cease
- B. Where the complainant is uncomfortable with a personal confrontation, he/she should contact any supervisor, manager, department head, or their equivalent
- C. Where the complainant perceives that the department's internal environment is not conducive to making an internal complaint, they have the option of reporting the incident to an entity external to the department (i.e., city, county, State Department of Fair Employment and Housing (DFEH), Federal Equal Employment Opportunity Commission (EEOC), etc.)

**NOTE:** Many organizations are beginning to adopt "zero tolerance" policies regarding sexual harassment. In essence, this means that the organization will not tolerate any type of behaviors which could constitute sexual harassment under the law or which could contribute to an unprofessional business atmosphere.



## XI. STATE MANDATED SEXUAL HARASSMENT COMPLAINT PROCESS GUIDELINES

### A. Elements of the complaint process

NOTE: The full text of the state mandated sexual harassment complaint process guidelines is included in the supporting materials section of this Unit Guide

1. Applicability: To whom does the complaint process apply per Penal Code Section 13519.7?

a. Peace Officer employees of:

- (1) City police departments
- (2) County sheriff's departments
- (3) Districts
- (4) State University police departments

b. Who are victims of sexual harassment in the workplace

NOTE: Law enforcement agencies who are not specifically named in Penal Code Section 13519.7 may voluntarily elect to follow the guidelines.

Any agency may choose to extend their complaint policy to include non-peace officer employees.

2. Supervisory/Management responsibilities

a. Reactive

- (1) Listen to the complaint
- (2) Provide counsel regarding options
- (3) Document the complaint

NOTE: Instructors should discuss what comprises "documentation"

- (4) Appropriate investigative actions

NOTE: Instructor should discuss typical investigative actions which would occur (e.g., interviews of involved persons, etc.)

b. Pro-active

- (1) Acting when inappropriate behaviors before a complainant comes forward
- (2) On-going training of subordinates

3. Ramifications for the offender
  - a. Disciplinary action from verbal reprimand through termination
  - b. Civil suit
  - c. Criminal penalties
  - d. Fines imposed by EEOC and/or DFEH
  - e. Negative impact on career, family, credibility, reputation, etc.
4. Protection from retaliation
  - a. Illegality of retaliation under the law
  - b. Protection of complainants and witnesses

## XII. LEGAL ASPECTS OF HATE CRIMES

### A. Defining a hate crime

1. An operational definition of a hate crime (according to the Racial, Ethnic, and Religious Crimes Project of the California Department of Justice and from the U.S. Department of Justice, Federal Bureau of Investigation's Training Guide for Hate Crime Data Collection) is:

*"Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the constitution or the laws of the United States or the State of California whether or not performed under color of law"*

2. A hate crime is described in California Penal Code Section 13519.6 (a) as:

*"Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, or sexual orientation, with the intention of causing fear or intimidation"*

3. The problem with these definitions is that they imply that such events independently constitute a crime. Because these definitions do not identify penalties, the described behaviors must be accompanied with:
  - a. Any unlawful act (i.e., Penal Code Sections 187, 242, 245, 594, 653m, etc.);
  - b. Any attempted unlawful act (attempted crime i.e., Penal Code Sections 455, 240, 664, etc.), or;
  - c. Any threatened unlawful act (threatening to commit a crime verbally or in writing where the threat is coupled by apparent ability)
4. These acts, attempted acts, or threatened acts above must be directed at causing one or more of the following:
  - a. Physical injury
  - b. Emotional suffering or intimidation
  - c. Property damage
5. The acts, attempted acts, or threatened acts must be (or appear to be) motivated all or in part by:

- a. Race
- b. Color
- c. Religion
- d. Ancestry
- e. National Origin
- f. Gender
- g. Sexual Orientation
- h. Disability

- 6. Name calling and epithets, if not combined with a crime, attempted crime, or a threat to commit a crime are **not** considered criminal acts.
- 7. The main hate crime enforcement statute (Penal Code Section 422.6) is, in effect, an enhancement that is charged in conjunction with some other offense. This section **does not** stand alone.

NOTE: Instructors should indicate to students that local prosecutors may have differing policies regarding the charging of hate crimes statutes.

8. Specific Hate Crime Penal Code Sections

- a. Penal Code Section 422.6 (Interfering with civil rights). This section states that "No person shall...
  - (1) By force or threat of force
  - (2) Willfully (Making this a specific intent crime)
  - (3) Injure, intimidate, interfere with, or oppress
  - (4) Any other person
  - (5) In the exercise of his/her constitutional rights because of that person's:
  - (6) Race, color, religion, ancestry, national origin, gender, sexual orientation, or disability

Penal Code Section 422.6 is a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed \$5,000, or both.

b. Penal Code Section 422.7 is the felony section which applies if the act of violence caused, or included the present ability to cause any of the following:

- (1) Violent injury
- (2) Actual physical injury
- (3) Property damage in excess of \$1,000
- (4) If the suspect has previously been convicted of Penal Code Section 422.6
- (5) The incident involved a conspiracy to commit Penal Code Section 422.6

NOTE: In crime reports Penal Code Section 422.6 or 422.7 will be identified as additional offenses. The underlying crime (i.e., battery, vandalism, assault, etc.) will generally be listed as the main offense.

The following sections are stand alone sections which may be enhanced by adding Penal code Sections 422.6 or 422.7

c. Penal Code Section 11411 (Desecrating religious symbols). This section makes it a misdemeanor to:

- (1) Burns a cross or other religious symbols
- (2) On the property of another
- (3) Without their consent
- (4) Knowing it is a religious symbol or
- (5) Displays a Nazi swastika or other symbol
- (6) For the purpose of terrorizing another

NOTE: Violation of Penal Code Section 11411 is generally the most specific crime to list on the face of the crime report

d. Penal Code Section 11412 (Interfering with religious freedom. This section makes it a felony for any person who:

- (1) With intent to cause
- (2) Attempts or causes another
- (3) To refrain from exercising their religion
- (4) By means of threat

- (5) Directly communicated
- (6) To commit an unlawful injury, or
- (7) Reasonably appears to the recipient of the threat that such threat could be carried out

NOTE: Violation of Penal Code Section 11412 is generally the most specific crime to list on the face of the crime report

e. Penal Code Section 11413 (Terrorizing). This section makes it a felony for any person to:

- (1) Explode or attempt to explode
- (2) A destructive device
- (3) For the purpose of terrorizing

Penal Code Sections 11411 and 11413 both define "Terrorizing" as: to cause a person of ordinary emotions and sensibilities to fear for their personal safety.

Penal Code Section 11413 applies to any library, bookstore, courthouse, home of a court officer, church, temple, synagogue, or place of worship, or abortion clinic.

f. Other related sections

- (1) Penal Code Section 415.3 (using offensive words in a public place which are inherently likely to provoke an immediate violent reaction)
- (2) Penal Code Section 191.2(a) (murder motivated by the victim's race, color, religion, nationality, or national origin)
- (3) Penal Code Section 258 (maliciously slandering, among others, "any social fraternal...religious corporation, association, or organization.")
- (4) Penal Code Section 302 (willfully disturbing a group of people meeting to worship)
- (5) Penal Code Section 594.3 (knowingly vandalizing a place of worship). This is a felony.
- (6) Penal Code Section 1170.75 (penalty enhancements for felonies committed because of bigotry)
- (7) Penal Code Section 1170.8 (penalty enhancements for robbery or assault upon persons within a place of worship)

- (8) Penal Code Section 1170.85 (penalty enhancements for crimes committed against the aged or disabled)
- (9) Penal Code Section 11410 (states that the urging of violence where harm is possible is conduct not protected by the California Constitution)

B. Indicators of hate crimes

1. The following criteria should be considered in determining whether or not a hate crime has occurred:

a. The crime must involve a specific target

- (1) Individual (can be friends or support group)
- (2) Residence
- (3) House of worship
- (4) Religious or ethnic organization
- (5) Business

b. If graffiti is involved, it must be:

- (1) Racial
- (2) Ethnic
- (3) Religious
- (4) Homophobic

NOTE: Gang graffiti may or may not fit into this category, depending upon the specific circumstances and content.

c. Bigotry, in whole, or in part, must be the central motive for the incident

d. Assaults on persons appear to have been motivated by:

- (1) Race
- (2) Color
- (3) Religion
- (4) Ancestry
- (5) National origin

- (6) Gender
  - (7) Sexual orientation
  - (8) Disability
- e. There is an absence of other motives and vandalism has occurred to a:
- (1) House of worship
  - (2) Ethnic organization
  - (3) Religious organization
  - (4) Gay or lesbian organization
- f. Obscene or threatening telephone calls were involved which contain:
- (1) Racial slurs
  - (2) Ethnic slurs
  - (3) Religious slurs
  - (4) Homophobic slurs
- g. The following inquiries may also assist in determining whether or not a crime was motivated by bias/hate:
- (1) Is the motivation of the alleged offender known?
  - (2) Was the incident known to have been motivated by racial, religious, ethnic, or sexual orientation bias?
  - (3) Does the victim perceive the action of the offender to have been motivated by bias?
  - (4) Is there no other clear motivation for the incident?
  - (5) Were any racial, religious, ethnic, or sexual orientation bias remarks made by the offender?
  - (6) Were there any offensive symbols, words, or acts which are known to represent a hate group or other evidence of bias against the victim's group?
  - (7) Did the incident occur on a holiday or other day of significance to the victim's group or the offender's group?
  - (8) What do the demographics of the area reveal about the incident?

C. Legal rights of hate crimes victims

NOTE: Comprehensive descriptions of the legal rights and remedies accorded to hate crimes victims as listed below are contained in Sections H, I, and J of the Supporting Materials portion of this Instructor Unit Guide

1. Federal Criminal Statutes
  - a. 18 USC Section 241 (Conspiracy to interfere with civil rights)
  - b. 18 USC Section 242 (Forcible interference with civil rights under color of authority)
  - c. 18 USC 245 (Forcible interference with civil rights)
  - d. 42 USC Section 3631 (Willful interference with civil rights under the Fair Housing Act)
  
2. Federal civil statutes which provide causes for action for victims of racially motivated violence by private individuals
  - a. 42 USC Sections 1981 and 1982
  - b. 42 USC Section 1985(3)
  - c. 42 USC Section 3617

State civil statutes

- a. The Ralph Civil Rights Act (California Civil Code Section 51.7)
- b. The Bane Civil Rights Act (California Civil Code Section 52.1)



### XIII. THE IMPACT OF HATE CRIMES

- A. The changing demographics of California has resulted in an increase in intergroup conflicts. This has resulted in an increase of hate/bias crimes. Hate violence has occurred throughout the state and has affected nearly every social group. In addition to the effects these crimes have upon individual victims, they also cause:
1. Distrust between groups
  2. Disharmony among communities
  3. Tension between the community and law enforcement when incidents are not handled appropriately, thoroughly, or in a timely manner
- B. Hate crimes have a devastating effect on victims, victim's families, and communities. Incidents often occur in neighborhoods, places of worship, schools, the victim's workplace, or other locations where the victim has established personal ties.
1. Hate crimes are civil rights violations and
  2. Hate crimes are terrorist acts
- C. Among the effects of hate crimes on victims are:
1. Strong emotional reactions including:
    - a. Bitterness
    - b. Helplessness/frustration
      - (1) Inability to affect the circumstances that led to their victimization
      - (2) Feeling that they may not be able to report their victimization because they do not want to reveal information such as immigration status, sexual orientation, etc.
    - c. Anger
    - d. Fear
      - (1) About future incidents
      - (2) About the safety of children and other family members
  2. Strong psychological effects
    - a. Prolonged emotional trauma
    - b. Particularly strong impact upon child victims

3. Intimidation of other members of the same social group

NOTE: Instructors may wish to reference additional information which is contained in Unit Guide #4 (Victimology/Crisis Intervention). Material in this Unit Guide provides substantial background regarding the psychodynamics of victimization, crisis reactions, and victim assistance strategies.

D. Law enforcement responses to hate crimes

1. A primary responsibility of any officer responding to a suspected hate crime is to provide assistance and appropriate support to victims.
2. A thorough preliminary investigation should be conducted in an effort to determine whether or not a hate crime has occurred. Among the specific issues to be considered are:
  - a. Preservation/collection of evidence substantiating that a hate crime has occurred.
    - (1) Photographs of injuries, graffiti, vandalism, etc.
    - (2) Collection of physical evidence such as:
      - (a) Hate/bias literature
      - (b) Tape recordings (e.g., threat messages left on answering machines)
  - b. Interviews of victims and other involved parties
    - (1) Treat the victim(s) with dignity and respect
    - (2) Recognize that victim(s) may direct their anger or frustration at responding officers
    - (3) Permit the victim(s) to vent their emotions
    - (4) Empathize
    - (5) Maintain a non-critical, non-judgmental, attitude
    - (6) The following types of questions may assist in establishing important elements:
      - (a) Why do you think you were attacked?
      - (b) Did you want to react? Fight or Flight?
      - (c) Where you afraid? Of what?
      - (d) Have there been any prior incidents?

- (e) Are you the only group member or only one of a few in the neighborhood?
- (f) Have you recently moved to the area?
- (g) Have you been involved in any recent public activity that would make you a target?
- (h) Has there been any neighborhood problem(s) that you think could have spurred this incident?
- (i) Did the perpetrators distribute or carry any literature?
- (j) What is your perception of what happened?

c. Interviews of witnesses

- (1) A door-to-door or other area search for witness should be initiated
- (2) Ask witnesses why they think the incident occurred
- (3) Ask witnesses who they think is responsible for the incident and why (individuals and/or groups)
- (4) Responding officers should be alert for any signs of bias shown by the witnesses

d. Interviews of suspects

- (1) Many times hate crimes suspects are proud of their actions and will be anxious to talk
- (2) The following questions may be helpful in substantiating incident elements:
  - (a) Why did you pick this person?
  - (b) What was there about this person?
  - (c) How do you feel about (type of victim)?
  - (d) Did you go looking for (type of victim)?
  - (e) Did he/she just happen to cross your path?
  - (f) Do you belong to any groups or organizations? (either general or specific)

e. Generate a complete report

- (1) Although not all inclusive, the following considerations may be helpful in establishing essential elements:
  - (a) Are the victim and suspect members of different groups (e.g., ethnic, racial, religious, etc.)?
  - (b) Was the incident motivated by hostility between/among groups or group members?
  - (c) When multiple incidents occur at the same time, are all victims from the same or different groups?
  - (d) Has there been any prior (recent) news coverage of events of a similar nature?
  - (e) What about the manner and means of attack (e.g., color of paint, correct spelling of words, symbols or signs used, etc?)
  - (f) Does the event correspond to any significant date (e.g., holidays such as halloween, birthday of a group leader, etc.)
  - (g) Is there any ongoing neighborhood problem that may have spurred the event?
  - (h) Could the act be retribution for some conflict with neighbors, area juveniles, etc.?

NOTE: Instructors may wish to reference additional information which is contained in Unit Guide #30 (Preliminary Investigation). Material in this Unit Guide provides substantial background regarding investigative actions, interviewing, and evidence collection.

# LEARNING ACTIVITY DESCRIPTIONS

## I. STUDENT SELF-ASSESSMENT (Learning Activity 13.42.01)

Given a diagnostic instrument, questionnaire, personal inventory or equivalent method, students will be accorded the opportunity to conduct a self-assessment to determine their own level of cultural sensitivity and experience in interrelating with cultural groups.

- A. The learning activity should provide the student with an opportunity to determine their current level of experience in dealing with cultural groups.
- B. The learning activity should also serve as a starting point for an instructor-facilitated classroom discussion and/or small group discussions which address perceptions, experiences, fears, and stereotypes concerning contact with cultural groups.

Discussion may include, but is not limited to cultural stereotypes, ethriophobia, homophobia, gender bias, and media impact on cultural perceptions.

NOTE: A variety of sample instruments are included in the supporting materials section of this unit guide which can be used to satisfy this learning activity requirement. Academies may also employ other supplemental materials at their discretion.

## II. STUDENT REVIEW OF CULTURAL CONTACTS (Learning Activity 13.42.02)

Given a minimum of three POST-developed video re-enactments depicting law enforcement contacts with cultural groups, or an equivalent number of simulations, scenarios or video representations provided by the academy, the student must participate in an instructor-led discussion evaluating the appropriateness and professional quality of the contact.

