



A GUIDE TO
RESPONDING TO AND REPORTING
HATE CRIMES AND BIAS INCIDENTS
AGAINST SIKH-AMERICAN COMMUNITIES

INTRODUCTION

Over the past few years the number of biased incidents and hate crimes targeting religious and minority communities has risen significantly. In this environment, Sikh American sangats across the United States have become more proactive in reporting acts of hate and bias to actively combat hate..

We know that it can be difficult to navigate through the governmental agencies and the legal system in order to get justice or help. At times, it can feel isolating and confusing, and maybe you do not know where to go for advice, let alone support.

This pamphlet was created to help you understand who to report the incident or crime to, what to report, what to expect, and how to find community support.

While the focus here is on governmental agencies and the legal system, know that you have different paths available to you to seek help. You can talk to a nonprofit organization or social services agency to get assistance with mental, financial, or legal needs. Both can also support people in deciding whether and where to report the incidents. A list of AAPI community-serving organizations is included at the end.

If you are a victim of a bias incident or a hate crime, you are not alone. We are here to help you. We hope the information provided here will help you take a step towards justice and healing.

STEPS TO RECOVERY

After experiencing a bias incident or a hate crime, you may react a certain way. Everyone reacts differently. There is no standard response or right way of coping with the aftermath of the incident or crime. The list provided is not an exhaustive list, but a short list of emotions you may be feeling.

Shock & Confusion

You may feel upset, emotional stress, irregular breathing, panic attacks, overwhelmed, emotionless, and drastic and sudden changes in your emotions.

What You Can Do: You are not alone. Everyone handles trauma differently. Get help, support, and give yourself time to heal.

Anger

You may feel angry at the incident or crime. You may feel anger towards the assailant or attacker. You may have hostile thoughts towards the assailant or attacker. You may feel violated.

What You Can Do: Feel your anger. Accept your anger. Hostile thoughts do not make you a bad person. You have every right to feel angry and upset. Allow yourself time to process the feeling and then you may want to talk to someone about what you are feeling.

Fear

You may feel scared about your physical safety, being alone, seeing your assailant or attacker, how others may perceive you.

What You Can Do: Immediately call 911 if you feel like you are not safe. Surround yourself with your loved ones, family, and friends to be there for you during this time.

Shame

You may feel humiliated or embarrassed, ashamed of what has happened.

What You Can Do: YOU DID NOTHING WRONG. Let us say it again, YOU DID NOTHING WRONG. This was not your fault. Take one step at a time. Speak to people who may understand the pain you are feeling.

These are all common reactions. Experiencing different emotions and feelings is part of the healing process. You do not have to forget about what happened or feel like you cannot talk to people about what has happened. You are not alone. Your local community center and the AAPI community are here to provide you with information to get the help you need.

WHY SHOULD I REPORT?

If you are or know of a victim of a bias incident or hate crime, the next step after the incident is to report it to either law enforcement or local community groups. Different entities will provide different support as described below.

It is important to report these incidents and crimes because not only can it help you get the support and help you may need, but it also sends a message that absolutely NO acts of hate are tolerated. Reporting bias incidents and hate crimes further helps the community obtain the necessary resources to better support its members by addressing these attacks based on hate. By reporting, these organizations can find the right resources and people to help you heal and fight for justice. The burden is not on you to find the right avenues to share your story. Contact your local church, teachers, and community members to help you navigate. If you are a witness, bystander, and/or ally to someone who is a victim of an incident or crime, this information is also relevant for you to help the victim find resources in their communities.

Please note it is not required for you to report to law enforcement. Therefore, if you want to receive either financial support or mental support without law enforcement getting involved, there are other organizations where you can share your story.

Reporting the incident or crime is not easy, but you are not alone. As mentioned before, take it one step at a time. Both bias incidents and hate crimes are important. In the next section, we will discuss the difference between bias incidents and hate crimes. It is important to understand the difference in order to know to whom you should report the act.

WHAT IS A BIAS INCIDENT?

An intentional or unintentional verbal, physical, or visual act committed against a person motivated by bias. This is different from a hate crime because no criminal acts are involved. Bias incidents do not involve violence, threats, or property damage.

SIMPLE DEFINITION

A bias incident is someone harassing you for who you are and/or because of who they think you are.

