California State Policy Recommendations to Address AAPI Hate
A Starting Point for Taking Action

OCTOBER 13, 2021
Executive Summary

More than 9,000 acts of hate against Asian Americans and Pacific Islanders (AAPIs) have been reported to Stop AAPI Hate since the COVID-19 pandemic began in March 2020. Many more incidents continue to go unreported, making the actual number much higher.

California leads all states in the number of hate incidents by a wide margin, with over 3,500 hate incidents or 38.6 percent of all reports. The vast majority of hate incidents against AAPIs involve conduct that is not criminal, such as verbal harassment, and take place in person and in spaces open and accessible to the public, such as streets and sidewalks, businesses, public transit, and parks. Hate incidents reported by women make up nearly two-thirds of all reports in the state, and a majority of these reports are accounts of verbal harassment or name calling, including sexist slurs, in public.

A single act of hate is one act of hate too many. To stop AAPI hate, and harm in all communities of color, we offer as a starting point the following policy recommendations to the California State Legislature for the 2021-2022 legislative session:

A. Create a public health and gender-based approach to prevent hate in public spaces, including the street harassment of AAPI women and other vulnerable communities.

Street harassment impacts an individual’s mobility, feeling of safety, freedom of movement, and physical and mental well-being, yet exists largely unchecked in the United States and on the periphery of public policy solutions.

1. Create a legislative policy framework for preventing street harassment faced by AAPI women and other vulnerable communities. The framework should define street harassment and employ a multiyear, multifaceted public education campaign that treats street harassment as serious, harmful, and not to be tolerated in any setting — just as gender and race-based harassment is not tolerated in work or educational settings.

2. Require a gender-based approach to rider safety on public transit. The Legislature should condition state transit assistance funding to LA Metro, Muni, and BART on collecting data to understand the safety needs of female riders over the whole journey, and developing and implementing a gender action plan to address these needs.

3. Direct California’s public health agency to lead a statewide effort to prevent and respond to hate in public spaces.
B. Strengthen California’s civil rights protections to prevent and respond to hate at businesses. A third of hate incidents in the state take place at businesses, usually retail or service establishments, such as grocery stores and restaurants. Most incidents are committed against customers by other customers or third parties.

1. Protect customers from bias-based discrimination and harassment at businesses frequented by the public, such as stores and restaurants. State law already protects customers from discrimination by businesses, and should explicitly protect customers from harassment at businesses — even if perpetrated by non-employees like other customers.

2. Require businesses frequented by the public to train employees on their responsibilities to customers. Employees should know and understand their responsibility to maintain a space free from bias-based harassment and discrimination, even if perpetrated by other customers.

3. Create a pilot program that recognizes businesses frequented by the public for creating safe and welcoming spaces.

These recommendations are a starting, not an ending, point for taking action against AAPI hate. We look forward to working with community members and policymakers on a comprehensive response to AAPI hate and the many issues impacting the well-being of AAPIs, a diverse community of over six million Asian Americans and 350,000 Native Hawaiians and Pacific Islanders in the State of California.
Introduction

More than 9,000 acts of hate against Asian Americans and Pacific Islanders (AAPIs) have been reported to Stop AAPI Hate since the COVID-19 pandemic began in March 2020. Many more acts continue to go unreported, making the actual number much higher. These acts take place against AAPIs of all ages and ethnicities, in every state in the country, and in every corner of life — streets, stores, schools, workplaces, online, and at home.

Responsibility for the rise in AAPI hate during the pandemic has been placed on former President Trump and other leaders for scapegoating Asians through racist rhetoric like “China virus” or “kung flu.” Attention at the highest levels of government and in media coverage has been on hate crimes. But racism against AAPIs long predated the pandemic, and has never been confined to the White House or the criminal code.

For more than a century AAPI hate has meant violence, scapegoating, exclusion, stereotyping, discrimination, harassment, and erasure. This hate reflects the exigencies of American imperialism and foreign policy, and a system of white supremacy that denies all people of color the same humanity, opportunity, and treatment as those who are white. This hate disfigures the face of everyday life. And, without intervention, it will continue.

