

# Hate Crimes and Civil Rights: Reporting and Resources

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# Overview

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- Hate crimes v. civil rights violations
- Government and law enforcement agencies in Colorado responsible for investigating and prosecuting hate crimes and civil rights complaints



# OBJECTIVE

Differentiate between a hate crime and a civil rights violation

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# OBJECTIVE

Understand what kinds of issues may be potential civil rights violations and where to report it



# HATE CRIMES AND CIVIL RIGHTS 101

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# What is a hate crime?

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A criminal offense against a person or property motivated in whole or in part by an offender's bias against a person's actual or perceived race, color, religion, national origin, sexual orientation, disability, gender or gender identity



# What is a hate crime?

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## Key concepts:

- Violence or the threat of violence
- Damage to property (Colorado law only)



# Criminal v. Civil

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## Remedies (result):

- Criminal – Prison term/probation and restitution
- Civil – Money damages to victims and changes to policies





# Civil Rights 101

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- What do we mean by “civil rights”?
- Protected categories
  - Race and color
  - National origin
  - Sex
  - Age
  - Disability
  - Retaliation



# Civil Rights 101

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## Issues not covered

- General harassment or “unfair” treatment
- Disputes unrelated to any of the protected categories
- Violations of program requirements, state law, internal regulations, BUT
  - May be covered if related to a protected category
  - Pattern and practice issues may be covered
- Immigration law



# Thought Experiment

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A Vietnamese friend comes to you and says that she was in the grocery store and a man who was also shopping took off his mask, spit on the ground, said that she was a “disease” and told her to go back to China.

Civil or Criminal?



# CIVIL RIGHTS LAWS ENFORCED BY THE DEPARTMENT OF JUSTICE

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# Disability Discrimination



- Americans with Disabilities Act ([www.ADA.gov](http://www.ADA.gov))
- State and local government
  - Employment
  - Buildings
  - Programs
  - Activities



# Public Accommodations: Disability

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- Covers most private businesses that serve the public
- Includes physical accessibility but also accessibility for services and programs



# Housing Discrimination



- Fair Housing Act prohibits discrimination because of race, color, sex, religion, disability, or familial status
- What is familial status?



# Housing Discrimination



- Fair Housing Act
- Rent, buy, sell
- Terms and conditions of housing





# Education Discrimination

- Discrimination prohibited in K-12 schools and colleges: race, color, national origin, sex, and disability
- Harassment and bullying



# English Language Learners

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- Districts must take appropriate action to ensure that limited English proficient students can participate equally in their education
- Districts should have policies and procedures to ensure meaningful communication with parents



# Public Accommodations: National Origin, Race, Color and Religion

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- Hotels
- Restaurants
- Places of entertainment (theaters, amusement parks, stadiums)
- NOT retail stores



# Discriminatory Policing and Law Enforcement Practices



- Pattern or practice of:
  - Excessive force
  - Discriminatory profiling because of race or national origin



# Institutionalized Persons

- Pattern or practice of violating constitutional rights in:
  - Prisons
  - Juvenile correctional facilities
  - Nursing homes
  - Mental health facilities



# Federally Assisted Programs

- Programs that receive federal funding cannot discriminate on the basis of:
- Race, color, or national origin, which includes language



# Language Access



- Meaningful access for LEP persons
  - Federally funded (Title VI)
  - Federally conducted (Exec. Orders)
- Interpretation and translation

[www.lep.gov](http://www.lep.gov)



# Thought Experiment

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**Name all of the types of private businesses we just discussed where DOJ might have jurisdiction over your civil rights complaint.**





# WHO CAN I REPORT TO?



# Where to report: Hate Crimes

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- **Local law enforcement**
- Agencies with dedicated hate crimes units:
  - Denver DA
  - Denver PD
  - Boulder DA
  - 18<sup>th</sup> Judicial District DA (Douglas and Arapahoe)



