

What should you do if you witness a bias incident?

What if you witness a bias incident that does not amount to a crime?

It is important to record bias incidents for educational, informational and statistical purposes. Do not be frustrated if law enforcement personnel tell you that what you experienced was not a crime. We are interested in tracking hate incidents because hate-motivated attacks often occur in the same area where these incidents happen. Studying trends, may in turn, assist in preventing and solving crimes.

If you hear a person yelling racial or other bias slurs on a public street, on campus, or shopping malls, notify an authority. For example, you may contact a store or restaurant manager in close proximity. At a school or public building, notify security or the administration. Responding to insults yourself may provoke a physical attack against you.

If you find or receive racist flyers, notify your local law enforcement agency as soon as possible.

For more information on hate crimes visit sacda.org

Are hate crimes laws constitutional? Don't they interfere with free speech?

Hate crimes laws are constitutional. Both the U.S. Supreme Court and the California Supreme Court have ruled many times that these statutes are legitimate, lawful efforts to protect our communities.

Anti-bias laws aimed at criminal actions do not violate important free speech rights. The courts tell us that speech may not be protected when coupled with violent actions. For instance, yelling a slur at somebody and then hitting him, or threatening to hurt him, is a crime. However, dissemination of non-threatening racist flyers in public places, name-calling and other non-criminal conduct while offensive, it is not criminal.

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Hate Crimes Unit

Hate crimes against one member of our community is an assault on all of us. Those who target victims because of their race, ethnicity, religion, nationality, disability, gender or sexual orientation will be aggressively prosecuted.

District Attorney
Thien Ho

Sacramento County District Attorney's Office

sacda.org

MESSAGE FROM THIEN HO SACRAMENTO COUNTY DISTRICT ATTORNEY

The Sacramento County District Attorney's Office aggressively prosecutes hate crimes. Our office has an established Hate Crimes Unit, with specialized prosecutors to seek justice for victims. Our prosecutors work within the complex laws to make our community safer. We hold accountable those who commit these senseless crimes.

We continue to see an occurrence of hate crimes and incidents. It is important that law enforcement and community leaders work together to end these crimes. Our community members must feel safe to report, so these offenses can be investigated and successfully prosecuted.

In our efforts to obtain justice, our prosecutors work beyond the courtroom. Our office regularly attends community safety events and actively works to educate all sectors of our community. We believe that open communication and strong relationships are our best defense against hate.

The Sacramento District Attorney's Office will continue to fight hate crimes in our community and always be just.



SACRAMENTO COUNTY DISTRICT ATTORNEY'S HATE CRIMES UNIT

The Sacramento County District Attorney's Office recognizes the distinctive fear and stress typically suffered by victims of hate crimes, the potential for reprisal and escalation of violence, and the far-reaching negative consequences that hate crimes have on our community. The District Attorney's Office is committed to prosecute hate crimes aggressively through vertical prosecution by the Hate Crimes Unit within the Major Crimes Bureau.

If you have been a victim of a hate crime:

If you are seriously injured call 911 or get to the hospital immediately.

Whether or not you are injured, report the crime.

To help yourself, it is important to do at least some of these things:

- See a doctor to treat and document even minor physical injuries.

- Take pictures of any physical injuries or damages to property, even if the police did too.

- If the crime is vandalism, let the police see and photograph the damage before you clean and/or repair.

- If possible, get witnesses' names, addresses and telephone numbers.

- Write down as many facts about the incident as you can remember.

- Seek a therapist to assist with the emotional aspects of the attack. Our Victim Witness Unit can provide assistance.

- Learn the names of the police officers and prosecutors working on the case, and keep in touch with them.

- Get copies of police reports and check them for accuracy.

- Attend necessary court hearings, whether you are subpoenaed, including arraignment, bail review and sentencing.

WHAT IS THE DIFFERENCE BETWEEN A HATE CRIME AND A HATE INCIDENT?

What is a hate crime?

A hate crime is any offense committed against you or your property because of your race, ethnicity, religion, nationality, disability, gender or sexual orientation. Anybody can be a victim of a hate crime. White heterosexual males can be victims, as can African-American women. The language of the law is very broad and protect everyone, not any particular group.

To qualify as a hate crime, a criminal's bias must be a substantial factor in causing the criminal attack.

Also, it does not matter if you are a member of the group your attacker thinks you are, only that your attacker perceives you to be a member of that group. If someone hits you because he thinks you are Hispanic, but you are White or Native American, you are still a victim of a hate crime. If an attacker beats up your friend thinking your friend is gay, but your friend is straight, your friend is a victim of a hate crime. Law enforcement can prosecute the criminal for a hate crime without waiting for him to strike again.

What is a hate incident?

A hate incident is a bias motivated act that does not rise to the level of a hate crime. So, if someone uses a racial or other slur against another, it is probably not a hate crime, rather a hate incident. These occurrences are frightening, but are not criminal.

Want an attorney from our office to speak to your group of organization about hate crimes and hate incidents?

Fill out a Speakers Bureau form by visiting sacda.org and searching for Speakers Bureau.