Among the issues which should be addressed are:

- A. Any positive or negative behaviors demonstrated by contacting officers
- B. The apparent perception of the cultural group regarding the contact
- C. Presence or absence of cultural stereotyping
- D. The level of cultural understanding demonstrated by the officers
- E. The legality of the contact and subsequent actions of the contacting officers
- F. The professional, personal, and organizational impact of the contact, either positive or negative
- G. Cultural group history, customs, religious conventions, core values, or other perceptions material to the contact

Presentation of the video re-enactments, simulations, or scenarios may be done collectively or may be interspersed throughout the instructional block at the discretion of the instructor.

NOTE: POST included several contact scenarios in a Cultural Awareness Telecourse which aired November 12, 1992. If instructors elect to use excerpts of that telecourse to satisfy the requirements of this learning activity, discussion guide material is contained in the supporting references section of this unit guide.

### III. SEXUAL HARASSMENT (Learning Activity 13.42.03)

Given a minimum of four POST-developed video re-enactments depicting possible sexual harassment, or an equivalent number of simulations, scenarios, or video representations provided by the academy, the student must participate in a facilitated discussion which addresses the following:

1. Any behaviors which are illegal, as defined by federal or state sexual harassment laws;
2. Professional, personal, and organizational impacts of the incident;
3. Legal and administrative consequences of the behaviors observed;
4. Whether or not state sexual harassment reporting guidelines apply to the situation.

### IV. HATE CRIMES (Learning Activity 13.42.04)

Given a minimum of three POST-developed video re-enactments or written descriptions of possible hate crimes, or equivalent material provided by the academy, the student must participate in a facilitated discussion which addresses the following:

1. Whether or not the incident constituted a hate crime under the law;
2. Impact of the incident on victims, victim's families and the community;
3. Effectiveness of the law enforcement response;
4. Legal rights of, and remedies available to the victim(s)

**SUPPORTING MATERIAL  
AND  
REFERENCES**

This section contains reference materials and information resources for use by presenters. Materials can be used to support instruction, remediation, additional reading, viewing, or local course planning efforts. This is not an endorsement of any author, publisher, producer, or presentation. Each presenter should review all materials and establish their own list of references.



**TOPICAL LIST OF SUPPORTING MATERIALS AND  
REFERENCES INCLUDED IN THIS SECTION**

<u>Section</u>	<u>Description</u>
A.	General recommendations for the presentation of cultural diversity training
B.	Discussion guide material for POST-developed cultural contact video segments
C.	Discussion Guide material for POST-developed sexual harassment video segments
D.	Discussion Guide material for POST-developed hate crimes video segments
E.	Discussion examples of possible hate crimes incidents
F.	Supporting resources for student self-assessment and classroom discussion on cultural diversity: <ol style="list-style-type: none"><li>1. General considerations for using student self-assessment materials</li><li>2. Assessing My Own Life Experiences I</li><li>3. Assessing My Own Life Experiences II</li><li>4. Accepting Others</li><li>5. Cultural Pursuit</li><li>6. Critical Events Inventory</li><li>7. Prominent People List</li><li>8. 10 Point Self-Evaluation Checklist</li><li>9. Multi-Cultural Interactions Checklist</li><li>10. Diversity Awareness Profile</li></ol>
G.	State of California Sexual Harassment Complaint Policy Guidelines
H.	Laws protecting individuals from hate crimes
I.	Overview of the Ralph Civil Rights Act
J.	Overview of the Bane Civil Rights Act
K.	Community organizations offering information concerning Anti-Bias Education
L.	Glossary of terms
M.	Bibliography of materials related to cultural diversity, sexual harassment, and hate crimes
N.	Bibliography of videos related to cultural diversity, sexual harassment, and hate crimes
O.	Unit Guide 42 Curricula Development Committee Members



# SUPPORTING MATERIALS SECTION A

## GENERAL RECOMMENDATIONS FOR THE PRESENTATION OF CULTURAL DIVERSITY TRAINING

1. Diversity is a complex issue; therefore it is impossible for instructor/facilitators, to know "all the answers". The spirit of this training is not to impose a particular viewpoint but to emphasize self awareness and to enlighten the student regarding the practical and professional advantages of behavior which values diversity.
2. It is recommended that cultural diversity training be introduced by the agency head or academy director to underscore the relative importance of the subject.
3. The long-term effectiveness of cultural diversity training is dependent upon the degree to which it is reinforced and supported during the field training experience.
4. Presenters are encouraged to include elements of cultural diversity training or cross-cultural communications into other areas of the Basic Course such as scenarios, problem-solving exercises, ethics instruction, and communications skills training.
5. Presenters are encouraged to complement cultural diversity training with a field trip, ride-along or other technique aimed at providing direct experience in contact skills.
6. When practical, presentations can be enhanced by utilizing members of local cultural organizations to assist with in-class presentations or to provide supporting resource materials.

**NOTE:** Instructors should consult their local agency Cultural Awareness Facilitators for assistance in identifying appropriate community contacts.



## SUPPORTING MATERIALS SECTION B

DISCUSSION GUIDE MATERIAL  
FOR POST-DEVELOPED  
CULTURAL CONTACT VIDEOS

VIDEO SEGMENT NUMBER 1:  
"Cultural Stereotyping"

VIDEO SEGMENT NUMBER 2:  
"There are two sides to every stereotype"

VIDEO SEGMENT NUMBER 3:  
"Careful, that's my pride you're stepping on"

VIDEO SEGMENT NUMBER 4:  
"When a pat on the head can be a slap on the face"



## VIDEO SEGMENT NUMBER 1:

### "Cultural Stereotyping"

#### A. Summary

Partner officers respond to a cold auto burglary and are met by an irate citizen who stereotypes the officers. The officers are subsequently sent to another call, and while enroute, proceed to stereotype the neighborhood and residents of the area they are responding to.

#### B. Recommended questions for students

1. What attitudes or behaviors are the officers exhibiting towards others?
2. What possible effects could these behaviors have on others?
3. Who is responsible for what is occurring?
4. What can be done about it and who should act?
5. What will it cost (consequences) to correct on a personal basis?

#### C. Attitudes and behaviors exhibited by the participants

1. Citizen ventilating, "blowing off steam"
2. Officers ventilating, "blowing off steam"
3. Stereotyping by the victim:
  - a. It's about time you got here (implying all officers are always late responding to crimes)
  - b. Never there when we need you
  - c. Donut eater
  - d. I pay your salary (implying officers are always at the public trough)
  - e. You're always right there (if I commit a traffic violation)
4. Stereotyping by the officers:
  - a. Those people (us versus them)
  - b. Always making babies
  - c. Same people, same crime

- d. All they do is fight
- e. All they do is drink
- f. "Black hole" (may or may not be taken as a racial comment)
- g. It takes all of our time and effort
- h. Nothing ever gets better down there
- i. Nothing can be done (to improve the situation)

D. Possible effects

- 1. Officers develop a lower level of tolerance to citizen behavior
- 2. Decreases the officer's objectivity concerning the facts of a case
- 3. Potential development of an officer safety problem (escalating a potentially non-hostile situation)
- 4. The officers have reached a conclusion before they get to the scene (predetermined outcome)
- 5. A negative expectation becomes a self-fulfilling prophecy
- 6. Prolonged stereotyping may lead to inappropriate officer behavior

E. Who is responsible?

- 1. All parties

F. What can be done?

- 1. Golden rule?
- 2. Self-awareness will improve relationships
- 3. Knowledge will dispel stereotypes
- 4. Don't take negative remarks personally
- 5. Understand the natural need (on both sides) for people to ventilate in times of stress, but recognize that how a person "ventilates" (what is said) often communicates underlying attitudes.

NOTE: Reinforce that the officers acted professionally and appropriately during the initial contact. Their stereotyping enroute to the subsequent call should be discussed as a separate matter.

## VIDEO SEGMENT NUMBER 2:

"There are two sides to every stereotype"

### A. Summary

Partner officers (one Asian, one Anglo) are eating in the department lunchroom. They engage in a conversation containing stereotypes. A third officer (black female) enters the conversation and also makes stereotypical remarks.

### B. Recommended questions for students

1. What attitudes or behaviors are the officers exhibiting toward others?
2. What possible effects could these behaviors have on others?
3. Who is responsible for what is occurring?
4. What can be done about it and who should act?

### C. Attitudes and behaviors exhibited by the participants

1. Issue of casual communication of partner officers (privileged?), versus someone outside the relationship entering in
2. Third officer ignored? Was racial or gender bias a factor?
3. Stereotyping by the partner officers
  - a. Gilligan
  - b. Fish heads
  - c. French fries/make you jump any higher
4. Stereotyping by the third officer:
  - a. Rice
  - b. Slant Eyes

### C. Possible effects

1. What goes on in the station often carries itself out into the community
2. What starts out as "friendly" can deteriorate trust
3. Officers develop an inappropriate tolerance to racial remarks

4. The notion that "Much truth is said in jest". Can seemingly innocent remarks come back to "bite"?
5. Will the remarks affect other persons in the room who may have overheard
6. Could the behavior prompt an internal affairs complaint? Could there be a violation of department policy?
7. Although the person who is the brunt of the remark is "laughing" or is seemingly a willing participant, they may really have perceived the remark to be offensive or unwanted.

D. Who is responsible?

1. All parties

E. What can be done?

1. Respond to the immediate situation when it happens. Communicate that the behavior is unacceptable.
2. Educate people as to impacts of their behavior.
3. Become familiar with prevailing philosophy or policies.

VIDEO SEGMENT NUMBER 3:

"Careful, that's my pride you're stepping on"

A. Summary

Officer arrives at the station with an arrested person. The officer brings the arrestee into the jail. Verbal exchanges occur between the transporting officer, station officer and suspect during the unloading and subsequent processing.

B. Recommended questions for students

1. What attitudes or behaviors are the officers exhibiting towards others?
2. What possible effects could these behaviors have on others?
3. Who is responsible for what is occurring?
4. What can be done about it and who should act?

C. Attitudes and behaviors exhibited by the participants

1. Station officer was immediately antagonistic (made the first hostile verbal gesture)
2. Stereotypical remarks made by the station officer
  - a. Bean boy
3. Stereotypical remarks made by the transporting officer
  - a. I'll pluck your feathers like a pollo (chicken)

NOTE: This remark is clearly inappropriate as it contains an outright threat and may prompt a physical confrontation.

- b. Are you from a banana republic?
- c. Who picks the bananas in your family...your mother or your father?

NOTE: The transporting officer and suspect apparently belong to the same ethnic group (although they are apparently of different nationalities). A discussion point might address how this fact could prompt the exchange of inappropriate demeaning language between the two.

4. Officers fueled the suspect's behavior

C: Possible effects

1. Situation could easily escalate to a physical confrontation

2. A citizen complaint could result
3. Officer behavior could compromise legal prosecution
4. Injury to officer or suspect
5. Increased resistance by the suspect to a future contact with law enforcement

D. Who is responsible?

1. The station officer who made the first comment?
2. The transporting officer who escalated the remarks?
3. The supervisor in the station?

E. What can be done?

1. Early intervention by another officer
2. Station officer was originally not involved

## VIDEO SEGMENT NUMBER 4:

"When a pat on the head can be a slap on the face"

### A. Summary

A senior officer and trainee respond to a domestic violence incident involving an Asian family. The officers ultimately enter the house in an effort to ascertain the welfare of the complainant.

### B. Recommended questions for students

1. What attitudes or behaviors are the officers exhibiting towards others?
2. What possible effects could these behaviors have on others?
3. Who is responsible for what is occurring?
4. What can be done about it and who should act?
5. Prolonged stereotyping may lead to inappropriate officer behavior.

### C. Attitudes and behaviors exhibited by the participants

1. The trainee bypassed the senior male in the family.
2. The trainee patted a young boy on the head.
3. The physical gesture the trainee used in calling family members towards him is offensive to the involved culture (implies you are calling cattle).
4. The trainee put his hands on the adult female.
5. The trainee directed requests (e.g., to translate) to the young boy.

NOTE: It is not the intention of this scenario to teach specific details of cultural literacy, rather it is to highlight the need for continuous learning about the cultural groups in the community. The main point should not be trivialized by undue focus upon specific issues included in this scenario such as improper hand gestures.

### D. Possible effects

1. Reinforce any mistrust already existing in the community
2. Victim may not cooperate
3. Potential for physical confrontation
4. May have set up children for discipline after the officers leave because the children did not respect the father's authority

E. Who is responsible?

1. Did the senior officer provide sufficient specific information to the trainee regarding the contact?
2. Did the trainee disregard the advice of the senior officer that this contact may be different? (e.g., information that members of Asian cultures reside in the neighborhood)

F. What can be done?

1. Officers need to educate themselves about the community.
2. The officers could look for opportunities to educate the community about how law enforcement works.
3. If the trainee officer had been given specific instruction about this culture he may have avoided the pitfalls.

## SUPPORTING MATERIALS SECTION C

### DISCUSSION GUIDE MATERIAL FOR POST-DEVELOPED SEXUAL HARASSMENT VIDEOS

- VIDEO SEGMENT NUMBER 1: Mobile Data Terminal (MDT) Transmissions
- VIDEO SEGMENT NUMBER 2: Sexually Patronizing Comments
- VIDEO SEGMENT NUMBER 3: Initial Notification: "Rebuffed"
- VIDEO SEGMENT NUMBER 4: Unwelcome Comments of a Sexual Nature
- VIDEO SEGMENT NUMBER 5: Sexual Innuendo
- VIDEO SEGMENT NUMBER 6: Inappropriate Touching
- VIDEO SEGMENT NUMBER 7: Visual Harassment: "Pin-Ups"
- VIDEO SEGMENT NUMBER 8: Unwelcome Communication: "Love Notes"
- VIDEO SEGMENT NUMBER 9: Quid Pro Quo
- VIDEO SEGMENT NUMBER 10: Differential Treatment?
- VIDEO SEGMENT NUMBER 11: Silent Alarm Call
- VIDEO SEGMENT NUMBER 12: Confronting Sexual Harassment
- VIDEO SEGMENT NUMBER 13: Supervisory Response: Off-Duty Behavior
- VIDEO SEGMENT NUMBER 14: Supervisory Response: Counseling
- VIDEO SEGMENT NUMBER 15: Supervisory Response: Quid Pro Quo



## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 1:

### "Mobile Data Terminal (MDT) Transmissions"

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

In a slow moment on the shift, a male officer and female dispatcher exchange suggestive transmissions on the mobile data terminal.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws:

1. This incident may not be sexual harassment in the legal sense. The suggestive banter, albeit unprofessional, was apparently mutual and there is no evidence to suggest that, at the time the comments were made, that they were unwanted.

NOTE: Remember that the officer in the field could not see the dispatcher. At a certain point it appeared that her body language changed and the comments may have become unwanted.

2. A key to this incident is how it is perceived by the parties involved. Equally important is how this same incident could be perceived by a third party.

#### C. Professional, personal, and organizational impacts of the incident

1. Nearly every agency will have a policy which prohibits personal messages over the mobile data terminal.
2. This type of exchange can contribute to a hostile work environment

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. If limited to the behaviors shown, probably not illegal
- b. May later be used as evidence to support that a hostile work environment existed

##### 2. Administrative Consequences

- a. Almost certainly a violation of department policy regarding proper use of a mobile data terminal

b. May be used as negative evidence in other investigations or civil actions to show the department is unprofessional.

c. Most departments randomly monitor MDT messages.

E. Application of state sexual harassment reporting guidelines to this situation.

1. Not directly applicable if neither party finds the behaviors offensive.

2. Departments adopting a zero tolerance philosophy on sexual harassment would most likely take assertive disciplinary action against the officer and dispatcher.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 2:

### "Sexually Patronizing Comments"

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

Older male lieutenant calls both older records supervisor and young records clerk names of endearment like "sweetie" and "honey". The records supervisor has no problem with it, but the clerk is offended. She tells the records supervisor that the lieutenant's remarks bother her. The records supervisor brushes off the clerk's complaint.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The actions of the lieutenant were not illegal
2. In the scenario, the lieutenant had no idea that the younger clerk took offense to his remarks.
3. This type of behavior may support a subsequent claim that a hostile work environment existed

NOTE: Subsequent video segments will address unwanted behaviors which continue after notice has been given to the offender.

