

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.

This brochure was printed in compliance with Penal Code section 422.92.

Directory

Emergency	911
D.A.'s Office	(408) 299-7500
Fair Employment & Housing Commission	(800) 884-1684
Victim Services Unit	(408) 295-2656

Local Police Departments – Non-Emergency Line

California Highway Patrol	(707) 648-5550
Campbell Police Dept.	(408) 866-2101
Gilroy Police Dept.	(408) 846-0350
Los Altos Police Dept.	(650) 947-2770
Los Gatos-Monte Sereno Police Dept.	(408) 354-8600
Milpitas Police Dept.	(408) 586-2400
Morgan Hill Police Dept.	(408) 779-2101
Mt. View Police Dept.	(650) 903-6344
Palo Alto Police Dept.	(650) 329-2413

San Jose Police Dept.	(408) 277-8900
Sheriff's Dept.	(408) 299-2311
Santa Clara Police Dept.	(408) 615-5580
Sunnyvale D.P.S.	(408) 730-7110

Campus Police and Security Agencies General Information or Non-Emergency Lines

All college campus police and security agencies have jurisdiction over their respective campuses only and may have limited dispatch hours. If assistance is needed outside the campus borders or after dispatch hours, call the police department in the city where the crime took place, or the Santa Clara County Sheriff if the crime occurred in an unincorporated area of the county, or the cities of Saratoga, Cupertino and Los Altos Hills. Whether on or off campus, call 911 in emergencies.

San Jose-Evergreen Valley Community College District Police Dept.	(408) 270-6468
Foothill-De Anza Community College District Police Dept.	(650) 949-7313
Gavilan College Security Dept.	(408) 848-4703
Mission Community College Police Dept.	(408) 855-5435
San Jose City College Police Dept.	(408) 288-3735
San Jose State University Police Dept.	(408) 924-2222
Santa Clara University Department of Public Safety	(408) 554-4441
Stanford University Department of Public Safety	(650) 329-2413
West Valley-Mission Community College District Police Dept.	(408) 741-2092

County of Santa Clara
Office of the District Attorney

70 West Hedding Street, San Jose, CA 95110
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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 a perpetrator perceives a victim to be Chinese and spits on the victim while saying, "Go back to China!", a hate crime has been committed even if the victim is in fact Vietnamese and not Chinese.

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. Some examples include when a perpetrator graffiti's a government office serving the LGBTQ community using derogatory language referring to sexual orientation or paints a swastika on a Jewish synagogue.

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.