

# Centers for Educational Justice & Community Engagement (/)

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## What is a hate crime?

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**What is a hate crime?**

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## What is a hate crime?

"A criminal act or attempted criminal act against an individual or group of individuals because of their actual or perceived race, color, religion, ancestry, national origin, sexual orientation, gender, or disability."

LA County District Attorney's Office

A crime is an act deemed to be illegal, it becomes a hate crime when it is motivated by bias or prejudice against a person or people perceived to be a part of a group, and that is intended to induce fear, scare, terrify or cause psychological harm. Victims of hate crimes often continue to feel threatened long after an attack due to being targeted simply because of who they are. These crimes victimize everyone - individuals and our entire community.

On October 28, 2009, President Barack Obama signed into law the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. This measure expanded federal hate crime law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability.

The following activities are examples of crimes that qualify as hate crimes if motivated by the victim's actual or perceived group identity:

- Physically assaulting someone while using derogatory racial, sexual, etc. words
- Vandalism or "hate" graffiti directed toward a group where it will be seen by members of the

- targeted group, e.g. painting a swastika on a Jewish temple.
- Burning a cross on the lawn of a black couple.

## **What is the difference between a hate crime and hate speech?**

Hate speech is a controversial term for speech intended to degrade, intimidate, or incite violence or prejudicial action against a group of people based on their race, ethnicity, national origin, religion, sexual orientation, or disability; hate speech includes written as well as oral communication. An important difference to recognize is that Hate Crime doesn't always involve Hate Speech and Hate Speech in and of itself is not always a Hate Crime. For example, a group may use Hate Speech in an attempt to discriminate: protesters carrying signs that say "God Hates Fags," but this would usually not be a Hate Crime, because of freedom of speech laws. (<http://www.answers.com/topic/hate-speech> (<http://www.answers.com/topic/hate-speech>)).

## **What is a hate-motivated act and how does it differ from a hate crime?**

A "hate-motivated act" is any incident in which an action taken by a person or group is perceived to be malicious or discriminatory toward another person or group based on bias or prejudice relating to such characteristics as race, color, religion, national origin, ancestry, age, mental or physical disability, sexual orientation, gender, or gender identity or any situation in which inter-group tensions exist based on such group characteristics. Hate-motivated acts may be violations of criminal law, such as "hate crimes," or violations of civil law, such as unlawful discrimination in employment, housing, education or public accommodations. Adapted from stopbias.org (now defunct).

## **What should I do if someone I know was the target of a hate crime or hate-motivated act?**

The first thing to do is help them with any negative emotions they may be experiencing. For example try to delicately, reinforce that the incident was not their fault, by listening to them without judgment, and by expressing your support. Encourage the person to report the incident or seek medical attention or counseling if they need it. It can be very helpful to the person if you offer to go with them and help them along the way.

## **What if I think someone I know has committed a hate crime?**

We understand it can be a difficult decision to report a friend, but please keep in mind that no one has the right to violate another person. Consider your options: you can choose to do nothing, confront the person, or report the incident. Remember, you can always report the incident anonymously.

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