

A panhandler punched a Chinese American woman and called her a slur. Was it a hate crime?

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Byline: Samantha Melamed, The Philadelphia Inquirer

Body

Aug. 14--On July 28, Chinatown resident Jing Chen and her 12-year-old daughter were walking on 13th Street in Center City when they suddenly felt a splash.

Chen said a woman who had been panhandling nearby had thrown water at them. Chen, who is eight months pregnant, reacted with annoyance, demanding to know why the woman had done that. The woman responded by calling her a "Chinese b--." Chen told 6abc she returned the remark: "You too!" Then the woman punched her in the face.

Chen and her daughter fled in terror. And the assailant, alleged to be a 19-year-old homeless woman who was under court-ordered evaluation for mental health competency last year, was arrested Wednesday and charged with assault, reckless endangerment, and harassment. Because of her mental health history, The Inquirer is withholding her name.

The criminal case has become a Rorschach test for differing views of the criminal justice system.

Chen and other Chinatown residents say it's ethnic intimidation and must be prosecuted as such. The Philadelphia police handled the investigation as a hate crime, Chief Inspector Cynthia Dorsey said. But given the woman's vulnerable circumstances and mental health history, the District Attorney's Office may agree to send the case to mental health court, which would divert her into community-based treatment.

Anna Perng, a Chinatown resident who has organized community meetings to talk about the importance of reporting hate crimes, said incidents have escalated during the pandemic.

"The police were saying we can't do anything unless it's reported, so we've been trying really hard to make sure that people feel comfortable coming forward," she said. In many cases they don't, because of immigration status or safety concerns.

The mayor and City Council members had joined the outcry early this year, saying hate can't be allowed in the city, she added. "Now, we have this actual incident where a woman and her child were attacked in broad daylight, and I've been puzzled by the complete silence."

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Anti-Asian discrimination continues, months into the coronavirus | OpinionThat changed Friday morning, when about 80 community members, state lawmakers and city officials dialed in for a community meeting about the incident hosted by the Philadelphia Chinatown Development Corp. U.S. Rep. Dwight Evans was also on the Zoom meeting.

"Today with COVID-19 and the messaging coming from Washington, this is a sad day that the bigots in our society feel they have free license," executive director John Chin said.

At the meeting, Chen described living in terror of encountering her assailant -- whom she ran into almost immediately when she finally dared to leave the house.

"For every moment right now she's not in jail, it made me so scared to be outside," she said. "I feel like this lady is so hateful to Asians.... So we need to give an example to the community that if you do that, you will be punished. Or it's never going to be better."

Asian Americans already face a mental health crisis. Coronavirus racism could make it worse. District Attorney Larry Krasner, speaking at the Friday meeting, said his office takes hate crimes seriously, having charged 35 ethnic intimidation cases since 2018, including six with Asian American victims. In this case, he said, the defendant's background -- including documented serious mental illness -- has suggested a different path.

"The court has determined that this person should be in mental health court," he said, though he added he would keep an open mind if new information arises.

"The question that has to be answered, if we are doing law and not doing politics, and I would like to do law, is whether or not there is at least probable cause to show that the motivation here was racial animus -- as opposed to something else, in light of a circumstance of a woman who is panhandling and has severe mental illness coming into this kind of conflict."

Jill McCorkel, a professor of sociology and criminology at Villanova University, said the incident sounded so familiar, she was reminded of a different woman she often encounters on the street, shouting racial slurs. In that case, the mental health issues are "so obvious" -- and the perpetrator herself so marginalized -- it would be hard for her to imagine calling it ethnic intimidation.

"With hate crime legislation, the whole point of it is to get equal justice through the criminal justice system for people who have been disenfranchised effectively by the criminal justice system: women, racial and ethnic minorities, LGBTQ people, who more often than not find themselves disadvantaged by the biases of police departments and prosecutors," McCorkel said.

Labeling this a hate crime might provide a sense of justice to the victim, she said. But it "does nothing to dismantle the racial hostilities and systems of inequality that go into something like this assault."

The defendant in Chen's case was already in the court system for an incident that, according to Krasner, occurred when police told her she had to leave a SEPTA station in 2018. She struggled with the officer, bit him, and ended up charged with aggravated assault, simple assault, and resisting arrest. That case remains pending.

Úrsula Castellano, an Ohio University sociologist who studies mental-health courts, said that is almost a prototypical example of a person who could benefit from diversion into a mental-health treatment court. Participants tend to be housing insecure, and 70% have both mental-health and substance-dependency issues, she said.

"A person who is homeless and roused by police to move along, and they respond with anger or hostility -- that is a person who is under a tremendous amount of stress with very few resources. So a typical response from the court would be prolonged treatment adjudicated by the judge, as opposed to 30 days of probation."

Philadelphia's mental-health treatment court, the state's oldest, claims a 63% success rate. It also, on average, keeps successful participants for 4½ years, significantly longer than the guideline sentences for the misdemeanors the woman accused of assaulting Chen is charged with.

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It's not clear what impact an ethnic intimidation charge would have on the woman's prospects for being admitted to treatment court. Neither a court spokesperson nor the Philadelphia Department of Behavioral Health and Intellectual disAbility Services responded to interview requests. A spokesperson for the Defender Association of Philadelphia, which has been assigned the woman's case, could not immediately provide a comment.

But the impacts of not adding the charge could be significant, too, said Asian Pacific American Bar Association president Djung Tran: "This is about more than Mrs. Chen and her daughter. They represent a lot of people who are feeling not protected and not safe, and what we do will have a reverberation out in the community."

Chad Dion Lassiter, executive director of the Pennsylvania Human Relations Commission, said the mental health issue is a secondary concern -- one for the defendant's lawyer to worry about. "Without question, this is an instance of ethnic intimidation," Lassiter said.

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