#### C. Professional, personal, and organizational impacts of the incident

1. Terms of endearment or sexually patronizing comments have no place in today's work environment.
2. Use of terms of endearment may be specifically prohibited by individual department policies

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. If limited to the behaviors shown, probably not illegal however, could be the basis of a third party claim of a hostile work environment.
- b. May later be used as evidence to support that a hostile work environment existed

2. Administrative Consequences

- a. May be a violation of department policy regarding use sexually patronizing comments
- b. This type of behavior, if left unchecked, could eventually cause problems for the organization and individual participants.

E. Application of state sexual harassment reporting guidelines to this situation.

1. Not directly applicable if neither party finds the behaviors offensive.

NOTE: The relationship between the older clerk and the younger clerk is not absolutely clear in the video segment. If the older clerk has supervisory authority over the younger clerk, it is clear that the younger clerk has "given notice" that the lieutenant's remarks were unwanted and offensive.

2. The Records Supervisor has responsibility to document the event so that the Lieutenant will become aware that his behavior was unwanted and offensive.
3. A follow-up meeting with the young records clerk would be necessary to reach closure of the incident.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 3:

Initial Notification: "Rebuffed"

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

### A. Summary

A male officer gets the wrong impression and pursues a relationship with a dispatcher after being rebuffed by her. (The scenario is a continuation of video segment number 1 where contact between the two began during an exchange over the mobile data terminal).

### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The actions of the officer were not illegal
2. This is the first time the officer has been notified that his actions are unwanted and unwelcome.
3. Continued advances by the officer, once clear notice is given, could constitute sexual harassment.

### C. Professional, personal, and organizational impacts of the incident

1. If nothing further happens, there may be little negative professional, personal, or organizational impact.
2. Negative impact occurs, if and when, the unwanted and unwelcome behavior continues

### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

#### 1. Legal Consequences

- a. If limited to the behaviors shown, probably not illegal
- b. May later be used as evidence to support that a hostile work environment existed if the victim was repeatedly subjected to unwanted advances by other persons and the organization allowed this to occur.

#### 2. Administrative Consequences

- a. Most likely not a violation a policy unless the behavior continues

### E. Application of state sexual harassment reporting guidelines to this situation.

1. The dispatcher has formally notified the officer that his advances are unwanted, as suggested by the guidelines.
2. If the behavior continues, the sexual harassment complaint process is recommended
3. The dispatcher should document continued harassing behavior by the officer and request immediate intervention by supervision.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 4:

### Unwelcome Comments of a Sexual Nature

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

Records supervisor and female officer are standing in a hallway talking when a male officer walks by. The records supervisor says "nice tush" and the two females giggle. He says "knock it off", but she persists, stating "Come on, you know you have the tightest buns in the department"

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. Although unprofessional, the actions of the records supervisor were not illegal
2. Presumably, this is the first time the records supervisor has been notified that her comments are unwanted and unwelcome.
3. Continued comments by the records supervisor, once clear notice is given, could constitute sexual harassment.
4. It makes no difference that the "victim" is a male.

#### C. Professional, personal, and organizational impacts of the incident

1. If nothing further happens, there may be little negative professional, personal, or organizational impact.
2. Negative impact occurs, if and when, the unwanted and unwelcome behavior continues. As a supervisor, she is setting a bad example for subordinates.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. If limited to the behaviors shown, probably not illegal
- b. May later be used as evidence to support that a hostile work environment existed if the victim was repeatedly subjected to unwelcome comments of a sexual nature.

2. Administrative Consequences

- a. May be a violation of department policy regarding use of sexually patronizing comments and the records supervisor could be subject to formal disciplinary action.
- b. Supervisors are held to a much higher level of accountability in sexual harassment policy enforcement and must set a positive example.

E. Application of state sexual harassment reporting guidelines to this situation.

1. Technically, the Officer has notified the Records Supervisor that her comments are unwelcome (e.g., "knock if off"), as suggested by the guidelines.
2. If the comments continue, the sexual harassment complaint process is recommended.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 5:

### Sexual Innuendo

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A male officer is seen walking into a weight room with a friend boasting falsely about a sexual relationship with a dispatcher. He then sees that the dispatcher has overheard him.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The suggestive comments made by the officer may not be illegal but they constitute a false and negative reflection on the character and reputation of the dispatcher.
2. This situation, in combination with others involving the same victim, can collectively constitute a hostile work environment

#### C. Professional, personal, and organizational impacts of the incident

1. The harassing behavior of the officer is becoming pervasive (on the mobile data terminal, in the hallway, in the weight room)
2. The victim is obviously offended
3. The offender has sullied the reputation of the victim and is spreading false rumors about the dispatcher
4. A third person has been involved in the situation which can ferment organizational conflict and disrupt team-building efforts

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. If limited to the comments made, probably not illegal
- b. Provides additional evidence to support that the dispatcher was subjected to a hostile work environment

##### 2. Administrative Consequences

- a. Most likely a violation of department policy regarding the spreading of false rumors

- b. If the department becomes aware of the behaviors immediate action against the offender is likely. The dispatcher does not have to put up with this type of behavior.

E. Application of state sexual harassment reporting guidelines to this situation.

1. The dispatcher has previously notified the officer that his advances (e.g., asking for a date) were unwelcome. Although this behavior is not identical to asking for a date, it is nonetheless unwanted.
2. It is not necessary for the dispatcher to again tell the officer that his behavior is unwanted
3. The dispatcher should initiate the complaint process and document the situation

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 6:

### Inappropriate Touching

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

Lieutenant walks over to the desk of the older records supervisor and begins to massage her neck and shoulders. She enjoys the massage and tells him so. The younger clerk sees this and is very offended. The younger clerk expresses her offense and asks them to stop. She is brushed-off again.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. Unwanted physical touching can constitute sexual harassment. In this scenario, the back rub was not unwanted, but the back rub, and the associated remarks, clearly offended a third party.
2. In a previous scenario, the junior clerk already expressed her offense to sexually patronizing remarks made by the lieutenant.
3. In this case the junior clerk again expressed her offense at the comments, and added her specific offense regarding the physical touching.
4. The behavior is illegal because it creates a hostile work environment and the junior clerk had put her supervisor on notice

#### C. Professional, personal, and organizational impacts of the incident

1. The junior clerk is obviously feeling that the lieutenant and the records supervisor have no empathy for her concerns or discomfort.
2. The feeling of alienation that the junior clerk feels can ultimately have an adverse effect on the organization (e.g., declining productivity of the employee and the organization)
3. The feeling of alienation that the junior clerk feels can ultimately have an adverse personal effect (e.g., stress)
4. The junior clerk may elect to leave and/or bring a civil action against the organization

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. Because prior notice was given, these behaviors were illegal

- b. The behaviors constitute a hostile work environment
- c. Both the lieutenant and the records supervisor are in violation of the law

2. Administrative Consequences

- a. Both the lieutenant and the records supervisor may be in violation of department policy
- b. Both the lieutenant and the record supervisor may be subject to disciplinary action

E. Application of state sexual harassment reporting guidelines to this situation.

- 1. The Clerk has previously notified the records supervisor that she found certain remarks to be offensive. (Video Segment Number 2).
- 2. This is the second time that the records clerk has "given notice" to her supervisor that sexually harassing behavior is occurring in the workplace (in this case both offensive comments and touching are involved).
- 3. The records supervisor has ignored two basic responsibilities. She is legally and ethically obligated to:
  - a. Pursue the records clerk's original complaint that offensive conduct was occurring in the workplace, and:
  - b. Personally promote a hostile free work environment.
- 4. The clerk should initiate the complaint process. Going outside her chain of command would be appropriate in this situation.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 7:

### Visual Harassment: "Pin-Ups"

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

Male officer and male lieutenant are in the locker room. The inside of the officer's locker room is covered with photographs of half-dressed women. The lieutenant sees the photographs and informs the officer that he must remove them. He questions why they must be removed, after all, it's a men's locker room. The lieutenant tells the officer that it doesn't matter, the photographs could offend anyone.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The presence of the photographs is not illegal in and of itself.
2. The officer may not have been aware of the fact that the presence of the photographs was prohibited.
3. Continued display of the photographs after notification could contribute to a hostile work environment element.
4. In this scenario there was no victim of sexual harassment (this is more a policy/work environment issue). However, other personnel in the locker room could be offended by the pictures.

#### C. Professional, personal, and organizational impacts of the incident

1. As stated by the lieutenant, removal of the photographs will prevent someone from being offended.
2. The photographs are inappropriate in a business/professional environment
3. The lockers are the property of the organization, and as such, are subject to policy administration.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

1. Legal Consequences
  - a. None, unless the photographs continue to be displayed, and;
  - b. Someone complains

NOTE: In the scenario the officer did comply and took down the pictures.

2. Administrative Consequences

- a. Clearly, display of sexually explicit photographs would constitute a violation of the prevailing "zero tolerance" policy of the organization in the scenario
- b. If the officer fails to remove the photographs, he would be in violation of the department policy and could be disciplined

E. Application of state sexual harassment reporting guidelines to this situation.

- 1. Not applicable unless someone is offended by the photographs (otherwise the situation is administrative)

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 8:

### Unwelcome Communication: "Love Notes"

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A male officer is seen putting a romantic note on the dispatcher's car. Later we see the female dispatcher taking the note off her car, reading it, and becoming very upset.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. Leaving a note is not illegal, however this note was delivered **after** the dispatcher stated that she wanted no further contact
2. As a result, the actions of the officer contribute to a hostile work environment and constitute sexual harassment

#### C. Professional, personal, and organizational impacts of the incident

1. The harassing behavior of the officer is becoming pervasive (on the mobile data terminal (video segment 1), in the hallway (video segment 3), in the weight room (video segment 5), and now continuing with notes).
2. The victim is obviously offended and appears to be increasingly distressed.
3. The continuing pattern of harassment can obviously have an adverse effect on the dispatcher (annoyance, offense, and even fear based on the officer "not getting the message" to leave her alone)
4. The officer's continuing behavior will obviously adversely impact the professional relationship between the two (e.g., create job friction)

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. This is clearly an example of unlawful sexual harassment. (Offensive behavior has continued after clear notice)
- b. The officer's continued harassment may result in a civil action/complaint being brought against him.

2. Administrative Consequences

- a. The officer has exposed his career to significant risk at this point (e.g., disciplinary action)

E. Application of state sexual harassment reporting guidelines to this situation.

1. The dispatcher has repeatedly indicated that she is not interested in personal contact with the officer. Although this type of notification is not required to initiate the complaint process, it clearly indicates that the officer was aware that his actions were unwelcome.
2. This is a clear case where the dispatcher should immediately initiate a complaint.
3. The dispatcher should document this incident and preserve the note for the complaint investigation.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 9:

### Quid Pro Quo

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A female trainee and her male field training officer are in a patrol car. The FTO begins to tell the trainee that her final evaluation is coming up and there are some things about her performance that they need to discuss after hours, over a drink. She declines and her FTO threatens to taint her performance evaluation because of her refusal to acquiesce to his advances.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The behavior of the FTO is clearly illegal as "Quid Pro Quo" (this for that)
2. In cases of sexual harassment, quid pro quo means submission or rejection of sexual conduct which is explicitly or implicitly made a term or condition of employment or an employment decision. In this case, meeting for drinks to discuss the performance evaluation in exchange for a favorable performance evaluation.

#### C. Professional, personal, and organizational impacts of the incident

1. The behavior of the FTO has undoubtedly destroyed the current and future professional relationship between the two officers.
2. The actions of the FTO (and his comments that this same behavior occurred regularly in the past) undermine the credibility of the entire FTO program.
3. The actions of the FTO (and his comments that this same behavior has occurred regularly in the past) suggest that the FTO has engaged in illegal (quid pro quo) behavior for some time.
4. An issue to discuss with students in the academy is what they would do if they experienced this type of behavior in their FTO program. The key points here are:
  - a. This type of behavior is clearly illegal and they don't have to put up with it
  - b. If possible, they should tell the offending person that their behavior is inappropriate
  - c. Trainees should always report such an incident to a supervisor or other person

- d. Trainees should be reminded that the law protects them from retaliation and that legal sanctions can be imposed against persons who subject them to retaliation
- e. Trainees should document any such conversations in detail.

D. Legal and administrative consequences of the behaviors demonstrated in the video segment

1. Legal Consequences

- a. The FTO's behavior violates California Government Code provisions relating to sexual harassment
- b. The FTO's behavior violates Federal Title VII protections
- c. The FTO is personally liable
- d. The organization is liable for the actions of the FTO and must take immediate corrective measures.

2. Administrative Consequences

- a. The FTO is open to disciplinary action up to termination

E. Application of state sexual harassment reporting guidelines to this situation.

- 1. The behavior exhibited by the FTO is an example of sexual harassment as defined in the guidelines (Reference Guideline #4 - examples of sexual harassment contained in Government Code Section 12940 and the code of Federal Regulations (29 CFR 1604.11))
- 2. The trainee should immediately follow the department's sexual harassment complaint process.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 10:

### Differential Treatment?

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A female officer asks permission from her sergeant to leave the shift early to attend her son's ball game. The gruff sergeant denies the request and then criticizes a report she turned in for approval. The sergeant tells her to rewrite the report, rips the original copy up, and tells her to get her "rear end" out of his office and to start acting like a responsible cop. The female officer makes a comment to herself about being discriminated against because she is female. In talking with another officer about the report, he concurs with the sergeant that the report is substandard.

The scene concludes with the sergeant telling a male officer to get his "rear end" out of his office and to start working for a change.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The actions of the sergeant were not illegal.
2. The female officer's perception that she was being discriminated against because of her gender is without merit and was further negated when the sergeant treats the male officer in the same manner.

#### C. Professional, personal, and organizational impacts of the incident

1. Officers may encounter supervisors who are verbally abusive or difficult to work with. In this situation, the sergeant's treatment of his subordinates was confrontative, but was not "differential" in regard to his treatment of subordinates. As a result, his behavior does not constitute gender discrimination or sexual harassment.
2. Many organizations will take issue with the sergeant's interpersonal style. An unnecessarily confrontative and hostile attitude will often negatively impact supervisory/subordinate relationships.

NOTE: This particular scenario is likely to prompt a great deal of discussion regarding the appropriateness of the supervisor's style. It is important for the instructor to emphasize that the purpose of the scenario is to display a behavior which may be confused with sexual harassment, but which is not unlawful.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

1. Legal Consequences

- a. None
- b. Like treatment of the male officer reaffirms that the sergeant is tough but not discriminatory.

2. Administrative Consequences

- a. None
- b. As stated above, many organizations will take issue with the sergeant's interpersonal style. An unnecessarily confrontative and hostile attitude will often negatively impact supervisory/subordinate relationships.

E. Application of state sexual harassment reporting guidelines to this situation.

- 1. It is imperative that all personnel know what constitutes sexual harassment, gender discrimination, and a hostile work environment. In this case, there is no basis for a sexual harassment complaint.
- 2. If the officer were to make a complaint alleging gender discrimination, it would have to be investigated.
- 3. The organization has a responsibility to ensure that all employees have an understanding of what constitutes gender discrimination and a hostile work environment.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 11:

### Silent Alarm Call

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A female officer is the primary unit at the scene of a silent alarm which will require a building search. Upon arrival of the senior officer and another male back-up officer, the senior officer tells the female to guard the front while they search the interior. The female officer advises that it's her call and that she wants to conduct the search. The senior officer replies that someone has to guard the front and he doesn't want anything to happen to someone as pretty as her.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The actions of the senior officer (a two striper who apparently has supervisory authority) were not illegal, however, his ending comments could definitely imply gender discrimination.
2. The senior officer (here acting as a supervisor) has the right to select his resources and assign them as necessary. However, if he routinely assigns male officers to select or better tasks, then gender discrimination and a hostile work environment could likely be claimed.
3. If elements of gender discrimination or hostile work environment are proven, this would be illegal under both state and federal law.