What does it mean to “stop AAPI hate”? We offer the following policy recommendations to the California State Legislature for the 2021-2022 legislative session. Although policymakers often focus on punishing individual offenders who commit the most widely publicized violent attacks, the path forward must be broader. Hate comes in many, often banal forms, such as the street harassment of AAPI women. Racism is not just interpersonal but structural. Accountability must be demanded of individuals and institutions. Solutions must engage not just the criminal justice system but public health and civil rights infrastructure. AAPIs who are harmed are often at the intersections of marginalization, such as women, LGBTQ+, and low-income communities. Although these policy recommendations emerge from AAPI experiences, similar experiences are shared and felt by other communities of color.

These recommendations are a starting point for taking action. They are not a comprehensive response to AAPI hate or to the many issues impacting the well-being of AAPIs, a diverse community of over six million Asian Americans and 350,000 Native Hawaiians and Pacific Islanders and 32 ethnic groups who speak over 77 languages in the state of California alone. For example, we believe in increasing exposure to the voices and histories of all communities by expanding ethnic studies in education, holding schools accountable for creating and maintaining campuses safe from bias-based bullying and harassment, and ensuring that teachers are trained on both fronts. These policies, and others, warrant their own, separate spotlight.

A single act of hate is one act of hate too many. We hope these recommendations offer California policymakers a useful starting point for thinking about what it means for the state to stop AAPI hate and harm in all communities of color.

In solidarity,
Background

More than 9,000 incidents of anti-AAPI hate were reported to Stop AAPI Hate from all fifty states between March 19, 2020, and June 30, 2021. About half the incidents occurred in the last nine months of 2020 (4,548) and about half the incidents occurred in the first six months of 2021 (4,533), and the number of incidents in 2021 has since eclipsed the number of incidents in 2020. California leads all states in the number of hate incidents by a wide margin, with over 3,500 hate incidents or 38.6 percent of all reports.

The vast majority of hate incidents against AAPIs in California involve conduct that is not criminal. Verbal harassment (64.2 percent) and shunning (14.9 percent) — the deliberate avoidance of contact with AAPIs — make up the two largest proportions of incidents reported. Potential civil rights violations, such as workplace discrimination, refusal of service at a business, or being barred from transportation, are 8.2 percent of the reports. AAPIs also report physical assault (13.9 percent), being coughed at or spat on (7.5 percent), and vandalism/graffiti (3.9 percent); while these incidents are potentially crimes, they range in severity and not all of them would, if reported to law enforcement, result in prosecution.

Hate incidents reported by women make up nearly two-thirds of the reports in California. Women — the vast majority of whom report an AAPI ethnicity* — reported over 2,100, or 63 percent, of the incidents in the state. A majority of these reports give accounts of verbal harassment or name calling (65.8 percent), some of which consist of sexist slurs (e.g., Asian b***h, Chinese b***h, c**t). Almost half (48.9 percent) of the hate incidents reported by women occur in public spaces such as public streets and sidewalks (35.3 percent), public parks (9.1 percent), and public transit (4.5 percent). Nearly half of women voluntarily identify the perpetrator as male.

Note: Individuals who report to Stop AAPI Hate may select more than one type of discrimination.

* References to AAPI women in this report reflect individuals reporting to Stop AAPI Hate who self-identify as women.
More than three-quarters of the hate incidents against AAPIs in California take place in person and in spaces open and accessible to the public. Nearly half occur on public streets and sidewalks (34.4 percent), in public parks (9 percent), or on public transit (5.7 percent). About a third happen in businesses that are open to the public (29.2 percent), such as grocery stores, restaurants, and their parking lots. AAPIs also report hate that takes place in private residences (10.9 percent), online (8.3 percent), and in schools and universities (5.9 percent).

![Bar chart showing the percentages of hate incidents in different locations.]

Note: Individuals who report to Stop AAPI Hate may select more than one site of discrimination.

"I was waiting in line to checkout at the grocery store. At the time, wearing face masks was not mandatory. Two white Caucasian males (30-ish in age) were passing across the front of my grocery cart. One grabbed hold of the front of my cart and spit directly towards my face and then ran out of the store."

(Fountain Valley, CA)
Policy Recommendations

Stop AAPI Hate offers the following policy recommendations to the California State Legislature, which are based on our data and the experiences of the communities we serve. These recommendations call for new laws and more action by state agencies, from public awareness campaigns to greater civil enforcement. They do not call for more criminalization and mass incarceration. There are times when law enforcement is an appropriate response to harm, and ways to improve the investigation and prosecution of hate crimes. The following recommendations do not focus on the criminal justice system so as to not perpetuate a reflexive over-reliance on policing, prosecution, and punishment as the sole solutions to complex social problems.