LEGAL DEFINITION

A bias incident is an act of prejudice that may be motivated by another person's race, color, disability, religion, national origin, sexual orientation, gender, or gender identity. Bias incidents can be verbal, physical, or visual. Bias incidents do not involve violence, threats, or property damage.

DEPARTMENT OF JUSTICE DEFINITION

Acts of prejudice that are not crimes and do not involve violence, threats, or property damage.

Examples:

- Name-calling; using racial, ethnic, and/or other slurs to identify Someone; and/or using degrading language.
- Verbal, written, or gestural hate speech and/or harassment.
- Selectively avoiding physical conduct with a person due to their race or ethnicity.
- Creating racist and/or derogatory images/drawings that do not result in property damage.
- Distribution of materials with hate messages in public places.
- Imitating someone with a disability or imitating someone's cultural norm or practice.
- Bullying someone for who they are.

WHAT IS A HATE CRIME?

A violent act committed against a person motivated by bias. These incidents do involve violence and can include murder, assault, arson, vandalism, or threats to commit said crime.

SIMPLE DEFINITION

A violent crime motivated by hate because of who you are and/or because of who they think you are

LEGAL DEFINITION

A hate crime is a crime committed and motivated by bias against another person's race, color, disability, religion, national origin, sexual orientation, gender, or gender identity. The "crime" in hate crime is often a violent crime, including murder, assault, arson, vandalism, or threats to commit said crime.

DEPARTMENT OF JUSTICE DEFINITION

At the federal level, it is a crime motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. FBI Definition: Criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

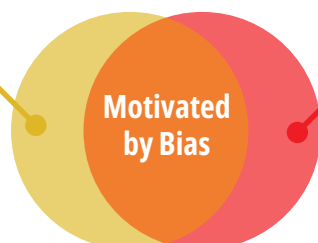
It is important to note that not all states have statutes to protect against hate crimes. Arkansas, South Carolina, and Wyoming currently do not have hate crime laws. Additionally, some states provide more resources and additional protections compared to others, thus, it varies where you live.

BIAS INCIDENT VS. HATE CRIME

BIAS INCIDENT

Bias + Non-Criminal Act

A bias incident is someone harassing you for who you are and/or because of who they think you are.



HATE CRIME

Bias + Criminal Act

A violent crime motivated by hate because of who you are and/or because of who they think you are.

TYPE OF BIAS	EXAMPLE
Religious Bias: Identity/Appearance	A Sikh man in Bronx, New York, was wearing a turban while waiting for the bus. A group of young men came up to him and called him a “dirty raghead.” Then, they started beating him with fists and legs, and knocked off his turban. The Sikh man had several wounds, including a broken rib and scars on his face.
Religious Bias: Attack on a Place of Worship	A man started a fire in the men’s bathroom of the Nashville gurdwara. The next day, surveillance video captured the man returning to the Nashville gurdwara. Soon after his arrival, a much larger fire broke out in the langar hall, causing significant damage and forcing dozens of people to evacuate. Investigation revealed that the offender had been seen in a nearby neighborhood posting fliers in the park telling all followers of foreign religions to leave America.
Anti-Immigration Status	A Sikh man in San Francisco, California, was walking on a street when he was confronted by a man who told him, “Go back to your country!” Then, he proceeded to attack the Sikh man with a crowbar and fled the scene.
Race	In a parking lot next to a UPS store, a Sikh male was attacked by a man with a wooden stick. The victim suffered severe wounds. Investigation revealed that the offender had exchanged racial insults with the victim in the UPS store. The offender initiated the exchange by stating that Indians were taking away jobs from Americans.
Disability	A senior home in Texas for persons with mental disabilities was the site of a reported attempted arson. The investigation found that the offender was repeatedly saying to the residents, “You crazies need to die!”
Ethnicity/National Origin	Two Sikh university students were speaking in Punjabi when another student deliberately shoulder-checked one of them. The attacking student said, “You are in America. Speak English.”
Color	Six South Asian men were assaulted by a group of white men for trespassing their “white” neighborhood.
Sexual Orientation	Five gay friends were walking out of a bar when a group of unknown men began to humiliate the gay men for their appearances. One of them went as far to punch one of the gay men, leaving him unconscious.
Gender	A woman had gone to a male’s locker room and fired numerous shots, injuring two and killing one man. It was later known that she had planned the attack because all her life she had a deep hatred for men because she felt rejected by the men in her life.
Gender Identity	A transgender woman was walking home when two guys began to follow her, yelling, “We do not want you in this town!” They proceeded to knock her to the ground.