#### C. Professional, personal, and organizational impacts of the incident

1. If nothing further happens and this is a one-time isolated incident, there may be little negative professional, personal, and organizational impact.
2. However, this is probably the "tip of the iceberg" and a continuing problem. If so, the negative impact occurs each time a person is discriminated against or is made to feel inferior based upon gender.
3. If this continuing behavior, the senior officer is
  - a. setting a bad example
  - b. promoting a hostile work environment
  - c. engaging in gender discrimination against the female officer.

D. Legal and administrative consequences of the behaviors demonstrated in the video segment

1. Legal Consequences

- a. If the incident was isolated to the behavior shown, it was probably not illegal.
- b. If this is continuing behavior, it may show evidence to support that a hostile work environment exists.

2. Administrative Consequences

- a. This single act by itself could be justification for discipline and retraining, even if said in jest.
- b. If multiple similar incidents are alleged and proven, the discipline could be much more severe.

E. Application of state sexual harassment reporting guidelines to this situation.

- 1. The female officer is obviously offended by the senior officer's behavior.
- 2. If appropriate, the female officer should confront the senior officer with her concerns.
- 3. The female officer may elect to initiate the sexual harassment complaint process, particularly if this behavior was repeated.
- 4. Department procedures and state law would require an investigation into the situation if the officer complains or if department management knew or should have known about the senior officer's actions.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 12:

### Confronting Sexual Harassment

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

An officer (from video segment #4) tells the records supervisor he does not appreciate her making comments about his body. He tells her very directly to stop the comments and that if she doesn't, he will report her behavior to the captain. She reluctantly agrees.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. This segment depicts an appropriate confrontation between an offended recipient of sexually harassing behavior and the harasser. The offender was on notice that the behavior will not be tolerated.
2. If the records clerk were to continue her offensive behavior, it would clearly be illegal under both state and federal law.

NOTE: In this particular situation, the victim of the harassing behavior was comfortable notifying the harasser of his concerns and asking for the offensive behavior to stop. Instructors should emphasize that it is not essential that the offended party notify the harasser. This may be inappropriate where the victim feels intimidated or fears reprisal. Many times however, notification is effective in stopping unwanted behavior.

#### C. Professional, personal, and organizational impacts of the incident

1. Aggressively confronting sexual harassment or a hostile work environment will promote a "zero tolerance" philosophy throughout the organization. The impact on the department will be positive in the long term and will establish new standards of conduct between employees.
2. Harassment of all types will decrease with this type of positive notification.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. The records supervisor has been put on notice
- b. Her actions/behaviors must stop immediately
- c. Further offensive comments or actions by the records supervisor are sexual harassment and contribute to a hostile environment

d. The officer should document his conversation with the supervisor.

2. Administrative Consequences

a. The records supervisor could be subject to discipline if she continues her offensive behavior

b. Because the female employee in the scenario is a supervisor, the organization has also been put on notice. Further actions, if not investigated and stopped, could result in a complaint being brought against the department as well as the records supervisor.

E. Application of state sexual harassment reporting guidelines to this situation.

1. Federal Equal Employment Opportunity Commission (EEOC) and State Department of Fair Employment and Housing (DFEH) guidelines both require the offender to stop unwanted behavior once they have been put on notice.

2. As a supervisor and an employee in the organization, the records supervisor must stop her actions immediately.

3. If the behavior continues, the sexual harassment complaint process is recommended

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 13:

### Supervisory Response: Off-Duty Behavior

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

The dispatcher asks a lieutenant for advice regarding an officer who continues to harass her off duty. She is obviously bothered by his actions. The lieutenant states that since it is occurring off duty, there really isn't anything he can do. However, if it takes place again in the workplace, he will help her.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The lieutenant's advice is clearly incorrect.
2. The lieutenant should have taken the complaint the same as if it was an on duty situation
3. A full investigation is warranted and required.

#### C. Professional, personal, and organizational impacts of the incident

1. The lieutenant's advice is wrong and enables the offender to continue his offensive behavior.
2. The morale, performance efficiency, and eventually the health of the complainant may suffer.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. The required response of the lieutenant should have been to:
  - (1) Accept the complaint and fully document the event(s)
  - (2) Submit the complaint to the organization so that the allegations can be fully investigated and appropriate corrective actions taken.
- b. Inaction greatly increases the personal liability of the lieutenant, as well as the general liability of the department.

##### 2. Administrative Consequences

- a. The lieutenant could be subject to disciplinary action for his inaction.

E. Application of state sexual harassment reporting guidelines to this situation.

1. State sexual harassment reporting guidelines apply to off duty behavior as long as there is some nexus relating the behavior to the department (e.g., the involved parties work together)

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 14:

### Supervisory Response: Counseling

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A young records clerk voices her complaint to the division captain about a male lieutenant's and records supervisor's behavior which is offensive to her. The captain tells her she made the right decision in coming to him and he hears her out. The captain calls the lieutenant and counsels him on his conduct and behavior.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws

1. The captain's response was correct. He listened to the complainant, called in the lieutenant, and put the lieutenant on notice that his actions were unacceptable.
2. The video segment depicts only the minimum of what actually could be involved. Documentation, investigation, additional counseling, discipline, remedial training, etc. may all occur.

#### C. Professional, personal, and organizational impacts of the incident

1. This type of correct response will instill a sense of confidence in employees that sexual harassment and a hostile work environment will not be tolerated by the organization.
2. Strict enforcement of the agency sexual harassment policy will result in better working conditions, increased morale, and greater employee efficiency.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. The captain's response was correct and appropriate. He is legally required to follow-up on the complaint.
- b. The corrective action of counseling the lieutenant is also legally appropriate so that the offensive behavior stops.
- c. Additional actions such as documentation, counseling of the records supervisor, etc., would also be necessary.

2. Administrative Consequences

- a. Effective response to a sexual harassment complaint causes the offensive behavior to stop
- b. Effective response to a sexual harassment complaint greatly increases the defensibility for the department.
- c. Effective response to a sexual harassment complaint builds employee confidence in the management of the organization
- d. Effective response to a sexual harassment complaint by a law enforcement agency increases public confidence and improves community support

E. Application of state sexual harassment reporting guidelines to this situation.

- 1. Assuming a thorough investigation and follow-up actions are taken, the state guidelines have been satisfied regarding reporting and investigation of the sexual harassment complaint.

## SEXUAL HARASSMENT VIDEO SEGMENT NUMBER 15:

### Supervisory Response: Quid Pro Quo

NOTE: When using each of the video segments, instructors should concentrate on the main behaviors exhibited in order to focus the discussion. Many of the situations presented build upon one another and it is difficult, if not impossible, to discuss the potential consequences of every action.

#### A. Summary

A female trainee (from video segment #9) complains to her sergeant that she received a poor evaluation from her FTO because she wouldn't go out on a date with him. The sergeant advises her of the sexual harassment complaint process and the options available. The assumption expressed in the segment is that the complaint will be taken seriously, properly investigated, and resolved. Additionally, the sergeant advises her what to do if there is retaliation against her for filing the complaint.

#### B. Behaviors shown in the segment which are illegal, as defined by federal or state sexual harassment laws.

1. This video segment depicts the beginning of what will likely be a detailed internal affairs investigation. A quid pro quo allegation such as this is very serious and, if factual, is illegal under both state and federal laws.
2. The sergeant complied with the law by accepting the complaint, notifying the complainant of her options, and advising the complainant of her protection against retaliation for reporting the incident.

#### C. Professional, personal, and organizational impacts of the incident

1. If the allegations are sustained, the field training officer would face severe discipline.
2. Mishandling or inaction by the department could have serious consequences on the department's professionalism, the credibility of its field training program, and its vulnerability to liability.

#### D. Legal and administrative consequences of the behaviors demonstrated in the video segment

##### 1. Legal Consequences

- a. The sergeant's acceptance of the complaint is legally required.
- b. The actions required by the law include:
  - (1) Accepting the complaint
  - (2) Documenting the complaint
  - (3) Investigating the complaint

- (4) Appropriate administrative action when a sexual harassment allegation has been proven

2. Administrative Consequences

- a. Effective response to a sexual harassment complaint causes the offensive behavior to stop
- b. Effective response to a sexual harassment complaint greatly increases the defensibility for the department.
- c. Effective response to a sexual harassment complaint builds employee confidence in the management of the organization
- d. Effective response to a sexual harassment complaint by a law enforcement agency increases public confidence and improves community support

E. Application of state sexual harassment reporting guidelines to this situation.

1. All aspects of the state sexual harassment reporting guidelines are applicable.

## **SUPPORTING MATERIALS SECTION D**

### **DISCUSSION GUIDE MATERIAL FOR POST-DEVELOPED HATE CRIMES VIDEOS**

**VIDEO SEGMENT NUMBER 1: "Spray Painted Garage Door"**

**VIDEO SEGMENT NUMBER 2: "Firebomb"**



## HATE CRIMES VIDEO SEGMENT NUMBER 1:

### "Spray Painted Garage Door"

#### A. Summary:

Two officers arrive at an apparent vandalism call. The reporting party tells the officers that when she and her husband left for work the house was undamaged. When they came home they saw the words "Move or Die" painted on the garage door. They also noticed that their front porch light had been broken.

The officers get information about the vandalism but initially do not ask questions about the significance of the graffiti. Subsequent questioning reveals the following:

1. The reporting party's husband is Japanese.
2. They moved into the area two months ago.
3. One week ago unknown persons shouted anti-Japanese obscenities at them
4. A bottle of foul smelling liquid was thrown on their property at the same time as the obscenities were shouted.
5. The husband is upset and does not want a confrontation.
6. The husband did not want to report the incident to the police.

#### B. Did the incident constitute a hate crime under the law?

1. Based on the text of the graffiti and the broken porch light by alone, it might not be possible to conclude that a hate crime had occurred.
2. In conjunction with the incident of the week prior, however it is reasonable to say that the current crime was bias-motivated and directed at the husband's race.
3. This incident should be classified as a hate crime.

#### C. What is the impact of the incident on the victims, victims families, and the community?

1. Among the effects of hate crimes on victims are:
  - a. **Strong emotional reactions** including feelings of bitterness, helplessness, frustration, and anger. Fear of future incidents and fear for the safety of family and children is also a major factor.
  - b. **Strong psychological effects** can occur as a result of the emotional trauma created by the incident(s)

2. What effects did this event have on the involved parties?
  - a. In this case the husband was upset to the point that he had to leave in order to calm down.
  - b. The husband wants to avoid (and likely fears) a confrontation with whoever committed the crime(s).
  - c. The wife seemed confused and apprehensive.
  - d. Although the wife appeared to want help, she did not know where to start and was obviously unaware of resources available to her and her family.
3. What effect could/would this event have on the community?
  - a. Distrust between groups
  - b. Disharmony among communities
  - c. Tension between the community and law enforcement when incidents are not handled in an appropriate and timely manner.

D. Was the law enforcement response effective?

1. Did the responding officer(s) provide assistance and appropriate support to victims?
  - a. The officers appeared more concerned with the technical aspects of completing the report than they did with providing appropriate assistance to the victim.
  - b. The officers did not seem to recognize the impact of the offense on the victim(s).
  - c. The investigating officer said the if the victim called the police in the future that they would "try to help".
  - d. The officers did not provide the victim with any hope or confidence that they would attempt to find the suspects, nor did they offer any suggestions regarding the prevention of future incidents.
  5. The officers did not acknowledge the inappropriateness of the actions (the crime), which might be interpreted as indifference.
2. Was a thorough preliminary investigation conducted in an effort to determine whether or not a hate crime had occurred?
  - a. Was there recognition of evidence substantiating that a hate crime had occurred?
  - b. Was an effective preliminary interview of the victim(s) conducted?

NOTE: The officers appeared to handle this case as a vandalism and not as a hate crime. Had they done so, they might have pursued an additional line of questioning.

Some pertinent questions might have been:

- (1) Is the husband a public figure?
- (2) Are there other reasons why he might be in the public eye and attract this attention?
3. Were all parties contacted treated with dignity and respect?
4. Did the responding officer(s) afford the victim(s) the opportunity to vent their emotions?
5. Did the responding officer(s) seem to empathize with the victim(s)?
6. Did the responding officer maintain a non-critical, non-judgmental, attitude?

E. What legal remedies are available to the victims?

Comprehensive descriptions of legal rights and remedies available to victims of hate crimes are contained in Sections H, I, and J of the Supporting Materials portion of this Instructor Unit Guide. Instructors may wish to address a variety of available remedies by modifying the details of this video segment to stimulate further discussion.

1. The State criminal laws applicable to this video segment are described above in Section B. It is important to communicate to students that this is but one avenue of recourse available to the victim(s).
2. Federal criminal statutes
  - a. 18 USC Section 241 (conspiracy to interfere with civil rights)
  - b. 18 USC Section 242 (forcible interference with civil rights under color of authority)
  - c. 18 USC 245 (Forcible interference with civil rights)
  - d. 42 USC Section 3631 (Willful interference with civil rights under the Fair Housing Act)
3. Federal civil statutes which provide causes for action for victims of racially motivated violence by private individuals
  - a. 42 USC Sections 1981 and 1982
  - b. 42 USC Section 1985(3)
  - c. 42 USC Section 3617

4. State civil statutes

- a. The Ralph Civil Rights Act (California Civil Code Section 51.7)
- b. The Bane Civil Rights Act (California Civil Code Section 52.1)

## HATE CRIMES VIDEO SEGMENT NUMBER 2:

### "Firebomb"

A. Summary:

A white suspect firebombs the house of a black man. The police shortly thereafter.

B. Did the incident constitute a hate crime under the law?

C. What is the impact of the incident on the victims, victims families, and the community?

1. Among the effects of hate crimes on victims are:

- a. Strong **emotional reactions** including feelings of bitterness, helplessness, frustration, and anger. Fear of future incidents and fear for the safety of family and children is also a major factor.
- b. Strong **psychological effects** can occur as a result of the emotional trauma created by the incident(s)

2. What effects did this event have on involved parties?

- a. The husband had experienced racial bigotry before.
- b. Although he is obviously a strong person, this experience still has an extremely traumatic effect and he recognizes the danger related to the situation.

3. What effect could/would this event have on the community?

- a. Distrust between groups
- b. Disharmony among communities
- c. Tension between the community and law enforcement when incidents are not handled in an appropriate and timely manner.

D. Was the law enforcement response effective?

1. Did the responding officer(s) provide assistance and appropriate support to victims?

- a. The officer supported the victim and appeared extremely sincere
- b. The officer was obviously knowledgeable about hate crimes.
- c. The officer talked about the fact that this type of offense was not acceptable in the community

- d. The officer talked about the department response to this type of incident
  - e. The officer talked about the issue of community involvement
2. Was a thorough preliminary investigation conducted in an effect to determine whether or not a hate crime had occurred?
    - a. Recognition of evidence substantiating that a hate crime had occurred.
    - b. Was an effective preliminary interview of the victim(s) conducted?
  3. Were all parties contacted treated with dignity and respect?
    - a. The officer's behavior was entirely appropriate
  4. Did the responding officer(s) afford the victim(s) the opportunity to vent their emotions?
  5. Did the responding officer empathize with the victim(s)?
  6. Did the responding officer maintain a non-critical, non-judgmental, attitude?

E. What legal remedies are available to the victims?

Comprehensive descriptions of legal rights and remedies available to victims of hate crimes are contained in Sections H, I, and J of the Supporting Materials portion of this Instructor Unit Guide. Instructors may wish to address a variety of available remedies by modifying the details of this video segment to stimulate further discussion.

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  - c. 18 USC 245 (Forcible interference with civil rights)
  - d. 42 USC Section 3631 (Willful interference with civil rights under the Fair Housing Act)
3. Federal civil statutes which provide causes for action for victims of racially motivated violence by private individuals
  - a. 42 USC Sections 1981 and 1982
  - b. 42 USC Section 1985(3)

- c. 42 USC Section 3617
- 4. State civil statutes
  - a. The Ralph Civil Rights Act (California Civil Code Section 51.7)
  - b. The Bane Civil Rights Act (California Civil Code Section 52.1)



## SUPPORTING MATERIALS SECTION E

### Hate Crime Reporting Discussion Examples

1. While driving through a predominantly Mexican-American neighborhood, an African-American male stopped his car to repair a flat tire. A group of Mexican-Americans leaving a bar across the street accosted the driver and then attacked him with bottles and clubs. During the attack, the offenders called the victim by a well-known and recognized epithet used against African-Americans and told him that African-Americans were not welcome in the neighborhood.