A. Create a public health and gender-based approach to prevent hate in public spaces, including the street harassment of AAPI women and other vulnerable communities.

A majority of hate incidents reported by AAPIs in California take place in person and in public and involve conduct that is not criminal, such as the utterance of racist or sexist slurs, obscenities, accusations, and threats. Although these hate incidents may not pose a life or death emergency, their impact is real and immediate. They have profound impacts on a person’s feeling of safety, freedom of movement, and physical and mental well-being, shattering a sense of normalcy and safety.

Many hate incidents involve the street harassment of AAPI women. In June 2020, Stop AAPI Hate released a California report documenting over 800 hate incidents in three months in which Asian American women reported almost twice as many incidents as men. More than a year later, this disturbing trend continues unabated in the state, with a majority of AAPI women reporting sexist and racist verbal harassment, often in public. Overall, in California, women are targets of sexual harassment and assault more than men. Women report that sexual harassment often occurs in public places, such as the street, store, restaurant, or public transit, and that it is inflicted by strangers. In addition to women, LGBTQ+, disability, and immigrant communities are particularly vulnerable, as are the elderly.

The sustained harassment of AAPI women comes at a challenging time for women of color in California. Since the

I was pumping my gas and this white dude who was also pumping his gas walked up to me and said, “Hey you look Asian, can I see your face without your mask?” I ignored him and he kept talking at me and said, “Well, I don’t know why people are hating so much on Asians these days. You guys are so submissive and compliant, which turns me on. If you ever need my services, I’d be happy to beat you, gag you, slap you around, whatever you’d like.”

(Glendale, CA)
pandemic emergency was declared, more women than men have left the workforce. Women of color, who make up more than half of California’s female population, are among the hardest hit. As of March 2021, 12.5 percent of Asian women and 8.6 percent of Hawaiian/Pacific Islander women were unemployed.

When the acts that make AAPIs less safe in public are not crimes, there is rarely anyone with authority who can bring acknowledgment or accountability for what happened. Collective responsibility over the safety of public spaces must look like something more than the criminal justice system. Many hate incidents against AAPIs cannot be criminalized under First Amendment protections for hate speech. AAPIs disagree over the role of police in preventing and responding to harm, with some communities reluctant to report to law enforcement. The murder of George Floyd by Officer Derek Chauvin punctuated what many communities of color, especially Black communities, have always known: racial bias and racial disparities pervade the criminal justice system.

Public policies that confront AAPI hate must specifically take into account hate against AAPI women, because these overlap to a remarkable degree. The Atlanta shooting on March 16, 2021 killing six Asian women and two others in massage businesses, was a tragic reminder that violence, including harassment, against AAPI women is interwoven within a xenophobic milieu and powered by a misogynistic fervor.

The state must do more to confront AAPI hate in public spaces, especially the street harassment of AAPI women and other vulnerable communities, by enacting legislation to:

1. Create a legislative policy framework for preventing street harassment faced by AAPI women and other vulnerable communities.

Any statewide effort to stop AAPI hate in public spaces must include stopping the street harassment of AAPI women and other vulnerable communities. Street harassment restricts an individual’s mobility, which is central to one’s autonomy, well-being, and economic opportunity. Yet it exists largely unchecked in the United States and on the periphery of public policy solutions. California’s existing laws criminalize stalking, domestic violence, and harassment. These offenses often require a pattern of conduct and a known perpetrator. Nothing in California statute directly addresses street harassment, which is often transitory and involves strangers.

The Legislature should create a policy framework that treats street harassment as a public health issue and not a criminal justice one, with the goal of reducing its incidence rate and protecting the health and safety of the individuals who are targeted for harassment. The goal should be a cultural and normative shift toward treating street harassment as serious, harmful, and not to be tolerated in any setting — just as gender and race-based harassment is not tolerated in work or educational settings.

My parents were walking in their neighborhood in San Ramon. A dog came running out to them. My dad stepped in front of my mother to protect her. The owner came out. My dad told the owner to manage her dog. The owner was a white woman, and she responded by telling my parents that they were harassing her and her dog, and that she would call the police. She told them, “Go back to your country.” She called the police. My parents were walking back home. The police told my parents that they should have just left things alone and it was just a dog.”

