Mendocino County Sheriff's Office

How to Report Hate Crimes and Incidents and Get Help

California Department of Justice Victims' Services Unit

California Attorney General Rob Bonta offers the following information on how to identify and report hate crimes and incidents, and the services available to victims.

Hate crime or hate incident?

There is a difference between a hate crime and a hate incident as explained below:

A hate crime is a misdemeanor or felony criminal act committed against a person, group, or property that is motivated by hatred or intentional bias against the victim's real or perceived protected identity characteristic. A perceived protected identity characteristic includes being regarded as, perceived as, or treated as having the protected characteristic, regardless of whether the perception is accurate. You may be a victim of a hate crime if you have been targeted because of your actual or perceived:

- Physical or mental disability,
- Gender, which means sex, and includes gender identity and gender expression,
- Nationality,
- Race or ethnicity,
- Religion,
- Sexual orientation, or
- Association with a person or group with one or more of these "actual" or "perceived" characteristics.
- Under civil law, there are additional protected identity characteristics not included here.

A victim includes, but is not limited to, a person, family, group, community center, educational facility, entity, office, meeting hall, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

A hate incident is an action or behavior motivated by hate or intentional bias toward a protected group that does not rise to the level of a crime. Freedom of speech under the U.S. and California Constitutions allows hateful rhetoric as long as it does not interfere with the civil rights of others. You should report hate incidents to your local law enforcement agency. If a hate incident escalates to threats or criminal activity

against a person or property, then it could be classified as a hate crime. You may also be entitled to civil relief if you are exposed to a hate incident.

Examples of hate incidents include:

- Name-calling, insults, slurs, derogatory comments, and epithets lodged at a protected group that do not threaten violence.
- Displaying hateful materials on one's own real property that do not threaten violence.
- Wearing clothing with a hateful message that does not threaten violence.
- Distribution of materials with hateful messages in public places that do not threaten violence.

How to spot a hate crime:

Signs that a crime was motivated by hate or bias may include:

- The offender chose the victim or property because they belonged to a protected group, e.g., a certain religion, race, or gender.
- The offender made written or verbal comments showing prejudice, e.g., slurs, symbols.
- The crime happened at a location that is significant for the victim's protected group, e.g., a house of worship, a community center, a parade, or a cultural celebration.
- The crime happened on a date that is significant for the victim's protected group, e.g., a religious holiday, a cultural holiday such as Chinese New Year or Pride celebrations, or an anniversary date.
- There is organized hate activity in the area.

If you are in danger, call 911 or contact your local law enforcement agency immediately. Once you are no longer in danger and have obtained any needed medical attention, if feasible you could:

- Save any physical evidence, e.g., graffiti, broken objects or projectiles, write down everything you remember, and take photos.
- Get the names and contact information of other victims and witnesses and any descriptions and information they may have about the offender(s).

If you witness a hate crime, you should report the crime to your local law enforcement agency.

- The California Department of Justice has tools and resources available to aid and assist local, state, and federal law enforcement authorities in the investigation of possible hate crimes, including the identification, arrest, prosecution, and conviction of the perpetrators of those crimes.

What you and your community can do to combat hate:

- **Understand the problem.** All stakeholders can work together to understand the local problem so that solutions can be developed.
- **Speak out and raise awareness.** Publicly condemn hate and intolerance and ask public officials to do the same.

- **Foster law enforcement-community partnerships.** Strong law enforcement-community partnerships can be highly effective at preventing and properly responding to hate crimes.
- **Human Relations Commissions** can promote community understanding, provide support to victims, and work to prevent future hate crimes and incidents. They can also educate law enforcement and the public about hate crimes and incidents, track trends, and advocate for policy changes.

Information for victims:

The California Victims' Bill of Rights (Cal. Const., art I, § 28), known as Marsy's Law, and the Penal Code give you important legal rights in a criminal case when you are the victim of a hate crime. Victims of hate crimes and hate incidents may also be entitled to civil remedies through the civil courts[i] under the Ralph Civil Rights Act (Civ. Code, § 51.7), and the Tom Bane Civil Rights Act (Civ. Code, § 52.1).

- **The right to payment for your losses.** In a criminal case, you can seek and secure restitution to pay for your property losses, medical expenses, including reimbursement for the reasonable costs of counseling, lost wages, and other losses. In a civil case, the court may also grant an order to reimburse you for actual losses, in addition to non-economic losses, such as emotional distress. A civil court may order the person who harmed you; the defendant, to pay you exemplary or punitive damages, to pay your attorneys' fees if you hired a lawyer to help with your civil case, and/or to pay you $25,000 for violating your civil rights.
- **The right to share your story.** In a criminal case, you can tell the court how the crime impacted your life before the defendant is sentenced.
- **The right to information about the criminal case.** You are entitled to receive specific information about the criminal case from the prosecutor, including but not limited to the following information: (1) the arrest of the defendant; (2) the charges filed; (3) the conviction, sentencing, and/or incarceration of the defendant; and, if applicable, (4) the scheduled release date of the defendant. You may also request to receive reasonable notice of public proceedings and parole or other post-conviction release proceedings.
- **The right to get help from the court for safety.** The court can issue orders that could help you, such as a criminal or civil protective or restraining order to protect you, your known immediate family, or your domestic partner from further acts of violence, threats, stalking, or harassment by the defendant, including an order to keep the defendant away from you.
- **The right to privacy regarding your immigration status.** If you are a victim or witness to a hate crime, law enforcement may not detain you for any actual or suspected immigration violation, or report you to federal immigration authorities, unless you are charged with or convicted of committing certain crimes under state law. California law prohibits law enforcement authorities from asking individuals, including those who are reporting or are victims of potential crimes, about their immigration status. However, individuals seeking to obtain a U visa (Visa for a crime victim) or a T visa (Visa for a human trafficking victim), may wish to provide information about their immigration status to law enforcement authorities to be certified for a U visa or T visa.

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i Only the government can prosecute criminal cases. Punishment in criminal cases may include, but is not limited to, jail time, fines, or other penalties or conditions in lieu of jail time. In contrast, civil cases can be filed by individuals, entities, or the government. Civil cases resolve disputes concerning civil laws and a lesser burden of proof applies than in criminal cases. Going to jail is not a consequence in civil cases.

Where to find help:

- **Contact 911 or go to a local hospital if you need immediate medical attention. To file a report, contact your local law enforcement agency.**

- ***CA vs. Hate* Resource Line and Network**
  CA vs. Hate is not a law enforcement reporting line but you can report hate crimes and incidents at (833) 866-4283 or report on-line at https://stophate.calcivilrights.ca.gov/s/. Reporting will stop the normalization of hate in our communities, and ensure impacted individuals get help. *CA v. Hate* also provides access to culturally competent resources and support for communities and victims.

- **California Attorney General's Office Victims' Services Unit**
  The Victims' Services Unit offers crime victims and their families support at every stage of the criminal process. For more information call (877) 433-9069 or visit oag.ca.gov/hatecrimes.

- **California Civil Rights Department (CRD)**
  The CRD is the state agency charged with enforcing the Ralph Civil Rights Act. If you have been a victim of a hate crime or hate incident, you can file a complaint with CRD against the person who harmed you. For more information on how to file a complaint, visit Calcivilrights.ca.gov/complaintprocess, or call (800) 884-1684 (Toll Free) or (800) 700-2320 (TTY).

- **Local District Attorney's Office**
  The Mendocino County District Attorney's Office has a Victim/Witness Services Unit that works directly with the California Victim Compensation Board to help victims. For information on a local office and resources, visit victims.ca.gov/victims/localhelp.aspx.