

Introduction

The Hayward Police Department, with its focus on Community Oriented Policing & Problem Solving, has developed this brochure to inform the citizens of Hayward about HATE CRIME and violence. We all have the legal right to live free from violence and/or threats of violence. It is important to know those rights and to have the knowledge and opportunity to exercise them. One of the most demoralizing aspects of HATE CRIME is that it is violence that is perpetrated against who people are, rather than what they have, what they have done, or where they happen to be. It strikes at the very heart of the victim's identity, causing not only fear but also a sense of powerlessness and degradation. Fear and intimidation promoted by HATE CRIME do not affect just one person; they act negatively on the entire community.

Hayward Police Department

Officers and staff at the Hayward Police Department spend many hours training to protect our citizens, to be sensitive to their needs, and to investigate crimes so that violators can be prosecuted. Officers rely on, and appreciate the courage and cooperation that it takes to report a HATE CRIME.

Definition

The Federal Bureau of Investigation (FBI) defines HATE CRIME as "Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, sexual orientation, or physical or mental disability with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States." These groups are referred to as "protected classes." Many acts of

violence fall under the category of HATE CRIME and are punishable by law. However, not all incidents of hatred are HATE CRIME. Verbal name calling alone, although offensive, is not a crime. Distribution of hate material in public places, the display of offensive hate-motivated material on one's property, and name calling accompanied by a viable threat of violence and the ability to carry out that threat is to be treated as a HATE CRIME.

Legal Options

1. Seek criminal prosecution:

When a penal code violation takes place, the Police Department and District Attorney's Office can assist you. You need to file a police report. There is an increased penalty if the accused is convicted of a HATE CRIME.

2. File a lawsuit against the violator:

Whether there is a criminal violation or not, if your civil rights have been violated the City Attorney, District Attorney, State Attorney General or private legal counsel can provide help. Some of the legal remedies available under the Ralph and Bane Civil Rights Acts include:

- Court order to protect you from further threats or acts of violence.
- Actual monetary damages and a \$25,000 fine against the attacker.
- Attorney fees.

Reporting

HATE CRIME is among the many types of crime which go under-reported each year because victims choose to remain silent. The law can protect its citizens only if victims report crimes and follow through with the prosecution of offenders.

1. Report the crime to the Hayward Police Department: 293-7000.
2. Write down exactly what was said and done: when where, and who was involved.
3. Leave any and all evidence in place until the police arrive.

4. Photograph the scene, if possible.
5. Contact a community group for support and/or advice. (See Referral Guide)

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.

Referral Guide

Afghan & International Refugee Service

(510) 782-6001 ▪ fax (510) 782-6372

27287 Patrick Ave., Hayward 94544

- Resource Center for refugees & immigrants
- Provides all social services

Anti-Defamation League

(415) 981-3500 ▪ fax (415) 981-8933

720 Market St. #800, San Francisco 94102

Asian Americans Together

(510) 272-6918 ▪ www.aatwebsite.org

P.O. Box 20941, Castro Valley 94546

- Develops awareness and understanding about Asian American issues in order to reduce racial hate violence and to provide mutual assistance in our community.

Community Resources for Independent Living (CRIL)

(510) 8881-5743 ▪ fax (510) 881-1593
TDD (510) 881-0218 ▪ E-mail: cril@pacbell.net
439 A Street, Hayward 94541

- Empowers, supports & teaches skill to people with disabilities to access housing, benefits, peer support, attendant care, rights information, advocacy & self advocacy.

Community United Against Violence

(415) 333-4357 ▪ fax (415) 777-5565
160 14th Street, San Francisco 94103
▪ Works to end violence against and within Lesbian, Gay, Bisexual and Transgender communities; Multilingual crisis line; Speakers' Bureau.

Dept. of Fair Housing & Employment

1-800 884-1684 ▪ (510) 622-2941
1515 Clay St. Suite 701, Oakland 94612
▪ Investigates alleged discrimination of age, gender, race, sexual or religious orientation.

