

Hate Crime Basics



Hate crimes (also called "bias" crimes) are motivated by prejudice against the victim's actual or perceived identity or membership in a particular group. Hate crimes include vandalism as well as assault.

Hate crimes often involve the use of weapons such as hammers, baseball bats, golf clubs or boots and excessive force. Many attacks involve multiple injuries and often multiple perpetrators. A hate crime can be a "copycat" crime where the perpetrator gets the idea for committing a specific crime based on stories from the media or from peers.

In addition to being an assault against an individual, a hate crime is an assault against a community by sending a clear message of hate to the entire community. Since hate crimes are based on the perpetrator's perception of the victim's identity, the victim does not have to actually belong to that group to be targeted.

WHAT IS THE HATE CRIMES PENALTY ENHANCEMENT STATUTE IN WISCONSIN?

In Wisconsin, hate crimes receive harsher punishment than crimes without bias. Wisconsin's Hate Crime Penalty Enhancer, Ch. 939.645(1)(b), defines a hate crime as one where the perpetrator intentionally selects the victim or the victim's property in whole or in part because of the perpetrator's belief or perception of the victim's race, religion, color, disability, sexual orientation, national origin or ancestry.

The perpetrator's bias-motivated crime can be prosecuted as a hate crime whether or not the perpetrator's belief or perception was correct. In other words, prosecutors do not have to prove that the victim was, for example, gay, lesbian or bisexual - just that the perpetrator chose the victim thinking s/he was gay, lesbian or bisexual. As of 2003, Wisconsin's hate crime law is generally interpreted not to include transgender people, an omission that would need to be corrected by legislative action.

To be prosecuted for a hate crime in Wisconsin, the perpetrator must have committed a crime under existing laws (such as vandalism or assault). Thus, criminals who vandalize the property of a lesbian because she is a lesbian could be charged with vandalism with the hate crime penalty enhancer. However, if the same lesbian's property was randomly vandalized, the perpetrator could be charged with vandalism only. Because an underlying crime must have been committed in order for the hate crime penalty enhancer to be used, Wisconsin's hate crime law does not punish hateful speech in the absence of a crime.

HOW DO PEOPLE REACT TO SURVIVING A CRIME?

Individuals have a wide variety of normal physical and emotional reactions to surviving a crime including headaches, stomach aches, difficulty sleeping, denial, anger, anxiety and depression.

Because hate crimes target some integral part of our identity, hate crime survivors may have additional reactions including:

- Feeling s/he/ze did something to provoke the attack (for example wearing a LGBT button or T-shirt or being physically affectionate with a person of the same gender); and/or
- Not going for help because of fear of further victimization from police, emergency room staff or other service providers when the motive for the attack is revealed.

Since anyone can be a target for a hate crime, members of the targeted community may deny their own potential for victimization and either blame the victim for the situation or minimize the seriousness of the attack.

WHY REPORT A HATE CRIME?

Although the police and criminal justice system may be insensitive to hate crime victims, there are many reasons to report.

1. Perpetrators need to be held accountable. All crimes, including bias assaults, are against the law and deserve to be punished.
2. To deter other potential perpetrators. When criminals remain unpunished for their crimes, it sends a message that committing hate crimes is acceptable.
3. To receive compensation if injured or disabled. A person must file a police report in order to receive financial compensation for crime-related injuries or loss of property.
4. To document hate crimes. Hate crimes will not be taken seriously unless they are documented.

Hate Crimes Help Resources

If you believe you have been the victim of a hate crime, contact the Milwaukee LGBT Community Center for more information about what you can do and for support. Even if you decide not to report the crime to the police, it may help to talk to someone about what happened to you.

Web Sites:

- National Coalition of Anti-Violence Projects (www.ncavp.org)

Other Resources:

- Wisconsin Center for Pluralism
- LAMBDA (www.lambda.org) is a nonprofit gay/lesbian/bisexual/transgender agency dedicated to reducing homophobia, inequality, hate crimes and discrimination.