

HATE CRIMES: A COMMUNITY-WIDE IMPACT

Hate crimes are often described as acts that affect not just the individual targeted, but the entire community to which the individual belongs. This factsheet provides basic information about hate crimes¹.

Q: *What is a hate crime?*

A: A hate crime is a criminal offense committed against individuals or against property. A crime becomes a "hate crime" under state or federal law depending on the basis on which it was committed, how and where it occurred, and the impact on the victim.

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.

Balbir Singh Sodhi
1949-2001

On the morning of September 15th, 2001, Balbir Singh Sodhi, a Sikh man in Mesa, Arizona, was planting flowers in front of his gas station in memory of the victims of September 11th. As he was kneeling down, he was shot and killed by Frank Roque. When he was apprehended, Roque shouted: "I'm an American! I'm a damn American all the way! Arrest me! Let those terrorists run wild!" Roque shot Sodhi because his appearance and turban were characteristics that he associated with those responsible for the 9/11 attacks. The hate crime sent shock waves throughout the Sikh community. In *Turbans and Terror: Racism after September 11*, Valarie Kaur recounts her experience interviewing one of Mr. Sodhi's nephews, who has dreams about the murder and begs his own father not to wear his turban to work, saying "I don't want what happened to *Vaday Papa* to happen to you." Clearly, the hate crimes after September 11th have affected not only the victims, but the entire community to which they belong.

¹ Information for this piece was gathered from the following sources:

The Federal Bureau of Investigation (www.fbi.gov/hq/cid/civilrights/civilrts.htm)

The Anti-Defamation League (www.adl.org)

The National Asian Pacific American Legal Consortium (www.napalc.org)

Turbans and Terror: Racism After September 11th, (accessed at www.911prejudice.stanford.edu/editorial.htm)

We Are Not the Enemy: Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim After September 11th, Human Rights Watch (2002) (accessed at www.hrw.org/reports/2002/usahate/)

Q: *What is the difference between a bias/hate incident and a hate crime?*

A: A bias incident is an act that is motivated by bias or hate but does not involve a physical act of violence. A hate crime on the other hand includes both physical violence and harm along with slurs and/or statements.

Q: *Why do hate crimes occur?*

A: As reflected in the diagram produced by the University of Washington Intergroup Dialogue Education and Action (IDEA) Training and Resource Institute, 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, and disloyalty to America.

Q: *Are there laws against hate crimes?*

A: Yes. There are federal laws that address certain types of hate crimes². The current federal laws make it a crime to commit certain bias-motivated acts against individuals or property. It is important to note that a perpetrator's act based on bias against the victim's sexual orientation and disability is not considered a hate crime under current federal laws, and that in order to fall into the category of a hate crime, the victim must have been engaging in a "federally-protected activity" [such as voting or serving on a jury, for example].

Many states also have hate crime laws³ (sometimes called malicious harassment laws). Most states and the District of Columbia have hate crime statutes that provide for additional penalties such as increased sentences (i.e., adding years to a sentence).

There have been efforts in Congress to pass stronger hate crimes legislation that would enable law enforcement to more actively and effectively investigate and prosecute hate crimes; extend the basis of motivation to sexual orientation, age, disability and gender; and would remove the restriction that the victim must have been engaged in a "federally protected activity" when the crime occurred.

²Federal laws prohibit the use of or threat of use of force based on race, religion, and national origin when one is engaging in certain activities (including using public accommodations such as a motel or restaurant; enrolling in a public school or college; or traveling across state lines, among others); the damage to religious property or interference with a person's free exercise of religious beliefs; conspiracy by individuals to intimidate victims from exercising their civil rights; and discriminatory acts by government officials acting in their official capacities. For more information, please visit the FBI's Civil Rights page at <http://www.fbi.gov/hq/cid/civilrights/statutes.htm> or the Criminal Section (in the Civil Rights Division at the Department of Justice) at www.usdoj.gov/crt/crim.

³ Visit www.adl.org for state by state breakdowns of hate crimes laws.

Q: *Should there be a South Asian community response to hate crimes?*

A: A hate crime does not distinguish between religions, countries of origin, immigration status, or socioeconomic status when it is based on a broad characteristic such as race. To the perpetrator, all South Asians – regardless of race, religion, nationality or immigration status – look the same. That is why it is important for all South Asians to respond to and address hate crimes when an incident occurs to any one of us.

For example, in Dallas, Texas, a gunman shot and killed a Pakistani man [Waqar Hassan] and an Indian man [Vasudev Patel], and attempted to kill a Bangladeshi man [Raishuddin Bhuiyan] shortly after September 11th. The perpetrator did not make distinctions between these South Asians based on their religion or nationality.

Q: *How many hate crimes generally occur in the country?*

A: The number changes annually. In 2003, the Federal Bureau of Investigation (FBI), which is responsible for reporting hate crime statistics annually, found that over 5,500 hate crimes against persons and 3,139 crimes against property were reported⁴. Of this number, **racial bias** motivated more than half of the single-bias offenses reported, with religious bias and sexual orientation being the next two bases of motivation. Reports of simple and aggravated assault comprised a significant number of the reported hate crimes.

Q: *Has the South Asian community historically been the target of hate crimes?*

A: The South Asian community has been the target of hate crimes for decades. In the late 1980s, a gang called the “Dotbusters” vowed to inflict harm upon South Asians in Jersey City. Kaushal Sharan and Navroze Mody were two of the victims of the “Dotbusters.”

In 1998 and 1999, the National Asian Pacific American Legal Consortium, an organization that compiles data on anti-Asian violence, reported that South Asians comprised the Asian ethnic group with the highest number of reported incidents of violence. In 1999, 52 reported incidents involved South Asians; in 1998, 42 reported incidents involved South Asians⁵. Two of the hate crimes survivors during that period are Rishi Maharaj [a teenager who was beaten on the street in Richmond Hills, Queens by three men telling him to “get out of our neighborhood”; the men received sentences for assault]; and Sandip Patel [who was shot and paralyzed from the neck down during a shooting rampage in Pittsburgh which left a Jewish woman, an African American, and one South Asian murdered.

As a result of the backlash surrounding the events of 9/11, South Asians were targeted for murders, assaults and ethnic slurs. South Asians reported property damage and vandalism to restaurants and convenience stores, and to mosques, gurdwaras and temples. A report produced by SAALT entitled

⁴ *Hate Crimes Statistics 2003*, Federal Bureau of Investigation (November 2004) <http://www.fbi.gov/ucr/03hc.pdf>

⁵ See *Challenging the Invisibility of Hate: 1999 Audit of Violence Against Asian Pacific Americans; The Need for Increased Commitment to Reporting and Community Education: 1998 Audit of Violence Against Asian Pacific Americans*. www.napalc.org

American Backlash found that 645 incidents of bias or violence against South Asians and Arab Americans were reported in the one week after September 11⁶. According to the report, South Asians were involved in 81% of the reported incidents, with Sikhs making up more than half of the total.

Since the first week of September 11th, the reported incidents of violence only increased, resulting in at least five murders and numerous incidents of assault and property damage. The FBI reported a **1600 percent** increase in the number of anti-Muslim hate crimes between 2000 and 2001.⁷

While hate crimes related to September 11th have been on the decline, their frequency has not fully abated. In February 2005, police in Ceres, California announced that they would be charging the perpetrator of a hate crime against Manjit Singh, a postal carrier who was brutally beaten by a man affiliated with a white supremacist organization.

Q: Why are South Asians targeted by hate crimes and bias incidents?

A: The reason that South Asians were targeted during the backlash after September 11th is clear: the perpetrators of violence associated South Asians (especially Sikhs and Muslims) with the terrorists who committed the heinous acts against our country. Generally, hate crimes tend to occur when a community is seen as being the cause of social or economic problems; or when a community moves into a neighborhood that has only been populated by individuals of a particular race or ethnic background.

Q: What should a victim of a hate crime do?

A: A victim should first report a hate crime to local police and ensure that the police report identifies the crime as a hate crime. The police will then begin an investigation. If the victim (or local police) believes that the crime could also be prosecuted under a federal law, it is important to contact the local FBI office⁸ as well. After the investigation has been completed, state and/or federal authorities may bring a case in court to try the perpetrators of the crime.

Q: Are hate crimes usually reported to appropriate law enforcement?

A: Not always. Hate crimes don't get reported for many reasons. Many people, especially recent immigrants, are unfamiliar with our country's legal process or the justice system and don't know how to report a hate crime or that they have legal rights. Individuals who are undocumented may be afraid of calling attention to their immigration status by reporting a crime. Still others may not be proficient in English and may have trouble understanding what their rights are. Finally, many immigrants are distrustful of law enforcement or the government in general and may be afraid to report; this has especially been the case in today's post 9/11 climate, in which many immigrants fear that reporting hate crimes may lead them into investigations regarding their immigration status or ties to terrorist activities.

⁶ For a free download of the report, please visit www.saalt.org.

⁷ *Hate Crime Statistics (2001)*, Federal Bureau of Investigation (<http://www.fbi.gov/ucr/01hate.pdf>)

⁸ Please check <http://www.fbi.gov/contact/fo/info.htm> for a list of the FBI's field offices.

RECOMMENDATIONS AND SUGGESTIONS:
ADDRESSING AND PREVENTING HATE CRIMES/BIAS INCIDENTS

Our community and other stakeholders, including law enforcement, the media, government agencies and elected officials, can take concrete actions to address hate crimes and bias incidents⁹:

Improve Community Policing and Responsiveness

- Law enforcement should be well-trained on how to identify and investigate bias-motivated crimes or incidents.
- Law enforcement should receive cultural sensitivity trainings that include components about the South Asian community so that police are able to start their work with South Asians from a place of commonality and understanding
- Law enforcement agencies should develop and distribute in-language educational materials about how, where, and to whom to report hate crimes; and conduct informational sessions with South Asian community members.
- Law enforcement should reach out to local leaders in the South Asian community to establish a dialogue well before hate crimes and bias incidents begin to occur.

Investigate, Prosecute, Publicize

- On the state and federal level, prosecutors should receive assistance and funding to enable effective investigations and prosecutions of hate crimes.
- Prosecutors should publicize any prosecution – whether or not successful – to the general public and the targeted community to send a message that the locality will not tolerate crimes motivated by hate.

Track and Monitor Hate Crimes and Bias Incidents

- All local, county, state, and federal law enforcement agencies should cooperate with the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) program and report all hate crimes in their area.
- Community leaders should develop mechanisms to track and monitor hate crimes [via websites, databases, etc]; this information should then be communicated to local authorities with the victim's

⁹ These steps are based on recommendations from Anti-Asian Violence Audits (developed by the National Asian Pacific American Legal Consortium, and Human Rights Watch).

cooperation.¹⁰ Community leaders should then remain in touch with local authorities to monitor the progress of the investigation.

Create Rapid Response Networks

- Community leaders should develop a rapid response network that is able to quickly respond to a hate crime or bias incident. The network should consist of representatives from law enforcement, local religious and cultural associations [who may receive first word about a local hate crime], journalists in the ethnic and mainstream press who cover the community's stories, representatives from local law enforcement, and representatives from social and legal service agencies.

Enable Community members to Report Hate Crimes

- Government officials [including the Mayor, Governor, city/state legislature, federal representatives] can enable community members to report hate crimes by sending "zero tolerance of hate crimes" messages to the general public and by encouraging the community to report crimes without fear. Policies that ensure that individuals will not be asked about their immigration status would also ease concerns among immigrant communities.
- Community leaders can encourage the community to report hate crimes by conducting educational forums at religious and cultural gatherings, and by making available in-language material about hate crimes.
- The media – especially South Asian ethnic press – should cover hate crimes in depth and run community educational articles on the importance of reporting them to raise community awareness.

Enact stronger laws to prevent Hate Crimes

- Strong laws that define hate crimes broadly [to include additional types of motivations for such crimes, for example] and that make it easier to investigate and prosecute them will lead to prosecutions of more hate crimes. This will send a message to the general public that committing a hate crime in the locality will result in serious legal repercussions. For example, the Local Law Enforcement Enhancement Act which would strengthen existing federal hate crimes law has been introduced in Congress for several years now but has failed to pass.
- Community members should familiarize themselves with pending federal legislation as well as their state laws, and advocate to strengthen them.

¹⁰ For example, the Sikh Coalition is one of many organizations that have websites with bias incident tracking mechanisms [www.sikhcoalition.org]; information collected by these websites was extremely helpful to advocates and government representatives after September 11th.