FIRST AMENDMENT OF THE US CONSTITUTION

Hate itself is not a crime. Under the First Amendment of the U.S. Constitution, people cannot be prosecuted simply for their beliefs. Simply put, it is not a crime for someone to express their offensive beliefs. However, the First Amendment does not protect against committing a crime based on the person's offensive beliefs.

What does this mean to you as the victim? Regardless, WORDS MATTER. If someone says something that is derogatory or harasses you, it is harassment. It may not be a crime, but it may be offensive and hurtful, thus you can still report it.

BULLYING

Currently, there is no federal law that addresses bullying. However, bullying often overlaps with bias incidents or hate crimes. Online bullying, also known as cyberbullying, is another form of harassment. Thus, if you are a victim of cyberbullying, report the incident to your school district or contact the U.S. Department of Education's Office of Civil Rights and the U.S. Department of Justice's Civil Rights Division for further assistance.

Federal resources: www.stopbullying.gov/resources/laws/federal

SCHOOL OBLIGATIONS

According to federal requirements, when a school receives a complaint regarding harassment, they must take formal steps to investigate and resolve the situation.

- Take immediate and appropriate action to investigate or otherwise determine what happened.
- Inquiry must be prompt, thorough, and impartial.
- Interview targeted students, students or staff alleged to have engaged in harassment, and witnesses, and maintain written documentation of investigation.
- Communicate with targeted students regarding steps taken to end harassment.
- Check in with targeted students to ensure that harassment has ceased.
- When an investigation reveals that harassment has occurred, a school should take steps reasonably calculated to:
 - End the harassment,
 - Eliminate any hostile environment,
 - Prevent harassment from recurring,
 - As appropriate, remedy the effects of the harassment, and
 - Prevent retaliation against the targeted student(s), complainant(s), or witnesses.

REPORTING A HATE CRIME

Do I have to be a US Citizen to Report a Hate Crime?

No. The U.S. Attorney's Office, the FBI, and the local police respond to reports of hate crimes regardless of your citizenship status. There are protections for all immigration statuses, even if you are a refugee.

General Steps

1. Report the crime to your local police/law enforcement. Call 911 if you feel you are in danger or are hurt.
2. Get medical attention (if necessary).
3. Write down the exact words that were said.
4. Make notes about any other facts.
5. Save all evidence and take photos.
6. Get other victims' and witnesses' contact information. (Often, someone who witnesses the crime will do this. You can allow law enforcement to do this if you do not feel comfortable.)
7. Quickly follow up this report with the FBI by calling **1-800-CALL-FBI** or submitting the information at tips.fbi.gov. (You have the option to remain anonymous.)
8. Contact community organizations in your area, such as SALDEF, that respond to hate crimes.

Information to Gather and Report

If it can be done safely, record a video or audio recording and take photos. Write down what happened, where it happened, and when it happened.

- Target (Name, address, contact information)
- Description of Incident (Identify dates, times, locations, and the names of everyone involved, if possible.)
- Witnesses (Name, address, contact information)
- What about the incident makes you feel it is a hate crime? (Specific slurs, writings, etc.)
- Whom have you contacted? (Has the incident been reported and to whom?)

Please note, complaints filed are processed and may be referred to federal, state, or local law enforcement or regulatory agencies for possible investigation. Please inform them where you have previously reported the incident (church, school, etc.).

Example Report 1

IDENTITY/APPEARANCE:

A Sikh man in Bronx, New York, was wearing a turban while waiting for the bus. A group of young men came up to him and called him a "dirty raghead." Then, they started beating him and knocked off his turban. The Sikh man had several wounds, including a broken rib and scars on his face.