Gays & Lesbians Organized for Betterment & Equality (GLOBE)

(510) 538-9722 ▪ P.O. Box 56305, Hayward 94545
▪ Political action committee
▪ Fights for gay, lesbian & bisexual rights in southern Alameda County.

Hayward Human Services Commission

(510) 583-4227 ▪ 777 B Street, Hayward City Hall
▪ Seeks to arrive at voluntary solutions designed to discourage and to prevent any and all forms of recognized discrimination.

Intergroup Clearinghouse

(415) 775-2341 ▪ E-mail: stophatred@aol.com
1426 Fillmore St. Suite 216, San Francisco 94115
▪ Serves all communities in preventing & responding to hate violence of all types.
▪ Provides assistance with criminal justice process.

Jewish Family Services

(510) 704-7475 ▪ fax (510) 704-7494
www.jfcs-eastbay.org
2484 Shattuck Ave. Suite 210, Berkeley 94704
▪ Offers clinical programs to provide counseling and psychotherapy for seniors, children and couples.

La Familia

(510) 881-5921 ▪ fax (510) 881-592
E-mail: lfamilia@ix.net.com
26081 Mocine Ave. Hayward 94544
▪ Provides service & referrals to the Latino Community
National Association for the Advancement of Colored People (NAACP)
(510) 581-4111 ▪ 1218 B Street, Hayward 94541
▪ The oldest civil rights organization in the world.

Victims Witness Program

(510) 272-6180 ▪ fax (510) 208-9565
1401 Lakeside Drive, Ste. 802, Oakland 94612
▪ Offers help with medical expenses, counseling, lost wages, as well as funeral & burial for victims of violent crime.

Youth & Family Services Bureau

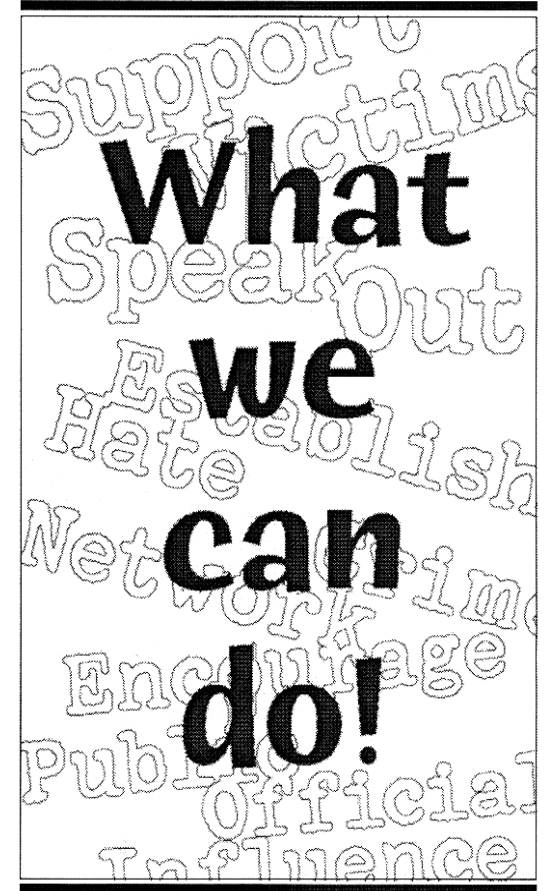
(510) 293-7048 ▪ Hayward Police Department
300 West Winton Ave., Hayward 94544
▪ Supports a one-time, free counseling & referral service to Hayward residents.



Dispatch: (510) 293-7000

Preventing Hate Crime

An Information and Referral Guide



HAYWARD POLICE DEPARTMENT

300 West Winton Avenue
Hayward, CA 94544-1137
Phone: (510) 293-7272
FAX: (510) 293-7183
TDD: (510) 783-8884