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FREQUENTLY ASKED QUESTIONS



Do I need a private attorney to file a complaint with the Office of the Attorney General?

A. No. Individuals may submit a complaint to our office in writing on their own behalf.



Can I pursue a criminal action at the same time that I file a complaint with the Civil Rights Division?

A. Yes. If the Civil Rights Division determines that it will pursue a case, it will work with the local police department and the District Attorney's Office.



Do I have to testify in court to obtain an injunction?

A. Generally, no. Often we are able to obtain a preliminary injunction with only written statements under oath from victims. You may need to testify at a final trial, however, if that occurs.



Does the Civil Rights Division handle individual claims for damages for violation of the MCRA?

A. The Civil Rights Division does not have the authority to pursue damage claims for violation of the MCRA. We refer such claims to the Massachusetts Bar Association at (617) 542-9103 and the Lawyers' Committee for Civil Rights at (617) 482-1145.

HOW TO FILE A COMPLAINT

The Office of the Attorney General's Civil Rights Division is located at One Ashburton Place, 19th Floor, Boston, Massachusetts 02108. The office is open from 8:30 a.m. to 5:30 p.m. We can be reached at (617) 727-2200 (V) or 727-4765 (TIY). In order for this office to evaluate your claims properly, we request that all complaints be submitted in writing to the above address. If, due to a disability, you seek an accommodation in filing a complaint, you may call the above number(s) for assistance. This brochure is also available in alternate formats.

REGIONAL OFFICES

Western Massachusetts

1350 Main Street, 4th Floor
Springfield, MA 01103
(413) 784-1128

Central Massachusetts

One Exchange Place
Worcester, MA 01608
(508) 792-7600

Southeastern Massachusetts

105 William Street
New Bedford, MA 02740
(508) 990-9700

YOUR RIGHTS



Under the

Massachusetts CIVIL RIGHTS ACT



The Office of
Attorney General Thomas F. Reilly
One Ashburton Place
Boston, MA 02108
617.727.2200
www.ago.state.ma.us
March 2004



March, 2004

Dear Friends:

As Attorney General and the chief law enforcement officer of the Commonwealth, I believe that one of my most important responsibilities is the enforcement of the Massachusetts Civil Rights Act (MCRA). The MCRA protects your right to walk our streets, use our public parks, attend our schools, live peacefully in our homes, and enjoy other basic rights, free from bias-motivated threats, intimidation, coercion and violence. In this country, and in this state in particular, these rights are fundamental and are at the heart of our safety, welfare and freedom. We will pursue legal action against those who deprive others of their civil rights through intimidation, threats, coercion or violence.

This pamphlet outlines some of your civil rights under Massachusetts law. Please take the time to read it carefully.

Wherever we see injustice, I believe it is the duty of all of us to stand up and confront it. If you believe that your rights or those of a family member have been violated, or if you want further information, please contact the Civil Rights Division of my office.

Sincerely,

Thomas F. Reilly

THE MASSACHUSETTS CIVIL RIGHTS ACT

The Massachusetts Civil Rights Act (MCRA) was established to protect the rights of all citizens and visitors to Massachusetts against hate crimes. Under the MCRA, an individual may obtain an injunction if he or she is the victim of threats, intimidation or coercion on the basis of his/her protected category (race, religious creed, national origin, age, gender, sexual orientation, or disability); or protected activity (for example, the right to vote or the right to associate).

An injunction is a legally enforceable civil order issued by the court that prohibits a perpetrator from committing certain actions. A violation of a civil injunction is a criminal offense and can subject the perpetrator to two and one half years in a house of correction or, if bodily injury results, to ten years in state prison.

AN INJUNCTION WILL . . .

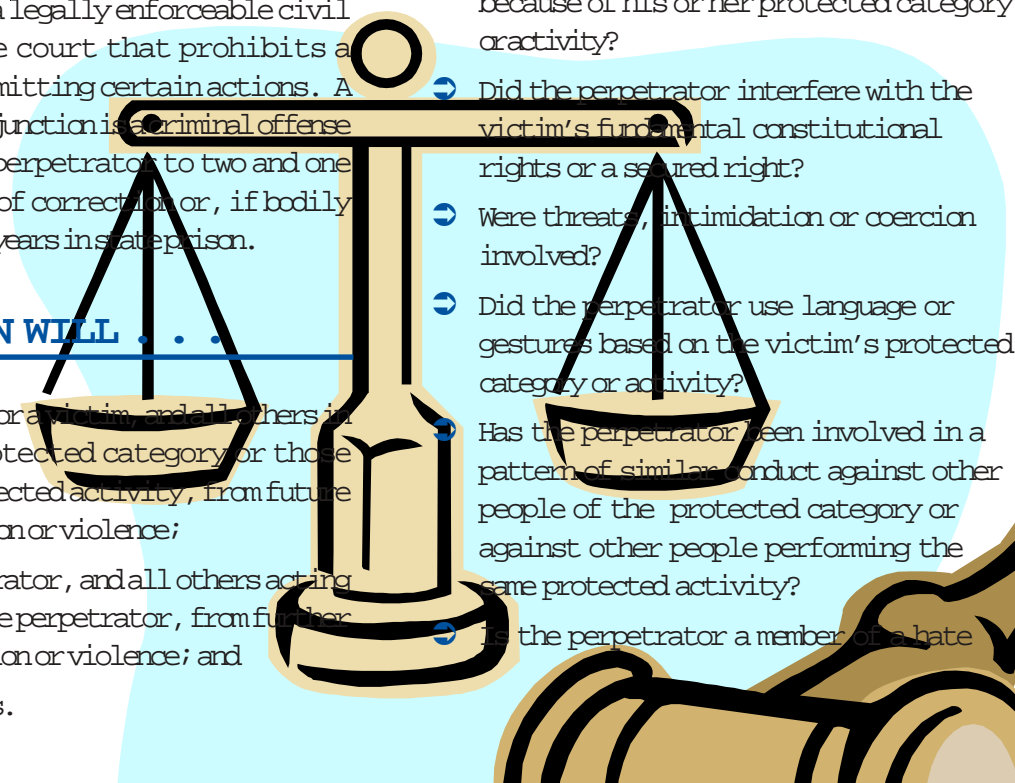
- Order protection for a victim, and all others in the victim's protected category or those performing a protected activity, from future acts of intimidation or violence;
- Prohibit a perpetrator, and all others acting in concert with the perpetrator, from further acts of intimidation or violence; and
- Apply to juveniles.

AN INJUNCTION WILL NOT. . .

- Punish a perpetrator for past actions; or
- Bring monetary relief to the victim.

QUESTIONS TO ASK IF YOU THINK THAT YOUR RIGHTS MAY HAVE BEEN VIOLATED

- Did the perpetrator select the victim because of his or her protected category or activity?
- Did the perpetrator interfere with the victim's fundamental constitutional rights or a secured right?
- Were threats, intimidation or coercion involved?
- Did the perpetrator use language or gestures based on the victim's protected category or activity?
- Has the perpetrator been involved in a pattern of similar conduct against other people of the protected category or against other people performing the same protected activity?
- Is the perpetrator a member of a hate



REMEMBER !



You should contact your local police department immediately if you feel you have been a victim of a civil rights violation.