



KNOW YOUR RIGHTS AND PROTECTIONS UNDER HATE CRIMES LAWS

- **Know what signs to look for if you are a victim of crime.** Did the crime happen at an event or gathering such as a parade or demonstration, or on a date that is significant, such as a religious holiday or the anniversary of an historical event? Did the offender use slurs or make any derogatory comments about your personal characteristics like race, gender, sexual orientation, religion, or perceived immigration status?
- **You have the right to not be a victim of crime based on your actual or perceived identity or support for people of that identity.** You may be the victim of a hate crime if you have been targeted because of your actual or perceived: physical or mental disability; sex and gender including gender identity and gender expression; nationality, including immigration status, citizenship status, or place of birth; race or ethnicity; religion; or sexual orientation.

In this context, a victim includes, but is not limited to, a person, family, or group, as well as any member of a community that shares an identity and uses a shared building or facility, like a house of worship, meeting hall, community center, or even a public or private institution that serves that community, and can also include non-members of these communities who happen to be victims of a crime motivated by bias directed at that community. A threat of violence, where the person making a specific threat appears capable of carrying out the threat, may be a hate crime.

- **You have the right to file a report with local law enforcement.** If you believe you may have been the victim of a hate crime or witnessed a hate crime, you should report it to local law enforcement right away and you have the right to do so without sharing your immigration status. It is critical to ensure law enforcement have the information necessary to conduct an investigation.
- **You have the right to participate in and be informed about the criminal case resulting from a hate crime in which you were the victim.** In a criminal case, you have a right to tell the court how the crime impacted your life before the defendant is sentenced. You are also entitled to receive specific information about the criminal case from the prosecutor, including, but not limited to, the following: (1) the arrest of the defendant; (2) the charges filed; (3) the conviction; (4) sentencing, and/or incarceration of the defendant; and, (5) if applicable, 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.
- **You have the right to seek a protective order or restraining order to provide protection against further harm.** Once criminal charges are filed under any criminal statute, hate crime victims have the right to a court order prohibiting any additional harassment during the pendency of the criminal proceeding. Even without any criminal charges, you can seek a restraining order. For more information, please visit <https://selfhelp.courts.ca.gov/protective-orders> or your local California court self-help center <https://selfhelp.courts.ca.gov/self-help/find-self-help>.
- **You have the right to obtain a U or T visa certification.** You have the right to obtain a U or T visa certification. If you are the victim of a hate crime or a cooperating witness in a hate crime investigation, You do not have to answer questions from law enforcement about your immigration status, unless that information is necessary to certify a U or T visa. If you are the victim of or a witness to a hate crime, law enforcement also may not detain you for any actual or suspected immigration violation, or report or turn you over to federal immigration authorities, unless you are charged with or convicted of committing a crime under state law.
- **You have the right to seek restitution for monetary losses related to a hate crime.** In a criminal case, you as the victim have the right to seek and secure restitution to pay you for your property losses; medical expenses, including reimbursement for the reasonable costs of counseling; lost wages; and other losses.

- **You have the right to seek restitution or civil damages in civil court even if the incident does not qualify as a crime.** A hate incident differs from a hate crime because no criminal violation has occurred. Examples of this can include name calling, insults, slurs, epithets so long as these actions do not rise to the level of a criminal threat. If you have been the victim of a hate incident you may still be entitled to file a claim against the individual. A civil court may order the person who harmed you to reimburse you, pay you exemplary or punitive damages, pay your attorneys' fees if you hired a lawyer to help with your civil case, and/or pay you civil penalties or money damages for violating your civil rights. You can talk to a lawyer (for free) about your rights by contacting the California Civil Rights Department: [Calcivilrights.ca.gov/complaintprocess](https://calcivilrights.ca.gov/complaintprocess); (800) 884-1684 (Toll Free); (800) 700-2320 (TTY).
- **You have the right to help your community prevent and respond to hate.** Community coordination is critically important to prevent and respond to hate. Many communities have local human relations commissions, anti-hate networks, or coalitions designed to foster dialogue and prepare for events that could trigger hate incidents or crimes. Ideally, these groups include law enforcement as well as advocacy and social services organizations. You can also attend city council, county board of supervisor, school board, and other local government public meetings to make sure your voice is heard on this critical subject.

HATE CRIMES HELP RESOURCES

- California Attorney General's Victims' Services Unit: (877) 433-9069 or oag.ca.gov/hatecrimes
- California Victim's Compensation Board: victims.ca.gov/victims/localhelp.aspx
- California vs. Hate Resource Line and Network: 833-8-NO-HATE; (833) 866-4283 or <https://stophate.civilrights.ca.gov/s/>. Reports can be made online at any time or by phone Monday to Friday 9 a.m. to 6 p.m. A trained civil rights agent in over 200 languages are available to assist.
- California Civil Rights Department: <https://calcivilrights.ca.gov/ca-vs-hate-page/>

REPORT A COMPLAINT

- If you believe you have been the victim of a hate crime, report it to your local law enforcement agency.
- If you believe you have been the victim of a hate crime or hate incident, or were subject to discrimination, harassment or retaliation, report it to the California Department of Civil Rights at calcivilrights.ca.gov/complaintprocess/.