COMMENT: This incident would be reported as a hate crime because the victim and offenders are of different races, the offenders used a racial epithet, and the facts revealed no other reason for the attack than the stated one (i.e., to keep African-Americans out of the neighborhood).

2. A white juvenile male snatched a Jewish woman's purse, and in doing so, knocked her down and called her by a well-known and recognized epithet used against Jews. The offender's identity is not known.

COMMENT: Although the offender used an epithet for Jews, it is not known whether he belongs to another religious group or whether his motive was anything more than robbery. Because the facts are ambiguous, agencies should not report this incident as a hate crime.

3. Overnight, unknown persons broke into a synagogue and destroyed several religious objects. The perpetrators left a large swastika drawn on the door and wrote "Death to Jews" on a wall. Although valuable items were present, none were stolen.

COMMENT: This incident should be reported as a hate crime because the offenders destroyed religious objects, left anti-Semitic words and graffiti behind, and theft did not appear to be the motive for the burglary.

4. A 29-year-old Chinese-American male was attacked by a 51-year-old white male wielding a tire iron. The victim suffered severe lacerations and a broken arm. The incident took place in a parking lot next to a bar. Investigation revealed that the offender and victim had previously exchanged racial insults in the bar, the offender having initiated the exchange by calling the victim by a well-known and recognized epithet used against the Japanese and complaining that the Japanese were taking away jobs from Americans.

COMMENT: A hate crime would be reported based on the difference in race of the victim and offender, the exchange of racial insults, and the absence of other reasons for the attack.

5. An adult white male was approached by four white teenagers who requested money for the bus. When he refused, one of the youths said to the others, "Let's teach this (epithet for a gay person) a lesson." The victim was punched in the face, knocked to the ground, kicked several times, and robbed of his wristwatch, ring, and wallet. When he reported the crime, the victim advised he did not know the offenders and that he was not gay.

COMMENT: The facts are ambiguous. Although an epithet for a gay person was used by one of the offenders, the victim was not gay, such epithets are sometimes used as general insults regardless of the target person's sexual orientation, and in this case the offenders' motivation appeared to be limited to obtaining money from the victim. Therefore, the incident would not be designated a hate crime.

6. A small neighborhood bar frequented by gays burned down after being closed for the night. Investigation revealed that the fire was deliberately set, but there were no witnesses or suspects.

COMMENT: Although the fire was deliberately set, the fact that the bar was frequented by gays may have been coincidental. Therefore, the incident is not reported as a hate crime. Two weeks later, three white adult males were arrested on a tip from an informant. They admitted burning down the bar, saying they did it to keep gays out of the neighborhood. As a result, this incident should now be reclassified as a hate crime.

7. Six African-American men assaulted and seriously injured a white man and his Asian male friend as they were walking through a residential neighborhood. Witnesses said that the victims were attacked because they were trespassing in an "African-American" neighborhood.

COMMENT: A hate crime should be reported because the victims and offenders were of different races and witnesses reported that the victims were attacked because they were not African-American.

8. Overnight, an auditorium, which was being used by representatives of several religious denominations to hold an ecumenical conference, was vandalized by unknown subjects. Extensive damage was caused and statements, such as "There is but one true religion" and "Down with the nonbelievers," were spray painted on the walls.

COMMENT: A hate crime should be reported because the offenders clearly evidenced their hostility against a group representing more than one religion.

## SUPPORTING MATERIALS SECTION F

### SUPPORTING MATERIALS FOR STUDENT SELF-ASSESSMENT FOR CULTURAL DIVERSITY CLASSROOM DISCUSSIONS

1. General considerations for using student self-assessment materials
2. Assessing My Own Life Experiences I
3. Assessing My Own Life Experiences II
4. Accepting Others
5. Cultural Pursuit
6. Critical Events Inventory
7. Prominent People List
8. 10 Point Self-Evaluation checklist
9. Multi-Cultural Interactions Checklist
10. Diversity Awareness Profile



**GENERAL CONSIDERATIONS FOR  
USING STUDENT SELF-ASSESSMENT MATERIALS**

1. Instructors should emphasize that student self-assessment materials are NOT intended to be a **test**. Rather, they are materials which are specifically designed to stimulate discussion and prompt students to explore their own cultural identity and cultural contact experience.
2. Instructors should explain each self-assessment instrument used, answer any student questions, define unfamiliar terms, and provide instruction on how to complete the form.
3. Instructors should make it clear to students that their responses are private and personal. Students should not be required to turn in their papers unless anonymity is somehow assured. To do otherwise would inhibit candor and chill the ability to generate a meaningful and honest discussion. Although students must **participate** in the activity, it is the individual skill of the instructional facilitator in promoting discussion which will make the learning activity successful.
4. Instructors need not use all the instruments contained herein. The instruments enclosed are simply samples which may be used or adapted as necessary. The number of instruments used by the instructor will vary depending on the size of the academy class, the overall time available, and the actual time specific discussions take.



## ASSESSING MY OWN LIFE EXPERIENCES I

**DIRECTIONS:** Using the scale below, assess how multi-cultural your life experiences have been.

	1 ----- 5 ----- 10
<u>Monocultural</u>	<u>Somewhat Multicultural</u>
<u>Very Multicultural</u>	
WITHIN YOUR OWN FAMILY	1 2 3 4 5 6 7 8 9 10
NEIGHBORHOOD AS A CHILD	1 2 3 4 5 6 7 8 9 10
ELEMENTARY SCHOOL	1 2 3 4 5 6 7 8 9 10
ACTIVITIES/CLUBS AS A CHILD	1 2 3 4 5 6 7 8 9 10
RELIGIOUS ACTIVITIES AS A CHILD	1 2 3 4 5 6 7 8 9 10
JUNIOR HIGH SCHOOL	1 2 3 4 5 6 7 8 9 10
HIGH SCHOOL	1 2 3 4 5 6 7 8 9 10
FRIENDS IN HIGH SCHOOL	1 2 3 4 5 6 7 8 9 10
ACTIVITIES/CLUBS AS A TEENAGER	1 2 3 4 5 6 7 8 9 10
COLLEGE ENVIRONMENT	1 2 3 4 5 6 7 8 9 10
FIRST WORK EXPERIENCE	1 2 3 4 5 6 7 8 9 10
CURRENT WORK EXPERIENCE	1 2 3 4 5 6 7 8 9 10
CURRENT FRIENDSHIP GROUP	1 2 3 4 5 6 7 8 9 10
NEIGHBORHOOD WHERE I LIVE	1 2 3 4 5 6 7 8 9 10
CURRENT RELIGIOUS ACTIVITIES	1 2 3 4 5 6 7 8 9 10
CURRENT ACTIVITIES/CLUBS	1 2 3 4 5 6 7 8 9 10

**ADDITIONAL INSTRUCTIONS:** Have the student circle the number which most closely expresses their personal level of experience with other cultures.



## ASSESSING MY OWN LIFE EXPERIENCES II

**DIRECTIONS:** Answer the following questions with the first thoughts that come into your mind.

1. When I walk into a room and notice that there are a few black people, I think...
2. I feel homosexuals are generally...
3. When I walk into a room and notice a person in a wheelchair or in crutches, I think...
4. I feel Jewish people are generally...
5. When I see a woman alone out with a group of men, I think...
6. If someone close to me said that they were in love with someone of the same sex, I would think...
7. If a blind person asked me out on a date, I would...
8. If my child came home and said "My new girl/boy friend is Jewish, I would...
9. When I see a white man out with a black woman on what appears to be a date, I think...
10. If I thought I were attracted to a person of the same sex, I think I would...
11. I think women who ask men out are...
12. When I see a man out along with a group of women, I think...
13. I think white people are...
14. When I see a black man out with a white woman on what appears to be a date, I think...
15. I think black people are generally...

**INSTRUCTIONS:** Students should be advised to complete each phrase as it personally applies to them. Instructors should remind the students that their responses will be kept confidential and that honesty is fundamental to the activity.



# ACCEPTING OTHERS

DIRECTIONS: Circle the number from the Comfort/Acceptable Scale that best describe your feelings and attitudes regarding each of the items listed below.

1. Very Comfortable/ Accepting
2. Fairly Comfortable/Fairly Accepting
3. Neutral/No Opinion
4. Fairly Uncomfortable/Fairly Unaccepting
5. Very Uncomfortable/Unaccepting

1.	Neo-Nazi	1	2	3	4	5
2.	Heterosexual	1	2	3	4	5
3.	African-American	1	2	3	4	5
4.	Wife Abuser	1	2	3	4	5
5.	Senile Elderly	1	2	3	4	5
6.	Mentally Retarded	1	2	3	4	5
7.	Catholic	1	2	3	4	5
8.	Jew	1	2	3	4	5
9.	Black Muslim	1	2	3	4	5
10.	Italian	1	2	3	4	5
11.	Prostitute	1	2	3	4	5
12.	Homosexual	1	2	3	4	5
13.	Politician	1	2	3	4	5
14.	Ex-Convict	1	2	3	4	5
15.	Illegal Alien	1	2	3	4	5
16.	Marine	1	2	3	4	5
17.	Police Officer	1	2	3	4	5
18.	KKK Member	1	2	3	4	5
19.	Paraplegic	1	2	3	4	5
20.	Blind	1	2	3	4	5
21.	Atheist	1	2	3	4	5
22.	Iraqi	1	2	3	4	5
23.	Communist	1	2	3	4	5
24.	Asian American	1	2	3	4	5
25.	Vietnamese	1	2	3	4	5
26.	Person with AIDS	1	2	3	4	5
27.	Radical Feminist	1	2	3	4	5
28.	Millionaire	1	2	3	4	5
29.	Homeless	1	2	3	4	5
30.	Native American	1	2	3	4	5



## CULTURAL PURSUIT

**DIRECTIONS:** Put your initials in those boxes which you can answer. Next, find others who know the answers for the boxes that remain. Be prepared to share what you know. Each person may sign only one square on a card.

Find Someone Who...

Has had her/his name mispronounced	Knows what "Niesei" means	Is from a mixed heritage background	Is bilingual/multilingual	Has been misunderstood by a person from a different culture
Can explain the significance of Roe v. Wade	Has had to overcome physical barriers in life	Has experienced being stereotyped	Knows what Rosa Parks did	Has an "Abuela"
Can name the West Coast equivalent to Ellis Island	Knows what an upside down pink triangle symbolizes	Knows who Stephen Biko was	Has traced their lineage or heritage	Knows who Harvey Milk was
Listens to ethnic music	Knows what "Juneteenth" means	Knows the significance of eagle feathers	Knows why the Irish immigrated to the U.S. in the 1880's	Knows what color a disabled parking zone is
Can name the lawyer who argued for the petitioner in Brown v. Board of Education	Knows the meaning of "Goy"	Knows what "Comparable worth" means	Has seen a step show	Knows what a "Lumpia" is



## CULTURAL PURSUIT "ANSWER SHEET"

### Line 1

- a. (Dependent upon the Group)
- b. First Generation born in the United States (Japanese)
- c. (Dependent upon the Group)
- d. (Dependent upon the Group)
- e. (Dependent upon the Group)

### Line 2

- a. Freedom of Choice Issue (Abortion Case)
- b. (Dependent upon the Group)
- c. (Dependent upon the Group)
- d. Refused to sit at the back of the bus in Montgomery, Alabama
- e. Grandmother (Spanish)

### Line 3

- a. Angel Island (In S.F. Bay near Alcatraz)
- b. Originally from the Holocaust where symbols of this type were used to identify types of prisoners, it has come to symbolize the gay/lesbian movement
- c. Black writer in South Africa who was allegedly killed by the Apartheid government while he was in prison
- d. (Dependent upon the Group)
- e. Gay San Francisco Supervisor who was killed by a fellow supervisor

### Line 4

- a. (Dependent upon the Group)
- b. When Lincoln signed the Emancipation Proclamation in June 1861, the word did not reach the south immediately. The signing date was simply referred to as "Juneteenth", as the exact date was not known.
- c. Eagle represents the Creator in all Native American Cultures.
- d. Potato famine
- e. Blue

### Line 5

- a. Thurgood Marshall (Brown v. Board of Education was the landmark case which struck down the "separate but equal doctrine")
- b. Gentile (Non-Jewish)
- c. Equal recognition/compensation for work contribution (Not just a pay issue)
- d. Dances based upon African Culture competitively performed by some African-American College groups.
- e. Filipino eggroll



## CRITICAL EVENTS INVENTORY

**DIRECTIONS:** Pair off with someone who you do not know well. For each question, describe the situation as fully as you can. Discuss how you felt about the situation, and how it influenced your attitudes, values, and beliefs concerning multi-cultural issues.

1. When was the first time (or a significant time) that you became aware that people were racially, ethnically, sexually, or religiously different from you?
2. When was the first time you became aware that how people were treated often related to how they were different from you in one (or more) of the above ways?
3. When was the first time that you became aware that your identity affected the way you would be treated in this society?
4. Identify a recent experience where your assumptions, attitudes, or beliefs were questioned, challenged, or otherwise tested?



# PROMINENT PEOPLE

**DIRECTIONS:** List 6 prominent people in each group whether deceased or alive. (Include writers, artists, educators, politicians, historians, scientists, physicians, leaders, etc.)

6 African-Americans:

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6 Gays/Lesbians

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6 Hispanic/Latinos

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6 Jews

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6 Asians

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6 Native Americans

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6 Women

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6 Disabled

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# SELF EVALUATION CHECKLIST

## A NONPREJUDICED PERSON...

1. Doesn't use offensive or derogatory language, even in jest.
2. Establishes relationships with others based on an individual's unique qualities and personality, rather than on a preconceived group identification.
3. Is aware that cultural differences may hinder communication.
4. Recognizes his/her own prejudices and reviews their sources; making intellectual choices about their validity.
5. Makes an effort to not act on the basis of first impressions or limited data (past history, method of talking, stereotypical images).
6. Understands that present social roles are not based upon inherent differences (such as cultural, physical, mental or emotional) but on assigned position.
7. Recognizes that there are differences between people and that such differences are not necessarily negative.
8. Examines own behavior and makes decisions about personal expressions, so that she/he does not act on the basis of social expectations or prior scripting.
9. Monitors feelings and behaviors towards others to determine the source for them.
10. Allows new information about an individual to continuously shape his/her ideas and behaviors towards the person.

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Human Resource Management Systems  
San Diego, California



# MULTICULTURAL INTERACTIONS CHECKLIST

INSTRUCTIONS: Place a check next to the "yes" statements

WHEN I INTERACT MULTICULTURALLY, GENERALLY I:

1. \_\_\_\_\_ accept opinions different from my own.
2. \_\_\_\_\_ expect multicultural misunderstandings to occur sometimes.
3. \_\_\_\_\_ feel comfortable in groups when I am the minority.
4. \_\_\_\_\_ welcome the challenges of interacting with others who speak or act differently from me.
5. \_\_\_\_\_ have a close friend of another race/ethnic/cultural group.
6. \_\_\_\_\_ do not tell or listen to ethnic jokes.
7. \_\_\_\_\_ catch myself when old assumptions related to one's age, sex, state of physical ability, etc., undermine multicultural interactions.
8. \_\_\_\_\_ ask, "What's going on here?" and change gears or communications styles when communications problems occur.
9. \_\_\_\_\_ think intercultural/interracial marriages are a good thing.
10. \_\_\_\_\_ think interfaith marriages are a good thing
11. \_\_\_\_\_ am involved in doing something about social injustices I see in my workplace and my community.
12. \_\_\_\_\_ can respect lifestyle differences based on sexual orientation.
13. \_\_\_\_\_ give honest and practical feedback; I do not "walk on egg shells" when communicating across cultures.
14. \_\_\_\_\_ avoid hot buttons, sexualized expressions, inappropriate touching, and causing public loss of faith.
15. \_\_\_\_\_ understand how my family of origin has influenced my attitudes about cultural differences.



## DIVERSITY AWARENESS PROFILE

(Karen Grote, modified)

This instrument is designed to provide you with an opportunity to evaluate, understand your behavior and to increase your self awareness.

There are no right or wrong answers; whatever is true for you is the right answer.