(San Ramon, CA)
Any framework should include, at a minimum, the following:

**i. The Legislature should create an inclusive definition for street harassment in California statute that is not found in the penal code.** Stop Street Harassment (SSH), a nonprofit organization “dedicated to documenting and ending gender-based street harassment worldwide,” offers a definition and a starting point for legislative deliberations: “Gender-based street harassment is unwanted comments, gestures, and actions forced on a stranger in a public place without their consent and is directed at them because of their actual or perceived sex, gender, gender expression, or sexual orientation.”

**ii. The Legislature should launch a multiyear and multifaceted statewide campaign that builds on Anti-Street Harassment Week, a domestic and international campaign to raise awareness of gender-based street harassment.** The goal would be to raise awareness of street harassment as a public problem in the state and to communicate that it will not be tolerated. The campaign should target specific audiences, such as women, girls, men, boys, business owners, and transit riders. It should utilize traditional media, such as radio and print, and social media, and take place online and in person at transit stops, retail stores, public parks, and other physical locations that are hot spots for street harassment. Critically, it should be in-language and culturally relevant, and should utilize ethnic media. The campaign must have an evaluative component to determine effectiveness, gaps, and unmet needs.

**2. Require a gender-based approach to rider safety on public transit.**

Sexual harassment on public transit is common, with women disproportionately more victimized than men, and a reason why many women choose not to use public transit. Despite this, there is a lack of awareness among transit agencies on how pervasive it is. In the meantime ridership on public transportation has been steadily declining in California since 2014.

The Legislature should require the Los Angeles County Metropolitan Transportation Authority (LA Metro), San Francisco Municipal Railway (Muni), and Bay Area Rapid Transit District (BART) — which, together, make up 57.9 percent of the state’s public transit ridership — to address the harassment of women, girls, and other vulnerable community members. This means expanding traditional concepts of safety beyond the physical infrastructure of the transit vehicle and those who share the road, such as cyclists and pedestrians, and employing a “whole journey approach” to evaluating the safety of local or regional public transit systems, which includes walking to and from transit stops, waiting for transit, and the onboard passenger experience.

“A man approached a woman on the train and just randomly started screaming at her without his mask. I went to do bystander intervention and she was a fellow Asian woman. ...He started focusing his tirade on me and started waving at my face, but eventually stopped as I continued to ignore him and only speak with her.” (Oakland, CA)
The Legislature should begin by requiring LA Metro, Muni, and BART to implement a gender-based approach to the ridership experience in order to receive funding from the state transit assistance program. For example, LA Metro’s recent report on “Understanding How Women Travel” is one of the first steps in the Los Angeles region and in the United States to recognize the safety concerns and needs of female riders and to place them front and center for transit operators. A gender-based approach should include, at a minimum, the following:

i. Transit agencies should regularly collect data to understand the safety needs of female riders over the whole journey, including through a passenger survey. This survey should include questions about gender-based harassment and should collect data on how characteristics such as a rider’s age, race/ethnicity, sexual orientation, or disability may interact with gender to increase the risk of harassment. The Institute of Transportation Studies could assist in the data collection.

ii. Transit agencies should develop and implement a gender action plan to address these needs. Elements of a gender action plan could include: requiring transit vehicles like buses to make on-demand stops at night, allowing passengers after dark to exit the transit vehicle at locations closer to their homes, work, and school than the actual transit stop; amending customer codes of conduct to prohibit bias-based harassment; requiring transit agencies to audit sites along the whole journey if they receive a threshold number of complaints about safety, which should include reports of street harassment or hate incidents; and maintaining the physical environment of transit stops to ensure they are well-lit and provide good visibility. Transit agencies should develop the gender action plan with meaningful community participation.

3. Direct California’s public health agency to lead a statewide effort to prevent and respond to hate in public spaces.

Racism is a public health crisis for AAPIs, Black communities, and other communities of color. Local governments in California have begun to recognize this and the state should too. The California Department of Public Health (DPH) Office of Health Equity should lead a statewide effort to address hate incidents that occur in public, target marginalized communities, and do not involve criminal conduct, with the goal of reducing their incidence rate and protecting the health and safety of targeted individuals. This goal aligns with the Office’s mission to address health and mental health inequities for vulnerable communities and culturally, linguistically, and geographically isolated communities. The effort could include conducting statewide public education campaigns, identifying local solutions to replicate across localities or scale statewide, and supporting local government and community efforts against hateful expressions based on race or ethnicity. DPH should lead this work in close coordination and collaboration with a formal advisory committee of community partners that engage in policy, advocacy, or direct services on addressing hate.