# Where to report: Hate Crimes

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## FBI

- Works with local law enforcement agencies
- Statewide and nationwide coverage
- Colorado has strong hate crime law
- Referral to U.S. Attorney's Office



# Where to report: Hate Crimes

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**FBI**

**8000 East 36th Avenue**

**Denver, CO 80238**

**(303) 629-7171**



# DOJ Civil Rights Division

Administrative Management

Appellate

Federal Coordination and Compliance

**Criminal**

Disability Rights

Educational Opportunities

Employment Litigation

Housing and Civil Enforcement

Immigration and Employee Rights

Policy and Strategy

Special Litigation

Voting



# Where to report: Discrimination/Civil Rights

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Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/youth/what-laws-does-eeoc-enforce>

<https://publicportal.eeoc.gov/Portal/Login.aspx>

950 17th Street, Suite 300

Denver, CO 80202

1-800-669-4000



# Where to report: Discrimination/Civil Rights

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U.S. Department of Education  
Office for Civil Rights (Ed.-OCR)

<https://www2.ed.gov/about/offices/list/ocr/faqs.html>

<https://ocrcas.ed.gov/>

1244 Speer Blvd., Suite 310  
Denver, CO 80204  
(303) 844-5695



# Where to report: Discrimination/Civil Rights

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U.S. Department of Health and Human Services  
Office for Civil Rights (HHS-OCR)

<https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html>

<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

1961 Stout Street, Room 08-148  
Denver, CO 80294  
(800) 368-1019





# Where to report: Discrimination/Civil Rights

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U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity (FHEO)

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_op/fair\\_housing\\_rights\\_and\\_obligations](https://www.hud.gov/program_offices/fair_housing_equal_op/fair_housing_rights_and_obligations)

<https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>

1670 Broadway  
Denver, Colorado 80202  
(303) 672-5437



# Where to report: Discrimination/Civil Rights

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Denver Metro Fair Housing Center (DMFHC)

<https://www.dmfhc.org/>

3280 Downing St., Suite B

Denver, CO 80205

(720) 279-4291



# Where to report: Discrimination/Civil Rights

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Colorado Civil Rights Division (CCRD)

<https://ccrd.colorado.gov/>

<https://socgov07-site.secure.force.com/ColoradoCivilRights/>

1560 Broadway, Suite 825  
Denver, CO 80202  
(303) 894-2997



# Where to report: Discrimination/Civil Rights

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U.S. Attorney's Office for the District of Colorado

[www.justice.gov/usao-co/civil-rights-enforcement](http://www.justice.gov/usao-co/civil-rights-enforcement)

[usaco.civilrights@usdoj.gov](mailto:usaco.civilrights@usdoj.gov)

1801 California Street, Suite 1600

Denver, CO 80202

(303) 454-0285



# Thought Experiment

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Which of the civil investigative agencies that were just mentioned is a state as opposed to a federal agency?

EEOC

HHS-OCR

HUD-FHEO

Ed.-OCR

CCRD

DOJ



# REPORTING: THINGS TO CONSIDER

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# Get ready to report

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- Criminal or Civil?
- The more detail and specificity, the better
- How does my complaint relate to one of the protected categories?
- What evidence do I have to support my claim?
- What is the scope of my claim?



# Get ready to report

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- Administrative v. Litigation
- Exhaustion
- Statute of limitations
- Concurrent jurisdiction





# Get ready to report

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When in doubt, report it!

- It's free
- Doesn't hurt anyone
- It's our job to evaluate your complaint



# Contact Information

**Zeyen Wu**  
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**for the District of Colorado**  
**1801 California Street, Suite 1600**  
**Denver CO 80202**  
**Phone: (303) 454-0100**

[www.justice.gov/usao-co/civil-rights-enforcement](http://www.justice.gov/usao-co/civil-rights-enforcement)

[usaco.civilrights@usdoj.gov](mailto:usaco.civilrights@usdoj.gov)

