

THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.



HATE VIOLENCE & CIVIL RIGHTS

THE RALPH CIVIL RIGHTS ACT

forbids acts of violence or threats of violence because of a person's actual or perceived sex/gender, including pregnancy, childbirth, and related medical conditions, gender identity and gender expression, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, or position in a labor dispute (California Civil Code section 51.7).

These listed characteristics are merely examples and other bases for a discrimination claim under the Act are possible.

The acts forbidden by civil law may also be criminal acts and can expose violators to criminal penalties. The Ralph Civil Rights Act also forbids a person from requiring a waiver of the Act's protections as a condition of entering into a contract for goods or services, including the right to file a complaint or lawsuit or notify the Attorney General, DFEH, or prosecutor or law enforcement agency.

WHAT THE DFEH DOES

The Department of Fair Employment and Housing (DFEH) enforces the California civil laws that prohibit hate violence by:

- ① Investigating complaints;
- ② Prosecuting violations of the law; and
- ③ Educating Californians about the laws prohibiting hate violence, human trafficking, harassment, and discrimination by providing written materials and participating in seminars and conferences

WHAT TYPE OF ACTS ARE FORBIDDEN UNDER CALIFORNIA LAW?

California law forbids verbal or written threats, physical assault or attempted assault, graffiti, and vandalism or property damage. Other California laws establish criminal penalties for acts that include disturbing a group of people gathered to worship; vandalizing a place of worship or a building owned and occupied by a religious educational institution; attempting to discourage religious activities by threats of violence; or, using a bomb or arson to cause a person to fear for his/her personal safety in places of worship or on any private property if the property was targeted because of the owner's or occupant's race, color, religion, ancestry, or other protected bases.

HOW DO THESE LAWS HELP VICTIMS?

These laws provide civil remedies for persons who have been victims of acts of violence or threats of violence because of race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

Available civil remedies include:

- Restraining Orders
- Actual Damages
- Punitive Damages
- Civil Penalties
- Attorney Fees

There are several steps one can take to exercise the rights provided by these laws.

EXAMPLES OF HATE VIOLENCE

Under the Ralph Civil Rights Act, it is unlawful to:

- 1 Interfere by force or threat of force with a person's constitutional rights because of that person's actual or perceived membership in a protected group
- 2 Willfully disturb a group of people gathered to worship on the basis of their religion
- 3 Attempt to discourage religious activities by threats of violence
- 4 Damage a person's property because of that person's actual or perceived membership in a protected group
- 5 Vandalize a place of worship or building on the basis of actual or perceived membership in a protected group
- 6 Assault a person on the basis of that person's actual or perceived membership in a protected group
- 7 Advocate unlawful violence against any person on the basis of that person's actual or perceived membership in a protected group, where that advocacy is directed to inciting or producing imminent lawless action and is likely to produce such action

WHAT DO I DO IF I BELIEVE I AM A VICTIM OF HATE VIOLENCE?

- You may use this flyer. Show it to an attorney, the police, or governmental agencies when you contact them about the problem.
- Report any violent threat or act to the police. Be sure to explain the connection between the violent threat or act and the characteristic (race, sex, age, disability, sexual orientation, etc.). Remember that this connection can be based on your characteristic or that of a group or individual with whom you are associated.
- You may file a complaint. A complaint may

be filed with DFEH, in court, or with another governmental agency, such as the local police department, district attorney, or the California Attorney General.

CIVIL REMEDIES

- 1 Restraining orders: after a restraining order is obtained from a court, violators of that order can be fined or jailed
- 2 Actual damages: these damages include the cost of medical treatment, lost wages, property repair, or payment for emotional suffering and distress
- 3 Punitive damages: a court can order additional damages to punish violators
- 4 Civil penalties: a court may order a fine of \$25,000, which would be awarded to the person filing the complaint
- 5 Attorney's fees: a court may order payment of the attorney's fees resulting from the lawsuit

HOW DO I GO ABOUT FILING A COMPLAINT IN CALIFORNIA?

A DFEH complaint must be filed within one year from the date the victim becomes aware of the perpetrator's identity, but in no case more than three years from the date of harm. An attorney is not required and there is no fee for the Department's services. Be prepared to present specific facts about the complaint and provide copies of documents that support the charges in the complaint.

A complaint may be filed with DFEH, in court, or with another governmental agency, such as the police department, district attorney, or the CA Attorney General. A private lawsuit can be filed under California Civil Code section 52 to enforce the Ralph or Bane Civil Rights Acts.

FILING A COMPLAINT

If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

FOR MORE INFORMATION

Department of Fair Employment and Housing

Toll Free: (800) 884-1684

TTY: (800) 700-2320

Online: www.dfeh.ca.gov

Also find us on:

