

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 race, religion, gender, 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 [examples include stereotypes such as “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, state and federal laws can protect victims of hate crimes. The current federal law is very narrow and applies only in limited situations. 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:

- Seeking 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 race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. 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*).
- 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 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 do not have immigration status – 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:

- Providing support to hate crimes survivors who may need counseling, health care, legal assistance, and economic resources
- Helping hate crimes survivors navigate the various law enforcement agencies that may take interest in the incident
- Identifying whether and how media should be contacted
- Providing opportunities within community centers and places of worship to address issues of discrimination
- Ensuring that all community members are aware of their rights and the resources that exist in the community

Q: Are there organizations that might be able to 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

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

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

National Association for the Advancement of Colored People (NAACP)

4805 Mt. Hope Drive

Baltimore, MD

Tel: (877) NAACP-98

Website: www.naACP.org

Sikh American Legal Defense and Education Fund (SALDEF)

1413 K Street, NW, 5th Floor

Washington, DC 20005

Tel: (202) 393-2700

Fax: (202) 318-4433

Email: info@saldef.org

Website: www.saldef.org

The Sikh Coalition

396 Broadway, Suite 701

New York, NY 10013

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 400 L
Takoma Park, MD 20912
Tel: (301) 270-1855
Fax: (301) 270-1882
Email: saalt@saalt.org
Website: www.saalt.org

South Asian Health Initiative (SAHI)

Center for Immigrant Health & Center for the Study of Asian American Health
NYU School of Medicine
550 First Avenue, OBV C&D 402
New York, NY 10016
Tel: (212) 263-8246
Fax: (212) 263-8234
E-mail: sahi@med.nyu.edu
Website: <http://www.med.nyu.edu/sahi/>

South Asian Mental Health Awareness of Jersey (SAMHAJ)

1562 Route 130
North Brunswick, NJ 08902
Phone: (732) 940-0991
Fax: (732) 940-0355
E-mail: info@naminj.org
Website: www.naminj.org

South Asian Network

18173 S. Pioneer Blvd
Suite I, 2nd Floor
Artesia, CA 90701
Tel: (562) 403-0488
Fax: (562) 403-0487
Email: saninfo@southasiannetwork.org
Website: www.southasiannetwork.org

Turning Point for Women and Families

P.O. Box 670086
Flushing, NY 11367
Phone: (718) 883-9400
Email: info@turningpoint-ny.org
Website: www.turningpoint-ny.org