

HATE CRIMES: A QUICK INFORMATION SHEET FOR SOUTH ASIANS

Q: What is a hate crime?

A: A hate crime is a criminal offense committed against individuals and/or property, motivated in whole or in part by bias against actual or perceived race, color, religion, gender, gender identity, sexual orientation, disability, national origin, or ethnicity. It can include both physical violence and harm along with slurs or statements. An act that is motivated by bias or hate but does not involve a physical act of violence is sometimes referred to as a “bias incident.”

Q: Why do hate crimes occur?

A: Hate crimes begin with stereotypes and generalizations about a particular group (e.g. “immigrants are taking away our jobs”). These generalizations then turn into prejudices, which can lead to acts of discrimination. Bias incidents and hate crimes against South Asians are often motivated by stereotypes related to job acquisition, immigration status, English speaking ability, religious faith, connections to 9/11, and perceived disloyalty to America.

Q: Are there laws against hate crimes?

A: In some cases, federal and state laws can protect victims of hate crimes. The current federal law is narrow and applies only in limited situations, such as those involving bodily injury or, through the use of a “firearm, dangerous weapon, or an explosive or incendiary device,” attempts to cause bodily injury. The federal law, the Matthew Shepard and James Byrd Hate Crimes Prevention Act, provides a minimum standard for criminal offenses, but states may have individualized laws that allow for heightened prosecution locally. A criminal law or hate crimes expert or a community-based organization (*see below for local and national contacts*) should be able to help you figure out whether a certain offense falls under the kinds of crimes covered by these laws.

Q: What should I do if I am a victim of a hate crime?

A: There are a number of steps you can take and resources you can consult such as:

- Seek mental and physical care, as necessary (make sure to keep records of medical care you receive)
- Report the incident to local police. If you decide to do this, you should try to report the crime as soon as possible, so that police can conduct a thorough investigation quickly. Local police are required to investigate after you file a complaint. If you do report the crime, make sure to report all aspects of the incident (including slurs and comments made by the perpetrators) that lead you to believe that you were singled out on the basis of your actual or perceived race, color, religion, gender, gender identity, sexual orientation, disability, national origin, or ethnicity (or any additional basis if specified under state law). You may want to consult with a community-based organization to assess your options and to receive assistance (*see below for local and national contacts*).

- Consult with an attorney regarding civil court options. In addition to criminal prosecution of perpetrators (which is handled by state or federal agencies), you may have a basis for a civil suit against the perpetrators of the crime. There are usually time limits on how long after the incident a person has to file a suit, so you should contact a lawyer soon to assess your case. You should be careful to hire a lawyer with experience in these kinds of cases.
- Engage community-based organizations to assist with outreach, media and public education when appropriate.

Q: What happens if local or federal law enforcement conducts an investigation?

A: If the police find that a hate crime occurred (after interviewing witnesses and potential suspects), then the state may press hate crimes charges against the perpetrators (in addition to the underlying criminal charges). If you or the local police believe that the crime could also be prosecuted under a federal law, the local Federal Bureau of Investigation (FBI) office may also get involved. After the investigation has been completed, state and/or federal authorities may bring charges against the perpetrators of the crime.

Q: What if I am undocumented – what happens if I contact law enforcement?

A: It depends. It is possible that law enforcement may ask about immigration status and report those without status to the federal immigration enforcement agency. If you have any concerns, it is best to speak with an immigration law expert first. Some of the organizations below may also be able to help assess your options.

Q: What makes a hate crime “worse” than any other crime?

A: In a hate crime, the perpetrator is directing his or her anger at the characteristics represented by the intended target rather than the individual victim. As a result, the intended target as well as the group or characteristic represented by the victim are threatened. These characteristics can vary from race, ethnicity, and religion to immigration status, sexual orientation, and disability. For example, shortly after September 11th, many South Asians and Arab Americans, including Sikhs and Muslims, were harassed and assaulted for perceived connection with terrorists or terrorism.

Q: What can community members and organizations do to address and prevent hate crimes and bias incidents?

