

HATE CRIMES

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California law defines a hate crime as a criminal act or credible threat of violence against a person or group of people in which the victims are targeted because of their actual or perceived race, color, religion, ancestry, national origin, gender identity, gender expression, sexual orientation or disability.

To charge someone with a hate crime, there must be evidence that bias, hatred or prejudice was a substantial motivating factor in the commission of the crime.

The following acts are examples of hate crimes under California law if the victim is a member or perceived to be a member of a legally protected group:

- Targeting a victim for any crime, including property crimes such as burglary or vandalism, because of their actual or perceived inclusion in a legally protected group
- Using force or threatening to use force to injure, intimidate or interfere with a person's exercise of constitutionally guaranteed rights and freedoms such as attending church or school, voting, moving freely in public places or being secure in one's home
- Defacing or damaging property to intimidate or interfere with a person's exercise of constitutionally guaranteed rights and freedoms
- Desecrating a religious symbol or displaying a swastika on another person's property with the intent to terrorize
- Vandalizing, burning or bombing a church, synagogue, mosque or other house of worship with the intent to terrorize
- Hanging a noose on another person's property, knowing it to be a symbol representing a threat to life and for the purpose of terrorizing the owner of the property including schools, parks and places of employment

- Association with a person or group with one or more of these actual or perceived characteristics

Free Speech or Hate Crime?

In our society, we sometimes encounter hateful words and behavior in the form of racial or ethnic slurs, religious insults or anti-gay messages posted on the internet, shouted out at political rallies or spoken in anger during a confrontation on the street, such as a road rage dispute. But such slurs, insults or hateful statements alone are not hate crimes.

Free speech is protected by the First Amendment of the United States Constitution, even when it may contain hateful or inflammatory ideas. So, while it may hurt and frighten people and communities, it is not a crime to speak or write words that advocate hate and bigotry. However, speech that includes a credible threat of violence against an individual or group is a crime.

Hate incidents are hate-motivated words or actions that do not rise to the level of a crime but are still offensive because the targeted person may feel victimized.

Prosecuting Hate Crimes

California has a number of laws that specifically apply to hate crimes. These offenses may be prosecuted either as misdemeanors or felonies depending on the severity of the act. Some crimes that are typically prosecuted as misdemeanors can be elevated to felonies if they are hate-motivated. Convictions for felony crimes in which hate was a substantial motivating factor can carry penalty provisions that add one to four years to the standard state prison sentence.



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NATHAN J. HOCHMAN
DISTRICT ATTORNEY



Helping Crime Victims Become Survivors

For Counseling Referrals



For Crisis Intervention



For Case Status Notification



For Emergency Assistance



For Restitution Assistance



For Court Escort



Victim Services

The District Attorney's Bureau of Victim Services is available in courthouses and police stations throughout the county to assist crime victims who suffered injury or were threatened with injury. Victim services representatives provide assistance and resources to victims to help keep them safe and counseling referrals to address the trauma of hate crime victimization.

In addition to helping victims obtain restitution, victim services representatives provide crisis-intervention services and necessary referrals to crime victims and their families; assist in requesting protective orders; guide crime victims through the court process; help arrange emergency shelter, food and clothing; and assist in filing for compensation through the California Victim Compensation Board.

Victims of violence or threats of violence with police reports on file may be eligible to receive compensation through the California Victim Compensation Board for qualifying losses and expenses related to the crime such as loss of wages and relocation, medical and counseling expenses.

Staff members are available to assist victims in various languages. Contact the Bureau of Victim Services at **(800) 380-3811**.

Information for Undocumented Victims and Survivors

Victims are not required to be in legal immigration status to request services. Under federal law, certain undocumented crime victims who have suffered substantial physical or mental abuse are eligible to apply for the U nonimmigrant status visa (U Visa). For a list of local nonprofit agencies that assist victims with the U visa and T visa application process, please visit da.lacounty.gov/victims/uvisa/uvisa-tvisa-assistance-agencies.

Reporting Hate Crimes

If you are a victim of or a witness to a hate crime, it is important that you report the crime to law enforcement. Call your local law enforcement for assistance. **If it is an emergency, immediately call 911.**

Dial **211** to report hate crimes, hate acts and incidents of bullying that have occurred within Los Angeles County, regardless of whether a crime has been committed.

Where To Find Help

Los Angeles County Commission on Human Relations
(213) 738-2788

Anti-Defamation League
(310) 446-2000

Asian Americans Advancing Justice
(213) 977-7500

Coalition for Humane Immigrant Rights of Los Angeles
(888) 6CHIRLA ((888) 624-4752)

L.A. Gay and Lesbian Center
(800) 373-2227

Muslim Public Affairs Council
(323) 258-6722

National Association for the Advancement of Colored People (NAACP)
(310) 397-1171

South Asian Network
(562) 403-0488

Los Angeles County District Attorney's Office
Bureau of Victim Services
da.lacounty.gov/victims

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