What the Sikh Man Did:

- He reported the crime to the New York Police Department.
- He got medical assistance in treating his wounds from the Lincoln Medical Center in the Bronx area. He informed the police that he was going to be at Lincoln Medical Center prior to commuting.
- With a journal that he had, he wrote down the exact remarks that he heard that were targeted toward him.
- He also made any other notes about what was going on. He talked to the owner of a dry cleaner's shop on the street and got video footage of the incident on the street.
- He gathered all the evidence and took pictures of the dirty marks on his turban, along with his wounds.
- He followed up by calling the FBI field office in New York and reporting the hate crime. He explained all the details that were given to the police department.
- He contacted SALDEF and communicated details that he gave to the police and the FBI. SALDEF will follow up with him soon on next steps.
- He contacted community organizations in the Bronx area that respond to hate crimes, and contacted the district attorney at that time to report and explain everything that happened, along with next steps.

Example Report 2

PLACES OF WORSHIP:

A man started a fire in the men's bathroom of the Nashville gurdwara. The next day, surveillance video captured the man returning to the Nashville gurdwara. Soon after his arrival, a much larger fire broke out in the langar hall, causing significant damage and forcing dozens of people to evacuate. Investigation revealed that the offender had been seen in a nearby neighborhood posting fliers in the park telling all followers of foreign religions to leave America.

What the Sikh Sangat Did:

- ☑ The Nashville sangat reported the crime to the Nashville Police Department over the phone.
- ☑ The sangat got medical attention for anyone that was hurt, injured, or wounded from the Tristar Medical Hospital, a local hospital in Nashville.
- ☑ While someone called, other individuals took note of any details at the scene or of the arsonist.
- ☑ The sangat collected video footage of the gurdwara and also got a copy of the flier from a nearby resident in the neighborhood.
- ☑ The sangat took pictures and kept notes of all the images of wounds, and the damage that the fire caused in the gurdwara and in the langar hall.
- ☑ The sangat called the FBI field office in Nashville and informed them of the hate crime. They also informed the FBI that the police department was on the scene of the crime.
- ☑ He contacted SALDEF and communicated details that they gave to the police and the FBI.
- ☑ The sangat contacted other community organizations in the Nashville area and in the downtown area that respond and deal with hate crime cases.
- ☑ The sangat spoke with the district attorney general of Nashville about what happened and possible next steps.

WHAT TO EXPECT

Reporting to Local Police/Law Enforcement (Criminal)

After you report the crime to law enforcement, the officers arriving first on the scene have a duty to learn as much as possible about the hate crime, the suspect and all witnesses. There could also be the potential of securing the crime scene to protect any evidence.

After the initial report by the responding officers, the case may be turned over to an investigator. You may be contacted and interviewed for further information. Be sure to keep a record of the different officers or investigators so that you can further ask questions later.

If there is enough evidence to arrest an assailant or attacker, that person may be arrested or a warrant for the arrest may be issued by a judge. Then the case will be turned over to a prosecutor.

The prosecutor is responsible for evaluating the case to determine if there is enough evidence to prosecute the suspect. If there is enough evidence, the prosecutor may file a complaint. You may be later called to testify or attend court proceedings.

Reporting with FBI Online (Non-criminal/Criminal)

After you report the incident or crime online to the FBI, they will send you a confirmation that the tip/

complaint has been officially filed. The FBI will contact you shortly with the next course of action. Should you not get a response within five (5) business days, please call the FBI at **1-800-CALL-FBI** and be sure to have your report number ready.

Reporting with School (Non-Criminal/Criminal)

According to federal requirements, when a school receives a complaint regarding harassment, they must take formal steps to investigate and resolve the situation.

- Take immediate and appropriate action to investigate or otherwise determine what happened.
- Inquiry must be prompt, thorough, and impartial.
- Interview targeted students, students and/or staff alleged to have engaged in harassment, any witnesses, and maintain written documentation of the investigation.
- Communicate with targeted students regarding steps taken to end harassment.
- Check in with targeted students to ensure that harassment has ceased.
- When an investigation reveals that harassment has occurred, a school should take steps reasonably calculated to:
 - » End the harassment
 - » Eliminate any hostile environment
 - » Prevent harassment from recurring
- As appropriate, remedy the effects of the harassment
- Prevent retaliation against the targeted student(s), complainant(s), and/or witnesses.

Reporting with the DOJ Community Relations Services (Non-Criminal/Criminal)

The U.S. Department of Justice - Community Relations Services provides the following services that assist to improve communities' abilities to solve, prevent and respond to bias incidents and hate crimes. You can learn more at their website: <https://www.justice.gov/crs>

RESOURCES

[Asian American Hate Crime Resource Guide](#)

[Link to Flowchart](#)