Protected class refers to groups of people such as African-Americans, Native Americans, Asian Americans, Latino, women, people with disabilities (physically challenged) and seniors (chronologically challenged).

Read each question. Circle the number you think is the best answer. Consider each question in terms of your own actions, beliefs, and experiences. Add up the numbers inside the circles and write the totals in the blanks (i.e., Page Total \_\_\_\_\_). The total of all pages should be rendered in the Total Score \_\_\_\_\_.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

***How often do I, as a person with authority:***

	<b>Almost never</b>	<b>Seldom</b>	<b>Usually</b>	<b>Almost Always</b>
1. Challenge others on racial/ethnic/sexually derogatory comments?	1	2	3	4
2. Speak up when someone is humiliating another person or acting inappropriately?	1	2	3	4
3. Think about the impact of my comments and actions before I speak or act?	1	2	3	4
4. Refuse to participate in jokes that are derogatory to any group, culture, sex, or sexual orientation?	1	2	3	4
5. Refrain from repeating statements or rumors that reinforce prejudice or bias?	1	2	3	4
6. Check out reality before repeating or believing rumors or assumptions about anyone?	1	2	3	4
7. Recognize and challenge the biases that affect my own thinking?	1	2	3	4
8. Avoid using language that reinforces negative stereotypes?	1	2	3	4
9. Assumes and convey the message that protected-class members are as skilled and competent as others?	1	2	3	4
10. Get to know people from different cultures and groups as individuals?	1	2	3	4

Page Total \_\_\_\_\_

**How often do I, as a person with authority:**

	<i>Almost never</i>	<i>Seldom</i>	<i>Usually</i>	<i>Almost Always</i>
11. Realize members of another culture have a need to socialize with and reinforce one another and connect as a group?	1	2	3	4
12. Accept and reinforce the fact that not everyone has to act or look a certain way to be successful in or valuable to my organization?	1	2	3	4
13. Take responsibility for helping new people in my organization, including women and people of various cultures, ages, and sizes, to feel welcome and accepted?	1	2	3	4
14. Include protected-class members, including women, in the informal networks and/or social events?	1	2	3	4
15. Learn about and appreciate the richness of other cultures and respect their holidays and events?	1	2	3	4
16. Ask for and plan social events in which all people are able to participate?	1	2	3	4
17. Encourage protected-class members to speak out on their issues and concerns and treat those issues as valid?	1	2	3	4
18. Encourage protected-class members, including women, to take risks?	1	2	3	4
19. Listen to the ideas of protected-class members and give them credit, both one-on-one and in group meetings?	1	2	3	4

Page Total \_\_\_\_\_

***How often do I, as a person with authority:***

	<i>Almost never</i>	<i>Seldom</i>	<i>Usually</i>	<i>Almost Always</i>
20. Include protected-class members in decision-making processes?	1	2	3	4
21. Empower protected-class members by delegating responsibility to them?	1	2	3	4
22. Provide straightforward and timely feedback to protected-class members, including women?	1	2	3	4
23. Encourage protected-class members, including women, to exhibit their individuality?	1	2	3	4
24. Disregard physical characteristics when determining abilities or job competence?	1	2	3	4
25. Take responsibility for making sure my organization follows legal (EEO/AA) guidelines?	1	2	3	4
26. Follow organizational policies regarding equal treatment?	1	2	3	4
27. Consider protected-class members, including women, with ample training for ongoing professional development equal to that of other in terms of time, scope, and location?	1	2	3	4
28. Keep protected-class members, including women, in the formal and informal information loops?	1	2	3	4

Page Total \_\_\_\_\_

**How often do I, as a person with authority:**

**Almost never  
Seldom  
Usually  
Almost Always**

- |   |   |   |   |   |
|---|---|---|---|---|
| 29. Provide protected-class members, including women, with ample training for ongoing professional development equal to that of others in terms of time, scope, and location? | 1 | 2 | 3 | 4 |
| 30. Provide formal or informal mentoring to new employees, including protected-class members, so they can "learn the ropes"?  | 1 | 2 | 3 | 4 |
| 31. Make the extra effort to retain protected-class employees?  | 1 | 2 | 3 | 4 |
| 32. Reinforce and reward others for behaviors that support cultural diversity?  | 1 | 2 | 3 | 4 |
| 33. Confront organizational policies and procedures that lead to the exclusion of anyone?   | 1 | 2 | 3 | 4 |
| 34. Listen and value contributions by protected-class members, including women, in meetings?  | 1 | 2 | 3 | 4 |
| 35. Make extra efforts to educate myself about other cultures?  | 1 | 2 | 3 | 4 |
| 36. Call, write, or in some way protest when a book, newspaper, television show, or some branch of media perpetuates or reinforces a bias or prejudice?                       | 1 | 2 | 3 | 4 |

Page Total \_\_\_\_\_

***How often do I, as a person with authority:***

	<b><i>Almost never</i></b>	<b><i>Seldom</i></b>	<b><i>Usually</i></b>	<b><i>Almost Always</i></b>
37. Refuse to join or remain a member of associations or groups that allow or reinforce values or practices that are racist, biased, or prejudiced?	1	2	3	4
38. Base hirings and promotions on objective criteria rather than on a personal-comfort zone?	1	2	3	4
39. Provide equal opportunity for protected-class members, including women, to achieve promotions?	1	2	3	4
40. Find out the reasons why protected-class employees leave the organization?	1	2	3	4

Page Total \_\_\_\_\_

Add up all Page Totals for your Total Score \_\_\_\_\_

## DIVERSITY AWARENESS PROFILE SCORING INTERPRETATION

### 0 - 39

- Unaware of biases, prejudices nor of their impact on others.
- Unaware of pain and damage to others.
- Unaware behavior is offensive.
- Accept stereotypes as facts.

### 40 - 79

- Aware of biases and prejudices.
- Aware that their behavior offends others.
- Behave in ways that reinforce and reward bigotry.
- Continue with derogatory jokes, comments, actions.

### 80 - 119

- Aware of biases in selves and others.
- Work on their prejudices, reluctant to address inappropriate behavior of others.
- Play it safe by saying nothing.
- "Silent supporters".

### 120 - 139

- Aware of biases in selves and others.
- Willing to take action when they encounter inappropriate words, behaviors.
- Respond in way that are fair to others.

### 140 - 160

- Constantly aware of any behavior that seems to be biased or prejudiced.
- Question actions of others and confront people about such behavior.
- Play role in assisting people of color in organization. Pay a price, get a reputation/jacket for helping "those people".



# SUPPORTING MATERIALS SECTION G

## STATE OF CALIFORNIA REQUIREMENTS FOR AND COMPONENTS OF A LAW ENFORCEMENT SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURE

THE FOLLOWING GUIDELINES WERE DEVELOPED BY THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING AS REQUIRED BY PENAL CODE SECTION 13519.7

### I. POLICY DEVELOPMENT AND CONTENT

#### Guideline #1

**Each law enforcement agency, as described in Penal Code Section 13519.7(a), shall develop a formal written procedure for the acceptance of complaints from peace officers who are the victims of sexual harassment in the work place. Agency policies shall begin with a preamble articulating concerns regarding the significance of sexual harassment and the importance of addressing such behavior.**

**COMMENT:** Agencies should consider extending their individual complaint procedures and these guidelines to cover all categories of employees.

Agencies may also wish to consider addressing how a sexual harassment complaint should be filed if an employee is harassed by an employee from another organization (e.g., participant in a training course, booking at an allied agency jail, outside contractors, etc.).

#### Guideline #2

**Each law enforcement agency, as described in Penal Code Section 13519.7(a), shall provide a written copy of their complaint procedure to every peace officer employee.**

#### Guideline #3

**Agency sexual harassment policies, while not required, may include a recommendation that the complainant of the perceived harassment notify the offending party that their behavior is offensive and/or unwanted.**

**COMMENT:** Procedures should recognize that in some cases of harassment (e.g., where the complainant fears retaliation) this recommendation may be undesirable or impractical.

Guideline #4

**Agency sexual harassment complaint procedures shall include the definitions and examples of sexual harassment as contained in the Code of Federal Regulations (29 CFR 1604.11) and California Government Code Section 12940.**

COMMENT: Examples should include, but are not necessarily limited to physical, verbal, visual, written, and other kinds of conduct which may constitute sexual harassment.

Guideline #5

**Agency sexual harassment complaint procedures shall identify the specific steps complainants should follow for initiating a complaint.**

Guideline #6

**Agency sexual harassment complaint procedures shall address supervisory/management responsibilities to intervene and/or initiate an investigation when possible sexual harassment is observed in the work place, whether or not an involved party elects to pursue a complaint. If it is determined that sexual harassment has occurred, appropriate administrative action shall be taken in accordance with state, federal, and case law.**

COMMENT: Investigators of sexual harassment complaints should be sensitive to and trained in sexual harassment issues.

Guideline #7

**Agency sexual harassment complaint procedures should identify that, when possible, the complainant will be accorded an appropriate level of confidentiality.**

COMMENT: The complainant shall be advised that their identity may be disclosed when the investigation reveals the potential for formal disciplinary action or criminal procedures.

Guideline #8

**Sexual harassment complaint procedures shall state that agencies must attempt to prevent retaliation, and, under the law, sanctions can be imposed if complainants and/or witnesses are subjected to retaliation.**

Guideline #9

When identifying the specific steps a complainant should follow to report an incident of sexual harassment, the agency procedure:

- a. Shall identify parties to whom the incident should/may be reported (e.g., any supervisor, manager, department head, Human Resources Department, Personnel Department)
- b. Shall allow the complainant to circumvent their normal chain of command in order to report a sexual harassment incident.
- c. Shall include a specific statement that the complainant is always entitled to go directly to the California Department of Fair Employment and Housing (DFEH) and/or the Federal Equal Employment Opportunity Commission (EEOC) to file a complaint.

Guideline #10

Agency sexual harassment complaint procedure shall require that all complaints shall be fully documented by the person receiving the complaint.

GUIDELINE #11

All sexual harassment prevention training shall be documented for each participant and maintained in an appropriate file.

II. INSTRUCTION

GUIDELINE #12

All instructors should have training expertise regarding sexual harassment issues.

# SUPPORTING MATERIALS SECTION H

## WHAT LAWS PROTECT INDIVIDUALS FROM HATE CRIMES?

Depending on where you live, there are federal, state, and local laws which provide criminal and civil causes of action for victims of hate crimes. The following description of these laws is a compilation of information taken from the National Asian Pacific American Bar Association's booklet, "Combating Anti-Asian/Pacific Islander Violence," and the National Institute Against Prejudice and Violence's "Striking Back at Bigotry" and its 1988 supplement.

### FEDERAL LAWS

The U.S. Congress has provided victims of racially motivated violence both criminal and civil remedies. Not all acts of hate violence are prohibited by federal law. Federal statutes forbid violence by private parties only when there is an intent to interfere with a federally protected right -- that is, one specifically guaranteed by a federal statute or the U.S. Constitution. Nevertheless, these rights are broad when a perpetrator's motive is tainted by racial hatred.

A victim of anti-Asian violence can initiate criminal prosecution of the perpetrator in three primary ways. The most efficient method is to report the incident to a local office of the Federal Bureau of Investigation (FBI), which can then assign an investigator to the case. A victim can also contact the local U.S. Attorney's office or the criminal section of the Civil Rights Division at the U.S. Department of Justice in Washington, D.C. In addition to criminal prosecution, a victim should always consider whether her facts support a civil action under the federal statutes providing for both damages and injunctive relief for violence motivated by racial hatred.

### Criminal Statutes

There are three principal federal criminal statutes directed at racially motivated violence by private individuals (18 USC Section 241, 18 USC Section 245, and 42 USC Section 3631) and a fourth which prohibits such violations by public authorities (18 USC Section 242).

### Conspiracy to Interfere with Civil Rights

**18 USC Section 241:** Section 241 broadly prohibits conspiracies to injure any citizen who is exercising rights protected by the Constitution or laws of the United States. The statute has been applied to a variety of federal rights, including the right not to be deprived of life without due process of law, the right to vote in a federal election, and the right to occupy a home which is free of racially motivated violence.

Section 241 carries a maximum penalty of 10 years imprisonment, a \$10,000 fine, or both. If death results from the offense, the maximum penalty is life in prison.

### Forcible Interference with Civil Rights

**18 USC Section 242:** Section 242 prohibits willful deprivation of constitutional and federal statutory rights, but only by those acting under color of law. It is most frequently used to prosecute violent misconduct by law enforcement officials, but it can also be employed against other officials.

Section 242 carries a maximum penalty of one year imprisonment and a \$1,000 fine, but if death results, life imprisonment can be imposed.

#### Forcible Interference with Civil Rights

**18 USC Section 245:** Enacted in 1968 in response to violent attacks on civil rights workers in the South, this statute prohibits intentional interference, by force or threat of force, with certain specified rights.

The statute creates three classes of offenses:

- \* Interference, regardless of intent and by force or threat of force, with the enjoyment of any person of specified federal rights and benefits, including voting and election activities participation in programs administered or financed by the United States, federal employment, and jury service in the U.S. courts.
- \* Interference, by force or threat of force, with certain constitutionally protected civil rights, but only where the interference is motivated by discrimination on the basis of race, color, religion, or national origin. Racially motivated interference with the following activities is a criminal offense: enrollment in a public school or college, participation in programs administered by a state, employment, state jury service, interstate travel by common carrier, and use of restaurants, public lodging, gas stations, public entertainment facilities, and other public establishments.
- \* The use of force or threats of force against those who aid or encourage others to exercise their civil rights, and against those who exercise their rights of speech and assembly to oppose a denial of any of the enumerated rights.

Section 245 carries a maximum penalty of one year imprisonment and a \$1,000 fine, but if bodily injury results, the maximum penalty increases to 10 years imprisonment and a fine of \$10,000. If death results, the maximum imprisonment is for life.

#### Willful Interference with Civil Rights Under the Fair Housing Act

**42 USC Section 3631:** This statute expressly prohibits forcible interference with any person because of that person's race, color, religion, sex, or national origin in selling, purchasing, renting, financing, occupying, or contracting for any dwelling. Section 3631 adds an additional criminal activity to the list of those prohibited activities enumerated separately in 18 USC-245.

The criminal penalty is a maximum term of imprisonment of one year, a \$1,000 fine, or both. If bodily injury results, the penalty is 10 years imprisonment, \$10,000, or both. If death results, the penalty is life imprisonment.

In general, the federal criminal statutes are intended to supplement state and local criminal laws. Procedurally, the Justice Department will not become actively involved in prosecuting a particular action until local authorities have concluded their case. After an individual is convicted, has entered a plea, or is acquitted, the Justice Department evaluates the end result before determining whether to prosecute. There is no set time within which the Justice Department makes its decision.

## Civil Statutes

Four federal statutes provide civil causes of action for victims of racially motivated violence by private individuals (42 USC Section 1981, 42 USC Section 1982, 42 USC Section 1985(3), and 42 USC Section 3617).

### **Civil Actions Under the Civil Rights Act of 1866**

**42 USC Sections 1981 and 1982:** Both sections originated in Section 1 of the Civil Rights Act of 1866, which was enacted by Congress shortly after ratification of the 13th Amendment prohibiting slavery.

Section 1981 provides that "all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

Section 1982 states that "all citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

Damage awards under Sections 1981 and 1982 often include compensatory damages for emotional distress and humiliation. Recent cases have awarded punitive damages as well as compensatory damages for embarrassment and humiliation. Injunctive relief is also available under Section 1981.

### Conspiracy to Deprive any Person or Class of Persons of Equal Protection of the Laws

**42 USC Section 1985(3):** Section 1985(3) was enacted by Congress as part of the Ku Klux Klan Act, to provide redress for victims of the Klan during the Reconstruction. The statute imposes civil liability on those who conspire to deprive another person or class of persons of "the equal protection of the laws or of equal privileges and immunities under the laws."

Compensatory and punitive damages can be awarded under Section 1985(3).

### Interference, Coercion, or Intimidation in Violation of the Fair Housing Act

**42 USC Section 3617:** The Fair Housing Act of 1968 created a federal statutory civil cause of action in favor of anyone who is coerced, threatened, intimidated, or interfered with on account of the exercise of rights granted under Sections 3603, 3604, 3605, or 3606 of title 42, the Fair Housing Act.

