

REPORTING A CRIME

If you are reporting a bias incident, either one that is an in-progress emergency or one that has already happened, call 9-1-1.

Note: There are interpreter and TTY services available for 911.

WHEN YOU MAKE A REPORT

- ✓ If you believe the incident was motivated by your status, ask the officer to make a note of that in the report.
- ✓ If you can, give the officer the exact wording of what was said, *regardless of how offensive it is*.
- ✓ If there are witnesses to the incident, point them out to the officers at the scene.

MORE INFORMATION ONLINE

For more information about Malicious Harassment, to learn more about your rights and to find local resources that can help with bias incidents, please visit:

www.seattle.gov/police/safety/harassment/

CONTACT US

If you have questions or concerns about a specific incident, please contact the **Bias Crimes Coordinator** at (206) 233-3898

NOTES ABOUT YOUR INCIDENT

Responding Officer

Officer Serial Number

General Offense (Case) Number

ADDITIONAL INFORMATION

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SEATTLE POLICE DEPARTMENT

610 5th Avenue
P.O. Box 34986
Seattle, WA 98124-4986

Knowing Your Rights

Understanding and Reporting Malicious Harassment/Bias Crimes



www.seattle.gov/police

WHAT IS MALICIOUS HARASSMENT?

Hate Crimes, Bias Crimes, and Malicious Harassment are terms which are interchangeable in their meaning. “Malicious Harassment” is the legal term used for these types of crimes. Malicious Harassment laws deal primarily with behaviors which have **already been designated as crimes in other laws.**

WHAT IT IS:

- The reason the suspect **targeted that particular person was based on their belief** about the victims’ race, color, religion, ancestry, national origin, sexual orientation, mental, physical, or sensory handicap, homelessness, marital status, age, parental status, gender or political ideology.
- If the suspect is mistaken about the victim’s status, but selected them because of the suspect’s **belief** about the victim’s status, it is still considered malicious harassment.

WHAT IT ISN'T:

- If the suspect in the process of committing another crime, calls the victim a derogatory name, it does not automatically mean it is malicious harassment.
- If the suspect uses insulting or derogatory words but does not place another person in a reasonable fear of harm to their person or property, this is not malicious harassment.

WHAT ARE THE LAWS?

FELONY MALICIOUS HARASSMENT

RCW 9A.36.080: (Washington State Law)

A person is guilty of felony malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation*, or mental, physical, or sensory handicap.

- a. Causes physical injury to the victim or another person; or
- b. Causes physical damage to or destruction of the property of the victim or another person; or
- c. Threatens a specific person or group and places that person or group in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person (in the identity groups) would have under the same circumstances. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat.

MISDEMEANOR MALICIOUS HARASSMENT

SMC 12A.06.115 (Seattle City Law)

A person is guilty of misdemeanor malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person’s gender identity, homelessness, marital status, political ideology, age, or parental status:

1. Causes physical injury to another person; or
2. By threat places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; provided however, that it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way so long as his or her words or conduct do not constitute a threat of harm to the person or property of another person; or
3. Causes physical damage to or the destruction of the property of another person.

* In Washington State “Sexual orientation” is defined as heterosexuality, homosexuality, bisexuality and gender expression or identity.

WHAT CAN THE POLICE DO?

Seattle Police takes Malicious Harassment/Bias Crimes very seriously, and has a dedicated Bias Crime Detective well versed on the laws to handle these cases.

The initial police response to a report of Malicious Harassment will be handled at first like any response call - based on priority depending on the seriousness of injury and damages. If you believe the attack was motivated by your status, ask the responding officer(s) to note this in their report.

If it is found that your case meets the standards of Malicious Harassment, the investigation will then be forwarded to either the Bias Crime Coordinator or a local precinct detective for a follow up investigation.

WHAT IF MY INCIDENT DOESN'T FIT THE CRITERIA OF MALICIOUS HARASSMENT?

If the incident was a crime, but it was not believed to be motivated by your status, the police will still follow up on the crime to the full extent of the law. It just won't be charged as a Malicious Harassment crime.

If the incident is **NOT** found to be a crime - either Malicious Harassment or any other type of crime - there is often not much enforcement action police can take. SPD does keep detailed statistics on all bias incidents and we very much encourage the reporting every incident of this type.

If it is found that there is no directly enforceable action that can be taken by police, this does not mean what happened to you wasn't wrong. The victim may bring a civil cause of action against the suspect, which carries a lower burden of proof than criminal enforcement. The suspect may be liable to the victim for actual damages, punitive damages and reasonable attorney's fees and other incurred costs. You will need to contact a private attorney to start a civil action.