

**Asian Pacific Islander Legal Outreach - Anti-Asian Hate Crime Clinic**

**1121 Mission Street**

**San Francisco, California – 94103**

**(415) 567-6255**

**Anti-Asian Hate Incidents and Crimes**

**What are your legal rights? What can you do to protect yourself?**

1. **What is a hate crime? How is a hate “crime” different from a hate “incident”?**
	1. A “**hate crime**” happens when another person **willfully injures, intimidates, oppresses, threatens, or uses force to threaten you** because of your **race, ethnicity, gender, religion, nationality, sexual orientation and disability**.
		1. **Example 1**) You are walking down on Market Street. A person approaches you and hits your head while shouting, “You are Asian - go back to your country.”
	2. A “**hate incident**” is an **action or behavior motivated by hate but does not amount to a criminal act.**
		1. **Example 2)** You are walking down on Market street. A person comes near you and yells, “I hate you!.”
2. **What are causes and motivation of anti-Asian racial prejudice and hate crime?**
	1. Both hate crime and hate incidence towards the Asian American and Pacific Islander (AAPI) community is not a new phenomenon. Long simmering racial stereotype has been experienced by our diverse AAPI communities throughout the history of the United States.
3. **What should I do when I experience a hate incident or a hate crime ?**
	1. Safety First. Trust your instincts and assess your surroundings. If you feel unsafe, leave the area.
	2. Stay Calm. Take a deep breath, limit eye contact, and maintain neutral body language. Avoid confrontation.
	3. Find a Bystander and Ask them to Help. In a public space, ask a person next to you for help, OR, find someone in a position of authority (ex. Bus driver, storefront business owner, or cashier. Tell them, “That man in the blue shirt is harassing me. Please help me.”)
	4. Get medical help, if necessary. Make sure to get a medial report after receiving treatment.
	5. Write down any and all of the details of the crime as soon as possible after the incident.
	6. File a police report.
		1. Make sure to get the officer’s name and badge number.
		2. Make sure the officer writes up a report. Ask for a copy. Review it.
		3. If you believe that the crime was motivated out of hate toward your race/ethnicity, make sure the officer writes that down in the report.
		4. The officer will ask you the following questions:
			1. Where did this happen?
			2. When did this happen? What time?
			3. Do you remember what the perpetrator looked like?
			4. What did the perpetrator say? What did the perpetrator do?
			5. Write down the exact words that the perpetrator said to you.
	7. Build a Support Network. Talk to someone you trust.
4. **What legal rights do I have as a victim of hate crime? Is it important to speak with an attorney? The California Victim’s Bill of Rights, known as Marsy’s Law, provides you with important rights:**
	* 1. Get money for your losses. Apply for money to cover your property losses, medical expenses, lost wages, and other losses.
		2. If the District Attorney in your County presses hate crime charges against the perpetrator, ask for information about your case. It is your legal right to receive regular updates about your case.
		3. If the court decides that the perpetrator’s hate crime has violated your civil rights, the court may order the perpetrator to pay you $25,000 or more.
		4. California law prohibits law enforcement authorities from asking victims of potential crimes about their immigration status.
5. **Please contact the Asian Pacific Islander Legal Outreach’s (APILO) Hate Crime Legal Clinic if you have any questions about a potential hate crime. For example:**
	1. I think I experienced a hate incident. I am not sure what to do next.
	2. I need help with filing a police report about the hate crime/incident I experienced.
	3. How do I obtain a police report?
	4. How do I talk to the District Attorney’s Office about pressing charges?
	5. I do not feel safe talking to the District Attorney’s Office alone. Can an attorney help me?
	6. I cannot understand the information I received from the Victim Assistance Center. Can an attorney help me?

**For more information, please contact APILO/CA Attorney General’s Office(links)**

The State of California Department of Justice

The office of Attorney General Bob Bonta

<https://oag.ca.gov/hatecrimes>

Hate crime informational materials are available in Korean, Vietnamese, Tagalog, Cantonese, Japanese.

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