Two grown women were stopped by an Asian supermarket worker because they were trying to enter without a mask. One of the women got really angry and started yelling at the worker, “It's because of you Asians! It started in China, it's all your fault! And now you're asking me to wear a mask?” I interjected and asked her, “Did you really have to say that?” The entire time, I was being really passive and didn't say anything rude at all. However, she then started going off on me, saying, “But it's true! You people started this whole virus!” The entire time, I remained calm and was just telling her how ignorant she was being. She threatened to beat me up if I didn’t shut up. She continued to mock me as she was leaving.”

(Fremont, CA)
B. Strengthen California’s civil rights protections to prevent and respond to hate at businesses.

About a third of hate incidents against AAPIs in California take place at businesses (29.2 percent). Nearly all of these incidents occur in person at a physical location. More than two-thirds take place in retail or service establishments, such as grocery stores, restaurants, big box retailers, and their parking lots. These businesses range from nationwide chains to local mom-and-pops.

Of the hate incidents that occur in businesses:

- A majority of the incidents involve verbal harassment or name-calling (65.2 percent), followed by avoidance or shunning (25.1 percent), physical assault (10.8 percent), being barred from the establishment (7.9 percent), workplace discrimination (7.1 percent), being coughed at or spat on (6.1 percent), or vandalism or graffiti (4 percent).

- Consistent with overall reporting, about two-thirds of reports are from women (64.6 percent).

- At least two-thirds of reports are also from customers (68.4 percent). A majority of customers report being verbally harassed or called names (66.9 percent), followed by being shunned (27.3 percent), physically assaulted (9.7 percent), barred from the establishment (9.4 percent), or coughed at or spat on (5.9 percent). Most report being preyed on by another customer or passerby (74.3 percent), and some report being mistreated or discriminated against by a business’s employee (19.7 percent). *

- Employees report being verbally harassed or called names (59.8 percent), being discriminated against at work (41.8 percent), or shunned (17.2 percent). They are victimized by customers or other third parties (55.7 percent), a colleague (20.5 percent), or a supervisor (12.3 percent).*

* The information in this paragraph was voluntarily provided by individuals reporting to Stop AAPI Hate, and not a required field of the reporting form.
In an April 2021 survey of AAPI-owned businesses in southern California, more than three-fifths experienced some instance of racism, such as hate incidents, a decline in business, operational changes for safety, or a climate of fear among the business and its staff. This rise in AAPI racism unfolds against the pandemic’s disparate impact on AAPIs relative to whites, and difficulty accessing forms of government relief.

The California Department of Fair Employment and Housing (DFEH) is the state agency charged with enforcing California’s civil rights laws in businesses and other settings. These laws prohibit violence, harassment, and discrimination on the basis of protected characteristics like race, national origin, primary language, and immigration status. Employers cannot harass or discriminate against employees, and must protect employees from harassment by non-employees under some circumstances. Businesses cannot discriminate against customers. Businesses do not have an explicit statutory duty to protect their customers from harassment by non-employees like other customers.

The state must do more to ensure that businesses are a place free from discrimination, violence, and harassment, and that customers know their rights in such settings. The Legislature should strengthen the state’s civil rights protections by passing legislation to:

1. **Protect customers from discrimination and harassment at businesses frequented by the public, such as stores and restaurants.**

   State law already protects customers from bias-based discrimination by businesses. The state should go a step further and explicitly protect customers from bias-based harassment at businesses, even if perpetrated by non-employees like other customers. Businesses frequented by the public, such as retail and service establishments, should be required to take all reasonable steps to prevent harassment from occurring and should be liable for failing to take immediate and appropriate corrective action where they know or should have known of the conduct. DFEH should have the authority to enforce this new duty.

2. **Require businesses frequented by the public to train employees on their responsibilities to customers.**

   State law requires some employers to provide training preventing sexual harassment and abusive conduct, and DFEH offers free online training courses to help employers meet these requirements. For employers to meet the new duty established above (see B.1), the state should require employers at businesses frequented by the public, such as stores and restaurants, to train employees on their responsibilities toward customers under civil
rights laws. The training should inform employees of their responsibility to maintain a space free from bias-based harassment and discrimination, even if perpetrated by other customers or third parties, and could include best practices and training on how to de-escalate or interrupt harassment when they observe or are alerted to such conduct. The training should address the intersection of racism and misogyny faced by AAPI women and other women of color. DFEH should develop a free, online training module in multiple languages, and provide guidance to employers and other third parties who wish to develop training that is substantially equivalent. Employees who complete the training should receive a certificate of completion, which is good for two years and portable regardless of the employer.