A: Community members and organizations can take a range of actions including:

- Provide support to hate crimes survivors who may need counseling, health care, legal assistance, and economic resources
- Help hate crimes survivors navigate various law enforcement agencies that may take action regarding the incident
- Identify whether and how media should be contacted
- Provide opportunities within schools and universities, community centers, and places of worship to address issues of discrimination and bias
- Conduct community safety trainings in case of an emergency and ensure that all community members are aware of their rights and the resources that exist in the community (see the Anti-

Defamation League's [manual on community safety](#) and the Council on American-Islamic Relations' [Muslim community safety kit](#))

- Meet with local, state, or federal elected officials to inquire about their engagement regarding hate crimes in South Asian communities

Q: Are there organizations that might be able to assist me?

A: There are many agencies and organizations nationally and in your area who may be able to help you. Below are some examples:

Asian American Legal Defense and Education Fund (AALDEF)

99 Hudson Street, 12th floor
New York, NY 10013
Tel: (212) 966-5932
Fax: (212) 966-4303
Email: info@aaldef.org
Website: www.aaldef.org

American-Arab Anti-Discrimination Committee (ADC) (National Office)

1990 M Street, NW, Suite 610
Washington, DC 20036
Tel: (202) 244-2990
Fax: (202) 333-3880
Email: adc@adc.org
Website: <http://www.adc.org/>

Anti-Defamation League (National Office)

605 Third Avenue
New York, NY 10158
Website: <http://www.adl.org/>

Council of American-Islamic Relations (CAIR)

453 New Jersey Avenue, SE
Washington, DC 20003
Tel: (202) 488-8787
Fax: (202) 488-0833
Email: info@cair.com
Website: www.cair.com

Counselors Helping (South) Asian/Indians (CHAI)

Tel: (443) 615-1355
Email: raziakosi@chaicounselors.org
Website: www.chaicounselors.org

Human Rights Campaign

1640 Rhode Island Avenue, N.W.
Washington, DC 20036
Tel: (202) 628-4160

Fax: (202) 347-5323
Website: <http://www.hrc.org/>

Japanese American Citizens League (JACL) (National Headquarters)

1765 Sutter Street
San Francisco, CA 94115
Tel: (415) 921-5225
Fax: (415) 931-4671
Website: www.jacl.org

Muslim Public Affairs Council (MPAC)

110 Maryland Ave. N.E. Suite 210
Washington, D.C. 20002
Tel: (202) 547-7701
Fax: (202) 547-7704
Email: hatecrimes@mpac.org
Website: www.mpac.org

NAACP

4805 Mt. Hope Drive
Baltimore, MD 21215
Tel: (877) NAACP-98
Website: www.naacp.org

Sikh American Legal Defense and Education Fund (SALDEF)

1012 14th Street, N.W., Suite 450
Washington, DC 20005
Tel: (202) 393-2700
Fax: (202) 318-4433
Email: info@saldef.org
Website: www.saldef.org

The Sikh Coalition (National Office)

50 Broad Street, Suite 1537
New York, NY 10004
Tel: (212) 655-3095, ext. 83
Fax: (212) 208-4611
Email: info@sikhcoalition.org
Website: www.sikhcoalition.org

South Asian Americans Leading Together (SAALT)

6930 Carroll Avenue, Suite 506
Takoma Park, MD 20912
Tel: (301) 270-1855
Fax: (301) 270-1882
Email: saalt@saalt.org
Website: www.saalt.org

South Asian Network

18173 S. Pioneer Blvd, Suite I

Artesia, CA 90701

Tel: (562) 403-0488

Fax: (562) 403-0487

Email: saninfo@southasiannetwork.org

Website: www.southasiannetwork.org

UNITED SIKHS

JAF POB 7203

New York, NY 10116

Phone: 1-888-243-1690

Fax: 1-810-855-4264

Email: unitedsikhs-usa@unitedsikhs.org

Website: <http://www.unitedsikhs.org/index.php>