Section 3612(c) of the Fair Housing Act restricts punitive damages to \$1,000.

# SUPPORTING MATERIALS SECTION I

## OVERVIEW OF THE RALPH CIVIL RIGHTS ACT

### I. Ralph Civil Rights Act

Known as the "Ralph Civil Rights Act", California Civil code Section 51.7 is one of the primary civil rights statutes which addresses bias-related violence or threats of violence. Enforcement avenues and remedies are found in California Government Code Section 12930(f)(2), 12948, 12970; and California Civil Code Section 52. These California Civil Code and Government Code sections are summarized below:

- A. Purpose: Freedom from violence or intimidation by threat of violence
- B. Prohibitions: Violence or intimidation by threat of violence against PERSONS or their PROPERTY because of their membership in a protected class of people.
- C. Individuals Protected: All those subjected to violence or threats of violence or threats of violence because of their:
  - 1. Race
  - 2. Color
  - 3. Religion
  - 4. National Origin
  - 5. Political Affiliation
  - 6. Sex
  - 7. Sexual Orientation
  - 8. Age
  - 9. Disability
  - 10. Position in a Labor Dispute (excludes statements made during otherwise lawful labor picketing)

PLUS:

- 11. Any other arbitrary, class-based distinction

California Civil Code Section 51.7: "The identification of this subdivision of particular bases of discrimination is illustrative rather than restrictive."

D. Application:

1. Neighborhoods
2. Employment
3. Housing
4. Public Accommodations
5. Public Property
6. Private Property
7. Places of Worship

E. Liable Parties: (California Government Code Section 12948; California Civil Code Section 52)

1. Whoever denies rights provided by California Civil Code Section 51.7, i.e., whoever perpetrates violence or intimidation by threats of violence to persons or their property.
2. Whoever AIDS, INCITES, or CONSPIRES in denial or rights provided by 51.7.
3. Employers may be liable for the acts of their agents.
4. Housing providers may be liable for the acts of their agents

F. Enforcement Avenues: (California Government Code Sections 12930(f)(2), 12948; and California Civil Code Section 52)

1. An individual (or in some circumstances, a community organization) may:
  - a. File a lawsuit, or
  - b. File a complaint with the Department of Fair Employment and Housing (DFEH), or
  - c. File an action in Small Claims Court (damages limited to \$2,500)
2. If the intimidation or violence is a PATTERN or PRACTICE of bias-related threats, a civil lawsuit may be filed:
  - a. The California Attorney General
  - b. Any District Attorney
  - c. Any City Attorney

G. Individuals Who May File Complaints:

Individuals or entities who may file Ralph Act complaints or causes of action include the following:

1. The victim may file a complaint with the Department of Fair Employment and Housing, file a civil complaint in civil court via a private attorney, or file a small Claims Court Action.
2. The victim may also file on behalf of a group or class of people.
3. The victim who is threatened because of his or her association with a member of a protected class may file with DFEH.
4. A community organization or Human Relations Commission may file a DFEH complaint or file a civil action if the perpetrator of violence interfered with the organization's activities or diminished the organization's resources.
5. The Director of DFEH may file a pattern-and-practice or class action DFEH complaint.

California Government Code Section 12961 authorizes the Director of DFEH to file complaints on behalf of, or as a representative of, a class of individuals. Such complaints are appropriate in the following circumstances.

- a. The complaint involves a significant or large respondent where the anticipated remedy would impact a large number of people;
- b. The allegation addresses a new question of law; or
- c. Resolution of the complaint would have significant civil rights impact consistent with the priorities of DFEH.

Director's complaints are usually initiated by the District Administrator in one of the DFEH twelve District Offices. Organizations or individuals who wish to request such action should contact the District Administrator in the DFEH office closest to them.

6. In addition to potential plaintiffs/complainants discussed above, an action for injunctive relief may be initiated by the California Attorney General, and District Attorney, or any City Attorney of the violence or intimidation is in the nature of "pattern or practice" conduct.

H. Remedies: (California Government Code Sections 12948, 12970; California Civil code Section 52)

A community organization or individual who files a Ralph Act cause of action may obtain:

1. Actual damages:

a. Avenues:

- (1) Through DFEH
- (2) Through a private attorney by going to court
- (3) Through Small Claims Court (for individuals) for monetary damages not exceeding \$2,500.

b. Actual damages include:

- (1) All monetary loss associated with hate violence
- (2) Cost of medical treatment
- (3) Lost wages
- (4) Repair or replacement of property
- (5) Monetary compensation for emotional suffering and distress (a legal question exists as to whether available through DFEH)

2. Types of recovery

a. Treble damages (three times actual damages available through a private attorney or civil suit)

b. \$10,000 penalty to victim (only through a private attorney and civil suit)

c. Attorney Fees

- (1) Available through a private attorney, as determined by the court
- (2) Through DFEH only if victim's own attorney's work is independent and not unnecessarily duplicative of the work of DFEH attorneys.

d. Injunctive Relief (Restraining Orders)

- (1) Through DFEH
- (2) Through private attorneys
- (3) Through the California Attorney General, any District Attorney or City Attorney if the violation is a pattern and practice of bias-rated violence or intimidation

I. Statutes of Limitations:

Filing an action under the Ralph or Bane Civil Rights Acts requires that certain filing deadlines be observed. They are:

- a. DFEH complaint (Ralph Act Only): complaint must be filed within one year of the bias-related incident.
- b. Civil court action: 1 to 4 years (see explanation below)
- c. California Attorney General: 1 to 4 years
- d. District Attorney: 1 to 4 years
- e. City Attorney: 1 to 4 years

Filing deadlines vary for non-DFEH actions depending on the type of hate violence violation (the cause of action). These deadlines are contained in the California Code of Civil Procedure (CCP) and apply equally to actions brought by an individual, State, or county.

Though the filing limitations provide great latitude, community organizations should encourage victims of hate violence to pursue their legal remedies as soon as possible after the incident(s). Early pursuit of a violation significantly increases chances of recovery. Evidence is fresh and witness recollections are viewed as more credible. Additionally, as the California Code of Civil Procedure sections indicate, victims who seek to recover a statutory penalty must file an action within a year of the incident. For further details on statutes of limitations, victims should contact an attorney.

J. Proving Hate Violence under the Ralph Civil Rights Act:

Filing a Ralph act complaint with DFEH or through a private attorney involves establishing certain basic legal elements. As community organizations interview and advise victims, they will attempt to ensure that potential complainants/plaintiffs are able to articulate the elements needed to establish a violation. These elements are:

1. The violence or threat of violence occurred within the jurisdiction of the State of California.
2. The complainant/plaintiff has "standing to sue". That is, the complainant/plaintiff is the victim himself or herself, she or he is part of a class injured by bias-related bias, or is an entity such as a Human Relations Commission whose resources have been significantly impacted by intimidation or violence.
3. The complaint is filed within the applicable statute of limitations (1 year from the date of the incident for DFEH complaints; 1 to 4 years for all other causes of action)

4. The alleged act(s) involve violence or intimidation by threat of violence. If the "violent" aspect of the threat is not immediately apparent, the victim should be able to articulate why he or she perceived it to be so.
5. The alleged act must be directed against the victim's PERSON or PROPERTY. A threat of violence "in the abstract" or directed at a general, rather than a specific target, will likely not be actionable.
6. For DFEH complaints, there must exist a causal connection between the violence or threat of violence and the victim's protected status (i.e., the violence occurs "because of" race, color, sexual orientation, or any arbitrary class-based discrimination). This means that an individual's race or sexual orientation, for instance, must be a factor in the violence-related act. It need not be the only or predominant factor. This element is not easy to substantiate unless there is blatant evidence of bias present (e.g., racial epithets, anti-gay graffiti, religious desecration, etc.) Human rights organization counselors are instructed to encourage victims to provide a context for bias-related incidents that may show the perpetrator was motivated by racism, or other bias. Community organizations are also instructed to maintain a list of "expert witnesses" that may help establish the bias-linked nature of the conduct and its effects. Records maintained by a Human Relations Commission may reveal a past pattern and practice of bias-related violence by the perpetrator, thereby helping to establish that bias motivated the incident under consideration.

# SUPPORTING MATERIALS SECTION J

## OVERVIEW OF THE BANE CIVIL RIGHTS ACT

### I. Introduction to the Bane Civil Rights Act

The Bane Civil Rights Act (California Civil Code Section 52.1) may also be used to address bias-related hate violence. In many ways broader than the Ralph Civil Rights Act, it forbids interference by force or threat of force with an individual's constitutional and statutory rights. Though DFEH does not enforce the Bane Civil Rights Act, an understanding of the full scope of protections by instructors is desirable. Since the Bane Act prohibits interference with rights guaranteed by California laws, many Ralph Act violations are also violations of the Bane Civil Rights Act.

### II. Elements of the Bane Civil rights Act

A. Purpose: Freedom from threats, intimidation, and coercion

B. Prohibitions: Interference with the exercise and enjoyment of all rights secured by the United States and California State Constitutions or State and Federal law through threats, intimidation, or coercion.

Examples of "secured rights" include, but are not limited to:

1. Association
2. Assembly
3. Due Process
4. Education
5. Employment
6. Equal Protection
7. Expression
8. Formation and Enforcement of Contracts
9. Holding of Public Office
10. Housing
11. Privacy
12. Speech

13. Travel
14. Use of Public Facilities
15. Voting
16. Worship

C. Special Considerations:

The Bane Civil Rights Act contains certain restrictions on suing for threatening speech when the threatening words are considered protected because they constitute "free speech". That is, speech alone will not support a Bane Act violation, EXCEPT when the speech:

1. Threatens violence; AND
2. The person against whom the threat is directed reasonably fears that the violence will actually be committed; AND
3. The harasser has the apparent ability to carry out the threat. (This stipulation should be interpreted broadly when the harasser is a member of an organized hate group. Though the harasser may not be able to carry out the threat by himself, or herself, the fact that the harasser may be "backed" by an organization magnifies the threat to the victim.)

NOTE: The Ralph Civil Rights Act California Civil code Section 51.7) does not contain these restrictions on speech. Though there exists no court case or legal authority interpreting this difference between the Ralph and Bane Civil rights Acts, the absence of such limiting language in the Ralph Act seems to provide broader protection to victims of bias-related, class-based violence.

D. Individuals Protected:

The Bane Civil Rights Act protects all the people of California. Civil action is not limited to bias-related violence (age, race, sex, etc.) or class-based intimidation.

E. Application:

Given the list of "secured rights" protected by the Bane Act, California Civil code Section 52.1 provides broad protection in such areas as:

1. Neighborhoods
2. Public Property
3. Private Property
4. Employment
5. Housing

6. Public Accommodation
7. Places of Worship

F. Liabile Parties:

Civil Suit may be against:

1. Whoever denies rights provided by thee Constitution of the United States of the State of California.
2. Whoever denies rights created by the laws of the United States or the State of California.
3. Whoever violates California Civil Code Section 51.7 (the Ralph Civil Rights Act) also violates the Bane Civil Rights Act unless the 51.7 violation involves speech alone.

G. Enforcement Avenues:

Unlike the Ralph Act, these is no DFEH avenue through which to file a Bane Act complaint. Instead:

1. An individual victim may file a court suit via a private attorney;
2. An individual may file an action in Small Claims Court; and
3. The California Attorney General, and District Attorney, or any City Attorney may bring a civil action.

NOTE: District Attorneys will prosecute perpetrators, but will usually not seek injunctions for victims. Because of competing legal priorities, both City Attorneys and the California Attorney General are limited in their ability to accept these cases.

H. Individuals Who May File Complaints:

Individuals or entities who may file Bane Act causes of action include the following:

1. The victim himself/herself
2. The victim may file on behalf of a group or class
3. The victim who is threatened because of his or her association with a member of a protected class
4. A community organization or Human Relations commission, if the perpetrator of violence interfered with the organization's activities or diminished the organization's resources
5. The California Attorney General, any District Attorney, or any City Attorney may bring an action for equitable relief in the name of the people of California

I. Remedies:

1. Limited monetary damages through a Small Claims Court action
2. Full monetary damages (effective 1/1/91), through civil court action via a private attorney
3. Injunctive relief

Restraining orders and other injunctive relief may be obtained:

- a. Through a private attorney
- b. Through the California Attorney General
- c. Through the District Attorney or City Attorney

J. Statutes of Limitations:

Filing an action under the Ralph or Bane Civil Rights Acts requires that certain filing deadlines be observed. They are:

- a. DFEH complaint (Ralph Act Only): complaint must be filed within one year of the bias-related incident.
- b. Civil court action: 1 to 4 years (see explanation below)
- c. California Attorney General: 1 to 4 years
- d. District Attorney: 1 to 4 years
- e. City Attorney: 1 to 4 years

Filing deadlines vary for non-DFEH actions depending on the type of hate violence violation (the cause of action). These deadlines are contained in the California Code of Civil Procedure (CCP) and apply equally to actions brought by an individual, State, or county.

Though the filing limitations provide great latitude, community organizations should encourage victims of hate violence to pursue their legal remedies as soon as possible after the incident(s). Early pursuit of a violation significantly increases chances of recovery. Evidence is fresh and witness recollections are viewed as more credible. Additionally, as the California Code of Civil Procedure sections indicate, victims who seek to recover a statutory penalty must file an action within a year of the incident. For further details on statutes of limitations, victims should contact an attorney.

K. Elements of proof for the Bane Civil Rights Act

The elements of proof covering the Bane Act are the same as those relating to the Ralph Act with two important exceptions:

1. The Bane Act exempts speech alone unless:
  - a. The speech threatens violence against a specific person or group; and
  - b. That person or group reasonably fears that, because of the speech, violence will be committed against them or their property; and
  - c. The person threatening violence had the apparent ability to carry out the threat.
2. There is no "causal connection" required between the act of violence and the victim's protected status. That is, there is no requirement that the intimidation or coercion be motivated by the victim's race, sexual orientation, religion, etc.



## SUPPORTING MATERIALS SECTION K

### Organizations Offering Information Concerning Anti-Bias Education

#### **American-Arab Anti-Discrimination Committee**

4201 Connecticut Avenue, N.W.  
Suite 500  
Washington, DC 20008  
(202) 244-2990

#### **Anti-Defamation League of B'nai B'rith**

##### National Office

823 United Nations Plaza  
New York, NY 10017  
(212) 490-2525

##### Regional Offices

10495 Santa Monica Boulevard  
Los Angeles, CA 90025  
(213) 446-8000

2700 North Main Street  
Suite 500  
Santa Ana, CA 92701  
(714) 973-4733

7851 Mission Center Court  
Suite 320  
San Diego, CA 92109  
(619) 293-3770

121 Stuart Street  
Suite 401  
San Francisco, CA 94105  
(415) 546-0200

#### **Asia Society Southern California Center**

Arco Plaza, Level C  
505 S. Flower Street  
Los Angeles, CA 90071  
(213) 624-0945

#### **Chinese American Planning Council**

6569 Listpenart Street  
New York, NY 10013  
(212) 941-0920

#### **Coalition Against Anti-Asian Violence**

c/o Asian American Legal Defense and  
Education Fund  
99 Hudson Street, 12th Floor  
New York, NY 10013  
(212) 966-5932

#### **Community United Against Violence**

514 Castro Street  
San Francisco, CA 94114  
(415) 864-3112

#### **Equity Institute**

6400 Hollis Street, Suite 15  
Emeryville, CA 94608  
(510) 658-4577

#### **Institute for American Pluralism of the American Jewish Committee**

##### National Office

165 East 56th Street  
New York, NY 10022  
(212) 751-4000

##### Regional Offices

1100 Main Street, Suite D1  
Irvine, CA 92714  
(714) 660-8525

6505 Wilshire Blvd., Suite 315  
Los Angeles, CA 90048  
(213) 655-7071

**Hetrick-Martin Institute**  
(Lesbian and Gay Youth Social  
Services Organization)  
401 West Street  
New York, NY 10014  
(212) 633-8920

**Human Rights Resource Center**  
30 N. San Pedro Road, Suite 140  
San Rafael, CA 94903  
(415) 499-7465

**Japanese American Citizens League**

Regional Offices

912 F Street  
Fresno, CA 93706  
(209) 237-4006

244 S. San Pedro Street, Suite 507  
Los Angeles, CA 90012  
(213) 626-4471

1765 Sutter Street  
San Francisco, CA 94115  
(415) 921-5225

**Klanwatch**

Southern Poverty Law Center  
400 Washington Avenue  
Montgomery, AL 36104  
(205) 264-0286

**National Association for the  
Advancement of Colored People**

Washington Bureau  
1025 Vermont Avenue, N.W.  
Washington, DC 20035  
(202) 638-2269

**National Gay and Lesbian Task Force**

1734 14th Street, N.W.  
Washington, DC 20009  
(202) 332-6483

**National Institute Against Prejudice and  
Violence**

31 South Greene Street  
Baltimore, MD 21201  
(301) 328-5170

**National Organization of Black Law  
Enforcement Executives**

908 Pennsylvania Avenue, S.E.  
Washington, DC 20003  
(202) 546-8811

**Native American Education Program**

Room 507  
234 West 109th Street  
New York, NY 10025  
(212) 663-4040

**U.S. Department of Justice  
Community Relations Service**

Region IX (Western)  
Regional Director  
Julian Klugman  
Room 1040  
211 Main Street  
San Francisco, CA 94105  
(415) 974-0101  
(FTS) 454-0101  
CA, NV, AZ, HI

# SUPPORTING MATERIALS SECTION L

## GLOSSARY OF TERMS

### Acculturation

Learning a new culture (as if you suddenly immigrated to Beijing)

### Autonomous Minority

A person who is a "minority" in number but not by official status (such as Hasidic Jews or Circassians)

### Bias

A preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, or sexual orientation.