3. **Create a pilot program that recognizes businesses frequented by the public for creating safe and welcoming spaces.**

DFEH should develop a pilot program that recognizes businesses frequented by the public, such as stores and restaurants, for taking steps to prevent and respond to the bias-based harassment and discrimination of customers. These businesses should be required to meet minimum requirements, which could include meeting training requirements in law, offering additional training to raise awareness or build skills (e.g., bystander intervention training), and displaying signage that informs the public of their right to be free from bias-based discrimination and harassment, outlines a code of conduct for the public that encourages respectful and civil behavior, or informs the public on how to report any incidents. DFEH should provide a certificate recognizing businesses that meet these requirements, which could be prominently displayed on site in plain view of customers, and make available on its website a database of businesses receiving this designation.

“My sister and I were in line to get into the local Japanese market when one of the workers from the adjacent auto body shop began to yell racist comments at us, such as "Go back to your country!" and "F**k the Chinese Communist Party". When we confronted him, he continued on, while other shop workers ignored the situation, I called the cops, but the officer could not charge him because [the incident] did not turn physical."

*(Berkeley, CA)*
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4. Stop AAPI Hate National Report: 3/19/20-6/30/21. Additionally, researchers at the Kaiser Family Foundation reported from a convenience sample of 1,086 Asian patients at four community health centers that 33% of respondents report personally feeling “more discrimination based on their racial/ethnic background since the pandemic began.” Respondents also reported “facing a range of negative experiences due to their racial or ethnic background over the past 12 months, including 14% who say they experienced a personal verbal or physical attack due to their race/ethnicity.” For a more in-depth discussion, see Samantha Artiga, Latoya Hill, Bradley Corallo, and Jennifer Tolbert, “Asian Immigrant Experiences with Racism, Immigration-Related Fears, and the COVID-19 Pandemic,” Kaiser Family Foundation, June 18, 2021, accessed October 7, 2021, https://www.kff.org/coronavirus-covid-19/issue-brief/asian-immigrant-experiences-with-racism-immigration-related-fears-and-the-covid-19-pandemic/.


6. Ibid.


8. “[B]oth Asian and Black Americans are much more likely than white people to say they often or sometimes feel unsafe in public.” AP-NORC Center for Public Affairs Research, “Increasing Discrimination against Asian Americans a Major Concern,” May 26, 2021, accessed October 8, 2021, https://apnorc.org/projects/increasing-discrimination-against-asian-americans-a-major-concern/. Researchers at the University of California San Francisco also found that out of 5,420 AAPI adults that completed the COMPASS survey, 41% of respondents said they have increased negative experience with racial discrimination, and 59.0% of respondents believed that “the country has become more dangerous for their ethnic group.” Van Ta Park, Joon Bang, Marcelle Dougan, Qanh Meyer, Bora Nam, Linda Park, Janice Tsoh, Marian Tzuan, and Quyen Vuong, “COVID-19 & the Asian American and Pacific Islander Communities: Brief Report from the COMPASS Survey,” COVID-19 Effects on the Mental and Physical Health of Asian Americans & Pacific Islanders Survey Study (COMPASS), June 2021, accessed October 8, 2021, https://compass.ucsf.edu/sites/g/files/txksra5986/f/Brief%20Report%20from%20the%20COMPASS%20Survey_June2021_1.pdf.


12. Nationwide, “[t]he most frequently reported type of hate incident experienced by all Asian American women was verbal harassment and/or name calling,” with “public streets and/or sidewalks and places of business were the more frequently reported sites of hate incidents for all Asian American women.” Among Pacific Islander women surveyed, 51.9% reported that anti-AAPI racism had affected their lives in 2020 and 2021, 21.4% reported being called a racial slur, 16.7% reported feeling unsafe while walking outside, 15.6% reported experiencing sexual harassment, and 12.9% reported experiencing violence due to their race and/or gender. Dritshi Pillai, Aggie J. Yellow Horse, and Russell Jeung, “The Rising Tide of Violence and Discrimination Against Asian American and Pacific Islander Women and Girls,” Stop AAPI Hate, May 21, 2021, accessed October 8, 2021, https://stopaapihate.org/wp-content/uploads/2021/05/Stop-AAPI-Hate_NAPAWF_Whitepaper.pdf.


