

U.S. Attorney's Report to the District

Prosecuting Hate Crimes

The Eastern District of California is home to approximately eight million residents who live in urban cities, suburban neighborhoods, rural farms, and forested mountains. Our population is incredibly diverse and includes people who can trace their family's residence in California for several generations, Native Americans who can trace their roots here even farther, and a large number of relative newcomers who hail from states and countries around the globe. The number of languages spoken, cultures practiced, and religions followed here may be greater than in any other federal district in the country. For those of us who live here, we know that our diversity as a population is our strength, a driving force behind the engine that fuels our economy, the art that spurs our creativity, and the community that enriches us individually.

That is why the prosecution of crimes committed out of hate for those who are perceived to be different than some of us is one of the highest priorities of the U.S. Attorney's Office. Hate crimes that are motivated by prejudice based on race, religion, sexual orientation, or other factors target not just the immediate victim but the community as a whole. When a synagogue is bombed, a Sikh American or member of the LGBT community is assaulted, a mosque is defaced, or a cross is burned on the lawn of a person of color, the individual or congregation that is targeted is not the only victim. A hate crime's message threatens all who are similarly situated, telling them that they do not belong and may face the same or worse treatment in the future. And, because our community is built on the strength of diverse communities united into one, a hate crime threatening one group threatens us all, as a challenge to the very notion that people of different faiths, ethnicities, and origins can prosper as one. Finally, in a country founded on the principle that all are created equal, it is simply wrong to commit criminal acts out of prejudice.

The most recent FBI statistics show that the country experienced a sharp increase in reported hate crime incidents in 2015 as compared to the prior year, including large increases in the number that are based on race or religion. The number of anti-Islamic incidents alone increased 67% in just one year. In California, the state Attorney General's office reports that the number of reported hate crime events in our state similarly increased in 2015, with those relating to religious bias increasing almost 50%, and those targeting Hispanics increasing by 35%. These national and state statistics only include incidents that are reported. Hate crimes historically are underreported—the Bureau of Justice Statistics estimates that two-thirds go unreported to the police—possibly out of a fear that reporting will only lead to more violence being directed at the victim. More recently, and without having statistics yet for 2016 and the beginning of 2017, we know of numerous incidents around the district, including mosques receiving threatening letters, houses of worship and minority-owned businesses being vandalized, and students of color being harassed and threatened by their fellow students with deportation.

Our office has a strong history of prosecuting hate crimes, including arsons and other unlawful acts directed at houses of worship and congregations, cross burnings, and assaults on individual victims. As recently as December 2016, a jury in our district convicted Justin

Whittington of a hate crime after a five-day trial. As the evidence we presented at trial proved, Whittington made an unprovoked attack on a Hispanic man who was standing near family members in his own front yard in Oildale, located on the north side of Bakersfield. Whittington rode up to the victim's residence in a car, got out and shouted a racial epithet at the victim, warned him to get out of Oildale, and fired a shotgun at him from about 15 yards away. Fortunately, the blast missed and the victim was not hurt. Whittington is scheduled for sentencing in late February on his conviction for interfering with the victim's housing rights based on race and for federal firearms law violations. Our office's successful prosecution of this case underscores our continuing commitment to prosecuting hate crimes. The vigorous prosecution of hate crimes like the one Whittington committed is an essential part of society's response to such acts, showing that they will not be tolerated and that justice will be upheld.

In addition to the cases we prosecute, our office has made a strong commitment to enforcing federal hate crime laws and supporting the array of diverse communities that make up the Eastern District. Last Spring, then United States Attorney Ben Wagner and I created a Civil Rights/Hate Crimes/Human Trafficking Working Group of about a dozen Criminal and Civil Division attorneys from our three offices—Sacramento, Fresno, and Bakersfield—to ensure that we are coordinating our efforts and obtaining the training and expertise needed to handle cases in these high priority areas. Since the 1990s, we have chaired a Greater Sacramento Area Hate Crimes Task Force that joins federal and local law enforcement and community leaders in an effort to combat and respond strongly to hate crimes and hate-motivated incidents. We historically conduct extensive outreach to diverse groups of people who may face hate crimes based on race, religion, sexual orientation, and other factors, and we participate in interfaith and community efforts to unify people in celebrating diversity in our district. We along with the FBI and other federal law enforcement agencies also work closely with our state and local law enforcement partners to investigate suspected hate crimes, whether the end result is that they are prosecuted at the federal level or the local level.

If you know of or have been victimized by a hate crime, I encourage you or another member of your community to report it to the police and the FBI as soon as you can. We and our state and local counterparts can investigate and prosecute only those crimes that we learn about, and even if an incident doesn't rise to the level of a criminal prosecution, reporting gives all of us a fuller picture of the danger our community faces from such incidents.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

United States Attorney

Phillip A. Talbert