Hate Crimes and Civil Rights: Reporting and Resources

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Overview

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



Differentiate between a <u>hate crime</u> and a <u>civil rights violation</u>



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



HATE CRIMES AND CIVIL RIGHTS 101



What is a hate crime?

A criminal offense against a <u>person or</u> <u>property</u> 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?

Key concepts:

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



Criminal v. Civil

Remedies (result):

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



Civil Rights 101

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



Civil Rights 101

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

A Vietnamese friend comes to you and says that she was in the grocery store and a man who was also shopping took of 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



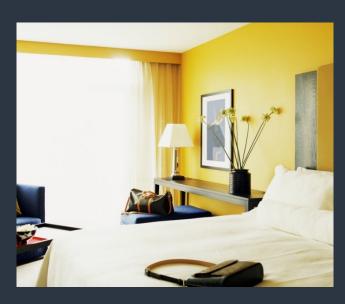
Disability Discrimination



- Americans with Disabilities Act (www.ADA.gov)
- State and local government
 - Employment
 - Buildings
 - Programs
 - Activities



Public Accommodations: Disability



- 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



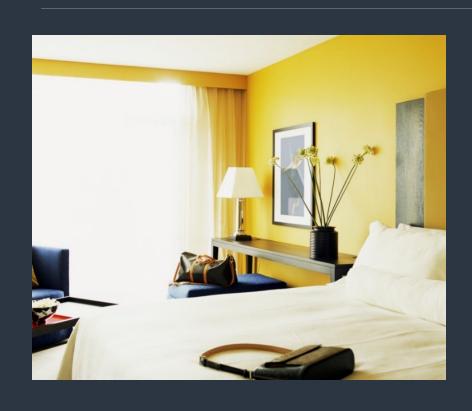


English Language Learners

- 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



- 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

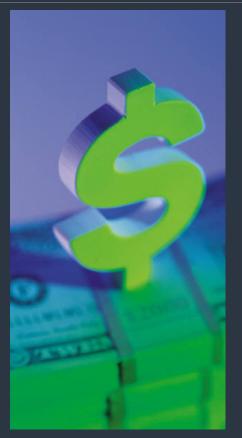
- Pattern or practice of violating constitutional rights in:
 - Prisons
 - Juvenile correctional facilities
 - Nursing homes
 - Mental health facilities





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



Thought Experiment

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

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



Where to report: Hate Crimes

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

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





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



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



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



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_opp/fair_housing_rights_and_obligations

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

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

Denver Metro Fair Housing Center (DMFHC)

https://www.dmfhc.org/

3280 Downing St., Suite B Denver, CO 80205 (720) 279-4291



Colorado Civil Rights Division (CCRD)

https://ccrd.colorado.gov/

https://socgov07site.secure.force.com/ColoradoCivilRights/

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



U.S. Attorney's Office for the District of Colorado www.justice.gov/usao-co/civil-rights-enforcement usaco.civilrights@usdoj.gov

1801 California Street, Suite 1600 Denver, CO 80202 (303) 454-0285



Thought Experiment

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

EEOC

HHS-OCR

HUD-FHEO

Ed.-OCR

CCRD

DOJ



REPORTING: THINGS TO CONSIDER



Get ready to report

- 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

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



Get ready to report

When in doubt, report it!

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





Contact Information

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