14. Ibid.


16. Six out of ten incidents reported by elderly AAPIs involve verbal harassment or shunning, and AAPI elders are most likely to experience hate incidents on public streets and at businesses. For more information about the experiences of elderly AAPI, see forthcoming report from Stop AAPI Hate, str “Anti-AAPI Hate, Social Isolation and Mental Health among Asian American and Pacific Islander Elders.”


20. Some localities have begun to innovate in this space. For example, in Los Angeles County, the Human Relations Commission partners with a network of community-based organizations to operate LA vs Hate, through which hate victims can report incidents and connect to services in their communities. For more, see https://www.lavshate.org/. In San Francisco, a group of four AAPI community-based organizations (Community Youth Center, Chinese for Affirmative Action, Chinese Progressive Association, New Breath Foundation) formed the Coalition for Community Safety and Justice (CCSJ) to address the safety of the AAPI community against violence, racism, and xenophobia. Its goal is to build racial solidarity while increasing public safety, through culturally competent, city-wide networks and programs that prioritize violence prevention and intervention. See https://www.cycsf.org/program/ccsj/.

21. See Mata v. Tam, 137 S. Ct. 1744, 1764 (2017) (“Speech that demeans on the basis of race, ethnicity, gender, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express ‘the thought that we hate.’” (quoting United States v. Schwimmer, 279 U.S. 644, 655 (1929))); Cohen v. California, 403 U.S. 15, 25 (1971) (“[O]ne man’s vulgarity is another’s lyric.”)). However, “true threats” or “fighting words” intended to incite hatred or violence are public speech that falls outside the protection of the First Amendment. See Chaplinsky v. New Hampshire, 315 U.S. 568, 572 (1942) (noting that First Amendment protections do not extend to certain “limited classes of speech, includ[ing] the lewd and obscene, the profane, the libelous, and the insulting or ‘fighting’ words those which by their very utterance inflict injury or tend to incite an immediate breach of the peace”); R.A.V. v. City of St. Paul, 505 U.S. 377 (1992); Virginia v. Black, 538 U.S. 343, 363 (2003) (explaining that a state may “choose to prohibit...forms of intimidation that are most likely to inspire fear of bodily harm”).


28. “Coaching Boys into Men (CBIM) is a comprehensive violence prevention curriculum and program that inspires athletic coaches to teach their young athletes that violence never equals strength and violence against women and girls is wrong...At 3 month follow-up athletes who participated in CBIM were significantly more likely to report intentions to intervene (e.g., telling an adult, talking to the people involved, etc.), and when witnessing abusive or disrespectful behaviors among their peers, they were actually more likely to intervene than those not in the program.”


30. Loukaitou-Sideris et al., Public Transit Safety...; Loukaitou-Sideris et al, How to Ease Women's Fear...


32. Ibid.


35. Loukaitou-Sideris et al., Public Transit Safety... LA Metro conducts a passenger survey twice a year, but the survey only focuses on the riders experience in the transit vehicle and neglects the “whole journey” of the rider.


37. Loukaitou-Sideris et al., Public Transit Safety...


43. For example, DFEH offers dispute resolution services upon request. See Cal. Gov’t Code § 12931 (2020).

44. Stop AAPI Hate National Report: 3/19/20-6/30/21. Unless otherwise noted, the data in this section reflects reporting to SAH.


48. See FEHA §§ 12940-12953.

49. See id. at § 12940(j)(1).

50. See Unruh § 51.

51. Courts in California impose an affirmative duty on businesses to protect customers and invitees from foreseeable third-party criminal conduct where a "special relationship" exists between a business proprietor and their tenants, patrons, or invitees. See Morris v. De La Torre, 113 P.3d 1182, 1187–88 (2005); see also Delgado v. Trax Bar & Grill, 113 P.3d 1159, 1165 (2005).

52. See Unruh § 51.


54. See e.g., FEHA § 12950.2.


Stop AAPI Hate is a national coalition addressing anti-AAPI racism across the U.S. The coalition was founded by the Asian Pacific Policy and Planning Council (A3PCON), Chinese for Affirmative Action (CAA) and San Francisco State University’s Asian American Studies Department. Between March 19, 2020 and June 30, 2021, Stop AAPI Hate received 9,081 reported incidents of racism and discrimination targeting Asian Americans and Pacific Islanders across the U.S.

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