

California Civil Remedies

California has two Civil Rights statutes that protect you against hate crimes, intimidation, discrimination or interference with your state or federal statutory or constitutional rights. The Ralph Civil Rights Act (Civil Code section 51.7) and the Bane Civil Rights Act (Civil Code section 52.1) can be enforced by the District Attorney, City Attorney, California Attorney General, California Department of Fair Employment and Housing or a private attorney. You have the right to freedom from any violence or intimidation because of your race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

The party asking for enforcement of rights can request injunctive relief, actual and punitive damages, penalty assessments, attorney fees and other equitable remedies.

Santa Clara County Network for a Hate-Free Community

The Santa Clara County Network for a Hate-Free Community was established in 2000 to provide a community response to hate crimes and hate incidents. Working through the County's Office of Human Relations, the Network is comprised of members who represent community-based organizations, law enforcement and social services agencies, and religious and educational groups. The Network sponsors the 24-hour Anti-Hate Hotline and is dedicated to forging a workable strategy to create a hate-free community in our county.

This brochure was printed in compliance with Penal Code section 13873.

Directory

Emergency	911
D.A.'s Office	(408) 299-7400
Anti-Hate Hotline	(408) 279-0111
Network for a Hate-Free Community	(408) 792-2304
Fair Employment & Housing Commission	(800) 884-1684
Victim-Witness Assistance	(408) 295-2656

Local Police Departments

California Highway Patrol	(408) 467-5400
Campbell Police Dept.	(408) 866-2121
Gilroy Police Dept.	(408) 846-0350
Los Altos Police Dept.	(650) 948-8223
Los Gatos Police Dept.	(408) 354-8600
Milpitas Police Dept.	(408) 942-2400
Morgan Hill Police Dept.	(408) 779-2101
Mt. View Police Dept.	(650) 903-6395
Palo Alto Police Dept.	(650) 329-2406
San Jose Police Dept.	(408) 277-8900
San Jose State University Police	(408) 924-2185
Sheriff's Dept.	(408) 299-2311
Santa Clara Police Dept.	(408) 261-5300
Sunnyvale D.P.S.	(408) 730-7110

County of Santa Clara
Office of the District Attorney

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County of Santa Clara
The Office of the District Attorney
Jeff Rosen



Civil Rights Violations HATE CRIMES CIVIL REMEDIES

Color
Disability
Race
Ancestry
Gender
National origin
Religion
Sexual orientation

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Law Enforcement Policy

The Santa Clara County District Attorney recognizes the far-reaching negative consequences that hate crimes have on our community. The District Attorney is committed to prosecuting hate crimes aggressively through vertical prosecution.

The Santa Clara County Police Chiefs' Association has adopted a written policy which emphasizes each department's focus of administrative, investigative and enforcement resources toward eliminating hate crimes through enforcement, in-service training, victim assistance and community prevention efforts.

What is a hate crime?

"Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability; gender; nationality; race or ethnicity; religion; sexual orientation; or who associates with a person or group with one or more of these actual or perceived characteristics.

Can you be the victim of a hate crime?

Yes, a victim is **any person** who is threatened or injured or has his/her property damaged because of his/her race, color, religion, ancestry, national origin, disability, gender or sexual orientation. However, a victim may also be threatened or injured because the criminal **perceives** the victim to be of a certain race, color, religion, ancestry, national origin, disability, gender or sexual orientation. For example, if the criminal perceives the victim to be Irish and the criminal injures the victim because he believes the victim is of Irish descent, a hate crime has been committed even if the victim is of another origin.

A victim may also be a public agency or private institution if property damage occurs because the public agency or private institution is identified or

associated with a person or group of an identifiable race, color, religion, nationality, country of origin, ancestry, gender, disability or sexual orientation.

California Hate Crimes

P.C. 190.2(a)(16) - Special Circumstances for Imposition of Death Penalty or Life Without Parole if the victim was intentionally killed because of race, color, religion, nationality or country of origin.

P.C. 190.03(a) - Special Circumstances for Life Without Possibility of Parole if the victim was intentionally killed because of victim's disability, gender or sexual orientation or a perception the person has one of those characteristics.

P.C. 302 - Disorderly conduct at Church Service (Misdemeanor).

P.C. 422.6 - Use of Force, Threats or Destruction of Property to Interfere with Another's Exercise of Civil Rights (Misdemeanor).

P.C. 422.7 - Commission of Crime for Purpose of Interfering with Another's Exercise of Civil Rights (Felony).

P.C. 422.9 - Violation of Civil Order (Bane Act) Protecting Exercise of Civil Rights (Misdemeanor).

P.C. 422.75 - Enhancement for felony committed because of victim's race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation—1-2-3 years prison.

P.C. 594.3 - Vandalism, Place of Worship or cemetery (Felony).

P.C. 640.2 - Placing Handbill, Notice or Advertisement on Consumer Product or Product or Package without authorization (Misdemeanor).

P.C. 11411 - Terrorizing (e.g., placing a Nazi swastika on private property or burning a cross on private property) (Misdemeanor).

P.C. 11412 - Religious Terrorism (Felony).

P.C. 11413 - Use of Explosives in Acts of Terrorism in Specified Places (e.g., health facility, church, temple) (Felony).

** If the criminal offense was not committed because of a bias, an appropriate criminal charge may nonetheless be filed.*

** No person shall be convicted of a hate crime based on speech alone unless it is a specific threat of violence and the person had the apparent ability to carry out the threat.*

What should you do if you believe you are the victim of a hate crime?

1. Call the police immediately.
2. Seek medical attention for injuries.
3. Document the exact words spoken to you by the criminal as soon as practicable.
4. Photograph property damage.
5. Save any evidence which might aid in the apprehension and prosecution of the criminal.

If you report your victimization to the police, you do not have to reveal your sexual orientation, religious preference or national origin. In order to prosecute a hate crime, the prosecutor need only prove what the criminal perceived and that perception was the substantial reason for the commission of the crime.