



NEWS FROM

OFFICE OF THE CITY ATTORNEY

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Contact: Karen Boyd, Communications Director
(510) 238-3148

OAKLAND CITY ATTORNEY RENEWS PROMISE TO PUNISH HATE CRIMES

Oakland, CA—In response to mounting concern nationwide about the potential for hate crimes stemming from the war in Iraq, Oakland City Attorney John Russo issued a reminder that the City of Oakland will vigorously prosecute hate crimes under California civil code, and when appropriate will refer complaints to the District Attorney for criminal prosecution.

The objective of the City Attorney's Hate Crimes Program is two-fold:

1. To send the message that Oakland is proud of its diversity and will not tolerate hate or violence
2. To provide the community with a place to report hate crimes and the informational support to do so.

The Office of the City Attorney has established a toll-free, confidential Hate Crimes Hotline—**866-4-NO-HATE**—for witnesses or victims to report hate crimes. A poster declaring that “Oakland is a hate-free zone” is available to hang in stores, schools and public places to advertise the hotline and send the message that hate crimes are illegal and will be punished.

“It comes as no surprise that hate crimes often go unreported. Victims are fearful, and they may not know where to turn for help,” said City Attorney Russo. “In the Office of the City Attorney, we are committed to do our part to stop hate and violence in our community, and to provide people with the resources and support they need to report these acts of cowardice. The City of Oakland is proud to be a model for the nation as a community standing together, united against hate and violence.”

The Office of the City Attorney punishes hate crimes under California Civil Code sections 52 and 52.1, which provide authority for the City Attorney to bring a civil action for violations of state and federal civil rights laws, including violations of the law that involve hate crimes. Under these provisions, the City Attorney may obtain **civil penalties of \$25,000 for each incident**, injunctive and equitable relief, and attorney's fees.

Using California civil law to punish hate crimes allows the City of Oakland more flexibility in pursuing perpetrators, as the burden of proof requires demonstrating a “preponderance of evidence” rather than proving “beyond a reasonable doubt,” as required in a criminal case prosecuted by the District Attorney.

Hate crimes are acts of violence, threats or intimidation toward any person on the basis of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, position in a labor dispute, or because another person perceives them to have one or more of these characteristics.