

“Hate Crimes are among the most dehumanizing of crimes because the perpetrator views his or her victim as lacking full human worth due to his or her skin color, language, religion, sexual orientation, or disability. In addition, a hate crime impacts the entire group to which the victim belongs, spreading concern throughout the community.”

California Attorney
General's Office

Hate Crimes in California

In California, you can be a victim of a hate crime if you have been targeted because of your race or ethnicity, nationality, religion, gender, sexual orientation, physical or mental disability or your association with a person or group with one of more of these “real” or “perceived” characteristics.

It is important to be able to differentiate between hate incidents and hate crimes.

A **hate incident** is an action or behavior that is motivated by hate, but is protected by the First Amendment right to freedom of expression. Examples of hate incidents can include name calling, epithets, distribution of hate material in public places, and the display of offensive hate-motivated material on one's property. The freedoms guaranteed by the U.S. Constitution, such as the freedom of speech, allow hateful rhetoric as long as it does not interfere

with the civil rights of others. If this type of behavior escalates to threats being made or carried out against a person or property, then it would be classified as a **hate crime**.

A **hate crime** is a criminal act or attempted criminal act committed against a victim or his, her, or its property because the victim is, or is perceived to be a member of a protected class. (A victim can include an entity or group.)

Hate crimes should be reported to the proper authorities, such as your local police or sheriff's department. If these hate crimes are not reported to law enforcement, the perpetrators will continue to act on their beliefs and will continue to pose a threat to society.

Hate Crime Victims

If you suspect you are a victim of a hate crime, you should:

- Call the police or sheriff's department immediately.
- Obtain medical attention (if needed).
- Write down the exact words that were spoken and any other information that may be of value.
- Save any evidence (graffiti, egg shells, writing on victim's vehicle). Do not remove any evidence. Wait until law enforcement officers respond and take photographs.
- Get the name(s), address(es), and telephone number(s) of other victims and witnesses.
- If possible, get a description of the perpetrator and perpetrator's vehicle.
- Call community-based organizations in your area that respond to hate crimes.

Basic Clues

The following list indicates signs that a hate crime may have been committed:

- Perception of the victim or witness that he/she was selected by the perpetrator because of his or her membership in a protected class.
- Written or oral comments of the perpetrator that may indicate a bias.
- Date of incident coincides with a day that is of significance to the victim's protected class.
- Differences between the race or religion, for example, of the victim and the perpetrator.
- Organized hate group activity in the area.

Services Available to Hate Crime Victims

- You have certain rights under the California Constitution's Victim's Bill of Rights. For example, you may be entitled to information about the prosecution of the perpetrator, and have the right to present a victim impact statement at the time of sentencing.
- You may be entitled to restitution for any loss, damage or injury that you may incur.
- You are also protected under the Ralph Act and the Bane Act. Under these laws, a court may award money to you. The court may require the person who has violated your rights to pay a civil penalty (\$25,000) to you, money to compensate you for the actual harm you have suffered, and/or an additional

amount of money designed to punish that person and to deter future violations of these laws. The court also may issue a restraining order or other type of injunctive order to protect you from further harm, and may order the person who has harmed you to pay your attorney's fees if you have hired an attorney.

What can you and your community do?

- Speak out against hate and intolerance.
- Support the victims by holding community rallies and offering support and assistance to the victim.
- Encourage public officials to state their opposition to hate crimes.
- Establish a hate crime network that includes law enforcement, local government, schools, religious organizations and community-based organizations that immediately responds to a hate crime when it occurs and promotes prevention and awareness.

How To Obtain Assistance

If you have been the victim of a hate crime, the following resources may be of assistance to you:

- California Attorney General's Office of Victims' Services
Telephone: (877) 433-9069
- State of California - Department of Fair Employment and Housing
Telephone: 1-800-884-1684
TTY: 1-800-700-2320

Preventing Hate Crime

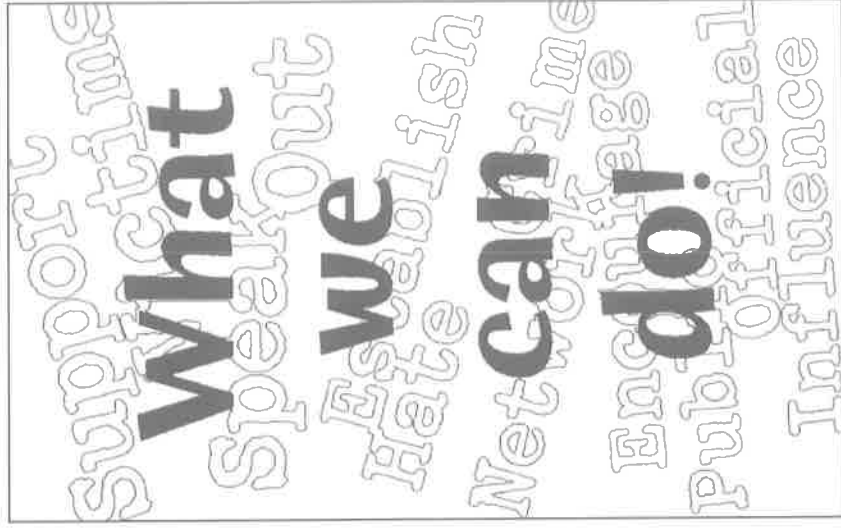
- California State Board of Control Victims of Violent Crime Unit
Telephone: 1-800-777-9229
- Your local District Attorney's Victim/Witness Program (County listing in the telephone book)
- The United States Attorney's Office Victim/Witness Assistance Program in your district (Federal listing in the telephone book)
- United States Department of Justice, Community Relations Services (Federal listing in the telephone book)

For further information on this program and other crime prevention material, write to:

Crime and Violence Prevention Center
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550
www.safestate.org

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