### Bias Crime

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, or sexual orientation group. Also known as a "hate crime." Note that even if the offender was mistaken in his/her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated, in whole or in part, by bias against the group.

### Bicultural

A person who due to his/her experience with another culture can combine/use aspects of both cultures, can operate cross-culturally in those two cultures

### Bisexuality

The common term for a person whose same-gender and opposite-gender orientations are more or less equally intense.

### Core Values

Core values are certain underlying values or patterns of values which are the primary motivational values of a society

### Cross-Cultural

Comparing the values, norms, expectations of one cultural group with another in order to communicate/interact with that different cultural group

### Cultural Awareness

Having knowledge and consciousness of cultures and the differences attendant to it

### Cultural Group

A group with shared customs, beliefs, religion, language, values, geography and a common social history. The definition of cultural diversity for the purpose of Basic Course training includes gender and sexual orientation as described in Section 13519.4 of the California Penal Code.

### Culture

A complex group of characteristics including knowledge and beliefs, artistic bases, morals and mores, some agreement on law and politics, customs and traditions.

### Discrimination

Discrimination is differential treatment based on unfair categorization. It is denial of justice prompted by prejudice. When we act on our prejudice, we engage in discrimination. Discrimination often involves keeping people out of activities or places because of the group to which they belong.

### Enculturation

Re-learning or discovering your original culture (e.g., Native Americans learning about their "peoplehood", their past, their family lineage, customs, and language.

### Ethnicity

The quality or character of customs, characteristics, language, common history, and national origin particular to a group. Every race has ethnic groups. An ethnic group consists of those who believe they are alike by virtue of their common ancestry.

Ethnicity is generally related to an historical sharing of geographical space, some political agreement, common culture, including religious beliefs, and common racial backgrounds to ensure similarity of physical type.

### Ethnic Group

1. Any group or class of individuals within a culture or social system that can be distinguished on the basis of variable traits including nationality, religion, linguistics, ancestry, traditions, attire, etc.
2. Any group contained within the boundaries of America, designated by race, religion; or nationality (or any combination of these).

### Ethnocentrism

The belief that one's own culture (ethnic group) is superior to all others and is the standard by which all other cultures should be measured. Regarding one's own cultural (or ethnic) group as the center of everything and all others are scaled and related with reference to it.

### Ethnophobia

The fear or other aversion to members of one or more ethnic groups. Prejudice or bigotry towards members of one or more ethnic groups.

### Gay

The preferred term for reference to same-gender orientation

### Gender

For the purpose of this block of instruction, the biological classification of male and female.

### Hate or Bias Crime

"Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under color of law."

### Hate Group

An organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a racial, religious, ethnic/national origin, or sexual orientation group which differs from that of the members of the organization (e.g., the Ku Klux Klan, American Nazi Party, etc.).

### Heterosexism

The explicit or implicit assumption that everyone is heterosexual i.e., heterosexism is "the continual promotion by major institutions of heterosexuality and the simultaneous subordination of gays, lesbians and bisexuals."

### Historically Under-represented Groups

This term is often applied to affirmative action and typically refers to racial, ethnic, or cultural groups that have been excluded from enjoying certain benefits in the past (e.g., employment or housing opportunities).

### Homosexuality

Primary sexual attraction to members of the same gender

### Homophobia

The fear of or aversion to lesbians and gays. Prejudice or bigotry towards lesbians and gays.

### Immigrant

A citizen of another country coming to the United States by means of a formal admission process

### Immigrant Minority

A "minority" person who came to America, after the Colonial Period of history

### Indigenous Minority

A "minority" person who is native to the Americas (such as Aztecs, Sioux, or Aleut) or who has a colonized heritage (such as African Slaves)

### Institutional Racism

The complex of institutional arrangements that restrict the life choices of nonmajority persons in comparison to those who have predominated in the past

### Lesbianism

The term for a female with a same-gender orientation

### Minority

A person with "minority status" usually African-American, Native-American, Asian, or Hispanic, so designated by government and social science enterprises. The term is not necessarily related to numbers.

### Motivation

Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

### Nationality

A fact of belonging to a nation and respect for that nation. Nation of your citizenship (American Citizen)

### Police Profiling

An informed, knowledge-based decision related to an articulatable set of facts

### Prejudice

A prejudgment about a person or class of persons composed of opinion or bias. Prejudice is socially learned, and is usually grounded in misconceptions, misunderstandings, and inflexible generalizations.

### Race

Anthropological category based upon physical characteristics. There are three races: Negroid, Mongoloid, and Caucasoid.

### Racism

The belief that some races are inherently superior (physically, intellectually, or culturally) to others, and therefore have the right to dominate them. Racism can also be "institutionalized" when:

1. Based on their belief in the inferiority of certain groups, racists justify discriminating against, segregating, and/or scapegoating these groups.
2. Racists, in the name of protecting their race from contamination, justify the domination and sometimes even the destruction of those races they consider inferior.

Racism couples the false assumption that race determines psychological and cultural traits with the belief that one race is superior to another.

### Refugee

A person who flees a country, commonly to avoid religious, political or social persecution; or to flee a natural disaster or other event. Refugee status is distinctly different from an immigrant status in that the refugee is admitted into the United States under a different section of Immigration law. The Attorney General of the United States can officially grant refugee status.

### Religion

A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

### Scapegoating

Scapegoating refers to the deliberate policy of blaming an individual or group when the fault actually lies elsewhere. It means blaming a group or individual for things they did not really do. Those that we scapegoat become objects of our aggression in work and deed. Prejudicial attitudes and discriminatory acts lead to scapegoating. Members of disliked groups are denied employment, housing, political rights, or social privileges. Scapegoating can lead to verbal and physical violence, including death.

### Sexual Orientation

In laws and elsewhere, sexual orientation is limited to the three possibilities of homosexual, heterosexual and bisexual which together fill the universe of sexual possibilities.

### Sexual Preference

An often used synonym for sexual orientation, however the term incorrectly suggests that sexual orientation is a choice.

### Stereotyping

A stereotype is a preconceived or oversimplified generalization involving beliefs about a particular group. Stereotypes are often at the base of prejudice. The danger of stereotyping is that it no longer considers people as individuals, but rather categorizes them as members of a group who think and behave the same way. We pick up these stereotypes from what we hear other people say, what we read, and what people around us believe (learned behavior). Although some people would say there are "positive" stereotypes, (e.g., regarding criminal profiles) these would be more properly defined as "informed decisions". An officer's decision to stop a certain car, for example, is based upon a set of articulatable facts, not a stereotype as the term has been defined here.

### Sub-culture

A complex group of characteristics including a psychological source of common "peoplehood", confinement of relationships to your primary group, and a common world view.

### Undocumented Person

A person currently residing in the United States without legal immigration or refugee status

### Values

Whatever a person or group judges to be important; this judgement is supported by underlying, emotionally charged attitudes which originate in core beliefs

### World View

The culturally conditioned view of the total environment shared by the members of a particular culture which

1. Provides answers to ultimate questions.

2. Sanctions values, goals, and basic institutions.
3. Supports people in times of crisis.
4. Systematizes thinking and the total existence of a people.



# SUPPORTING MATERIALS SECTION M

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# **SUPPORTING MATERIALS SECTION N**

## **VIDEOS AVAILABLE TO SUPPORT CULTURAL DIVERSITY, SEXUAL HARASSMENT, AND HATE CRIMES TRAINING**

The following programs are included in the Video Catalog published by the Commission on Peace Officer Standards and Training and may be used wholly, or in part, to support cultural diversity training efforts. Copies are available from the producers under terms and conditions identified in the catalog.

### **CULTURAL AWARENESS TELECOURSE**

A two hour telecourse which incorporates individual presentations, panel discussions, video scenarios and audience interaction to address law enforcement interaction with cultural groups. Appropriate for all levels and classes of law enforcement personnel.

**PRODUCER:** Commission on Peace Officer Standards and Training  
2 Hours, 1992

### **CULTURAL AWARENESS: AMERICAN INDIAN CULTURE**

Actor Iron Eyes Cody discusses Indian culture as it pertains to law enforcement. For recruits, in-service officers, investigators, and supervisors.

**PRODUCER:** Los Angeles Police Department  
13 Minutes, 1983

### **CULTURAL AWARENESS: ARMENIAN CULTURE**

Actor Mike Connors gives an overview of Armenian culture as it pertains to law enforcement. For recruits and in-service officers.

**PRODUCER:** Los Angeles Police Department  
9 Minutes, 1985

### **CULTURAL AWARENESS: BLACK CULTURE**

Discusses Black culture as it applies to law enforcement. For recruits, in-service officers, supervisors, managers, and administrators.

**PRODUCER:** Los Angeles Police Department  
10 Minutes, 1984

### **CULTURAL AWARENESS: CHINESE CULTURE**

Discusses Chinese culture as it pertains to law enforcement. For recruits, in-service officers, investigators, supervisors, managers, and administrators.

**PRODUCER:** Los Angeles Police Department  
11 Minutes, 1985

**CULTURAL AWARENESS: EAST INDIAN CULTURE**

Discusses East Indian culture as it pertains to law enforcement. For recruits, in-service officers, investigators, supervisors, managers, and administrators.

PRODUCER: Los Angeles Police Department  
10 Minutes, 1986

**CULTURAL AWARENESS: HISPANIC CULTURE**

Actor Ricardo Montalban discusses Hispanic culture in Los Angeles. For civilian employees, recruits, in-service officers, investigators, and supervisors.

PRODUCER: Los Angeles Police Department  
10 Minutes, 1973

**CULTURAL AWARENESS: JAPANESE CULTURE**

Newswoman Joanne Ishimine discusses Japanese culture as it pertains to law enforcement. For civilian employees, recruits, in-service officers, investigators, and supervisors.

PRODUCER: Los Angeles Police Department  
11 Minutes, 1983

**CULTURAL AWARENESS: JEWISH CULTURE**

Actor Hal Linden discusses the various aspects of Jewish culture. For civilian employees, recruits, in-service officers, investigators, and supervisors.

PRODUCER: Los Angeles Police Department  
16 Minutes, 1980

**CULTURAL AWARENESS: KOREAN CULTURE**

Discusses Korean culture and how it pertains to law enforcement. For civilian employees, recruits, in-service officers, investigators, and supervisors.

PRODUCER: Los Angeles Police Department  
12 Minutes, 1983

**CULTURAL AWARENESS: MOSLEM CULTURE**

Discusses the Moslem culture and religion as it pertains to law enforcement. For recruits, in-service officers, investigators, supervisors, managers and administrators.

PRODUCER: Los Angeles Police Department  
5 Minutes, 1986

## **HATE CRIME: A TRAINING VIDEO FOR POLICE OFFICERS**

Produced in cooperation with the New Jersey Department of Public Safety. Available for \$40.00 per copy by contacting Anti-Defamation League of B'nai B'rith, National Office, 823 United Nations Plaza, New York, New York, 10017, (212) 490-2525

PRODUCER: Anti-Defamation League of B'nai B'rith

## **HATE CRIMES TELECOURSE**

A two hour telecourse which contains panel discussions and video scenario related to hate violence. Discusses hate crimes from the perspectives of victimization, prevention, and law enforcement policy making. For in-service officers, supervisors, managers and administrators.

PRODUCER: Commission on Peace Officer Standards and Training  
2 Hours, 1992

## **HATE CRIMES**

Covers a police officer's duty to fully document and investigate all incidents motivated by prejudice, including graffiti, or noncriminal occurrences. For recruits, in-service officers, supervisors.

PRODUCER: Los Angeles Police Department  
1988

## **HATE CRIMES/RALPH ACT**

Prejudiced-based criminal acts are now recorded by law enforcement agencies for statistical purposes. For general public and police personnel.

PRODUCER: San Francisco Police Department  
5 Minutes, 1988

## **HUMAN RELATIONS**

Two typical patrol-related incidents are depicted which display the proper methods an officer should use in dealing with them. Emphasis is placed on the human relations aspect of law enforcement. For recruits, in-service officers, and supervisors.

PRODUCER: Los Angeles Police Department  
9 Minutes, 1991

## **INDOCHINESE CULTURE**

Presents a panel discussion/lecture introduced by a curriculum specialist for the San Diego city schools and paneled by four members of the Indochinese culture in San Diego. A very good orientation to the Indochinese culture. For recruits and in-service officers.

PRODUCER: San Diego Police Department  
56 Minutes, 1983

## **INDOCHINESE CULTURE GUIDE**

Explains three programs created by the San Diego Police Department to aid the Indochinese community: a liaison officer, a cultural guide handbook, and an improved translation network for officer use. For recruits and in-service officers.

PRODUCER: San Diego Police Department, Public Affairs Unit  
7 Minutes, 1983

## **IS THERE A WORLD BETWEEN US?**

Produced to be incorporated into the Department's cultural diversity training and designed to stimulate classroom discussion. Depicts candid comments from citizens and police officer interviews, offering individual opinions as to the performance of the San Diego Police Department. A survey conducted on the San Diego Police Department is also presented. For in-service officers, managers, and administrators.

PRODUCER: San Diego Police Department  
38 Minutes, 1987

## **SEXUAL HARASSMENT TELECOURSE**

A two hour telecourse which incorporates individual presentations, panel discussions, and video scenarios and audience interaction to address sexual harassment law, behaviors which constitute sexual harassment, California sexual harassment reporting standards, and remedies available to peace officer victims of harassment. Appropriate for all levels and classes of law enforcement personnel.

PRODUCER: Commission on Peace Officer Standards and Training  
2 Hours, 1994

## **SKINHEADS**

Mike Fleager of the Orange County Probation Department presents information on skinhead gangs operating in Orange County. For in-service officers and investigators.

PRODUCER: Santa Ana Police Department  
13 Minutes, 1987

## **WITH RESPECT**

Dustin Nguyen, of the TV series drama "21 Jump Street", leads viewers through a series of interviews and re-enactments that explain how an officer can make their job easier and more successful in handling contacts with Vietnamese people. Appropriate for all levels and classes of law enforcement personnel.

PRODUCER: Anaheim Police Department  
19 Minutes, 1990

## **WORLD OF GESTURES: CULTURE AND NONVERBAL COMMUNICATION**

This program identifies gestures as a silent language unique to every society. The program discusses gestures from around the world and including familiar American gestures for "OK", "Shame on You", and "Crazy". The program may provide worthwhile insights, but is not designed to address law enforcement tactics.

**PRODUCER:** University of California Extension Media Center  
2186 Shattuck Avenue, Berkeley, CA 94704  
(510) 642-0460  
25 Minutes



# SUPPORTING MATERIALS SECTION O

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