

Legal Briefs

News You Can Use from the City of Oakland Office of the City Attorney

Legal Briefs is a series of essays by City Attorney John Russo to update the community on key projects, major initiatives and important legal developments in the Office of the City Attorney.

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OAKLAND LAUNCHES POWERFUL CAMPAIGN TO PUNISH HATE CRIMES

By John A. Russo, City Attorney, City of Oakland

In the aftermath of the brutal and devastating attacks of September 11th, city leaders vowed that Oakland—a community proud of its rich diversity—would not tolerate discrimination, hatred or racial divisiveness.

Nevertheless, since September 11th several Oakland residents have complained that they have been subjected to harassment, intimidation, threats, and other forms of illegal discrimination. Their concern is that they are being targeted because they are thought to be of Middle Eastern ancestry. Many of our residents and business owners have expressed similar concern that they will be subjected to danger and discrimination as U.S. military intervention continues in Afghanistan.

In response, the Office of the City Attorney has developed a campaign to punish those who commit hate crimes. The approach is unique: Oakland is the first city in the state to use California civil code sections 52 and 52.1 to sue on behalf of our residents who have been victimized by a hate crime as a violation of state and federal civil rights laws. Under these provisions, the City Attorney may obtain civil penalties of \$25,000 for each incident plus attorney's fees.

Under California law, 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.

It comes as no surprise that hate crimes often go unreported. Victims are fearful, and they may not know where to turn for help. To make it easier for witnesses or victims to report hate crimes, the Office of the City Attorney has established a toll-free, confidential **Hate Crimes Hotline (1-866-4-NO-HATE)**.

To publicize the hotline, the Office of the City Attorney has distributed thousands of posters to shops, restaurants and businesses citywide. The poster has a clear message: **Oakland is a hate-free zone**. It proclaims this sentiment in 12 languages -- Arabic, Vietnamese, Hindi, Tagalog, Farsi, Spanish, Chinese, Turkish, Urdu, Hebrew, Khmer and Punjabi.

This program is headed by Deputy City Attorney Maria Bee, who managed the Hate Crimes Unit in the San Francisco District Attorney's Office prior to coming to Oakland. A seasoned litigator, she will oversee a panel of private attorneys in partnership with the Alameda County Bar Association and civil rights attorneys groups.

The hotline is staffed by trained legal professionals who screen and process calls. If there is sufficient basis to file a lawsuit, the case would, in most instances, be given to an outside attorney who, in cooperation with the City, would jointly prosecute the offender in the name of the City of Oakland and the victim. In cases where there was a criminal offense, the Alameda County District Attorney, Tom Orloff, has committed to pursue criminal prosecution.

The Office of the City Attorney is committed to doing our part to eliminate the hate and violence resulting from the September 11th attack and the war against terrorism. In launching this program, Oakland can be a model for the nation as a community standing together, united against hate and ignorance.

You can view the Hate Crimes poster on our web site at www.oaklandcityattorney.org. To obtain a copy, call Karen Boyd, Communications Director, at (510) 238-3148.