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## **HATE CRIME FAQS** ALASKA

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**Note:** This guide is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, please call 844-9-NO-HATE.

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religious symbol by my home, or otherwise tried to humiliate me and members of my community with a symbol or message. Are there any special laws against crimes which are meant to intimidate based on someone's social identity in Alaska?

## **1. What is a hate crime or hate incident?**

A hate crime is generally defined as a crime against a person or property that is motivated by bias, prejudice, or hatred toward the actual or perceived personal characteristics of an intended victim, including: race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

The definition of a hate crime differs from state to state, but always includes an underlying crime.<sup>1</sup> Several states do not have separate statutes for crimes motivated by hate, but at a minimum, most states have enhanced penalties for crimes motivated by hatred based upon the above characteristics. Furthermore, if state and local authorities do not sufficiently protect victims of hate crimes, then the federal government may step in and prosecute hate crime violations.

Although Alaska does not have a separate statute for hate crimes, it does provide for enhanced penalties for crimes motivated by race, sex, color, creed, disability, ancestry or origin.<sup>2</sup> Furthermore, if state and local authorities do not sufficiently protect victims of hate crimes, then the federal government may step in and prosecute hate crime violations.

A hate incident is based on the same behaviors and motivations as a hate crime, but does not rise to the level of a crime. For example, you may be a victim of hate speech, which, depending on the circumstances, may not constitute a crime (and may be protected under the First Amendment), but which may constitute a hate incident.

## **2. I believe I was the victim of a hate crime or hate incident. What should I do?**

If you think you may be a victim of a hate crime or hate incident, you should immediately take the following three steps:

### **STEP 1 -- REPORT IT**

#### For emergencies:

- If you (or others) have been injured or fear for your safety, call 911 immediately.
- If you are uncomfortable calling 911 or local law enforcement, consider calling the local United States Attorney, the local FBI Field Office, or the State Attorney General's office to report the offense. Understand, however, that these authorities may not respond as quickly as local law enforcement responding to a 911 call.
- Obtain medical attention if necessary.

For non-emergencies:

- If a non-emergency, call or visit your local police station or federal law enforcement office as soon as possible to report the offense.
- If you are not comfortable calling law enforcement, consider calling a trusted community or legal services organization. You can call 1-844-9-NO-HATE to be connected to a local organization.

Follow-up and key things to remember for both emergencies and non-emergencies:

- Ensure that a police report is filed regarding the offense and obtain a copy of the report (which should include the responding officer's name and badge number).
- Request that the police report indicate that the offense may have been a hate crime or a hate incident.
- File the report with local law enforcement, the State Attorney General's office, and federal law enforcement.
- For additional support and documentation, also report it to 844-9-NO HATE.

STEP 2 - - GATHER INFORMATION

- Preserve any evidence and take photographs of the evidence. For example, do not remove graffiti but instead, take photographs of the graffiti. Do not delete electronic correspondence (e.g., text messages, emails, social media posts, etc.), including your own. If you decide to involve law enforcement, you should preserve all evidence as directed by law enforcement.
- Document the experience in writing as soon as possible after the offense, including any specific words used during the offense. Record all your thoughts.
- Record any information you can remember about the perpetrator, including approximate age, height, weight, gender, race, clothing and any other distinguishing characteristics.
- Obtain contact information (names, addresses, and telephone numbers) of any other victims or witnesses to the offense.

STEP 3 - - GET ADDITIONAL SUPPORT

- Find support in the community -- through friends and family, victims' organizations, advocacy or community groups, religious organizations, legal groups, professional counseling, etc.
- Consider seeking legal representation.

Remember, you can always contact 1-844-9-NO-HATE.

**3. Does Alaska have a state hate crime law?**

Under Alaska state code §12.55.155(c)(22) a court may impose a higher sentence on a defendant if a perpetrator knowingly targeted a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry or national origin.

**4. Who is protected under Alaska's state hate crime law?**

As described above, under Alaska state code §12.55.155(c)(22) a court may impose a higher sentence on a defendant if a perpetrator knowingly targeted a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry or national origin.

**5. Someone attacked me or a family member. The attack appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., before attacking, the perpetrator shouted "Go home!"). What are Alaska's relevant laws?**

Alaska does not provide any special protection against attacks motivated by bias, prejudice, or hatred. However, like any claim involving an attack, the attack should be reported to the police so that they may investigate and potentially file claims for assault or reckless endangerment.<sup>3</sup> If the crime is found to have been motived by bias against a certain social group, a court may apply an enhanced penalty.<sup>4</sup>

**6. Someone damaged my property and it appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., a swastika, derogatory terms, etc.). What are Alaska's relevant laws?**

Alaska does not provide any special protection against damage to property motivated by bias, prejudice, or hatred. However, like any claim involving damage to property, the damage should be reported to the police so that they may investigate and potentially file claims for arson or criminal mischief.<sup>5</sup> If the crime is found to have been motived by bias against a certain social group, a court may apply an enhanced penalty.<sup>6</sup>

**7. Someone defaced my place of worship (or otherwise targeted a religious institution). Does Alaska have any special laws protecting religious groups from hate motivated acts?**

Alaska does not provide any special protection against someone defacing a place of worship. However, if someone has defaced a place of worship it should be reported to the

police so they may investigate and potentially file claims for criminal mischief.<sup>7</sup> If the crime is found to have been motived by bias against a certain social group, a court may apply an enhanced penalty.<sup>8</sup>

**8. Someone hung a noose at my work, burnt a religious symbol by my home, or otherwise tried to intimidate me and members of my community with a symbol or message. Are there any special laws against intimidation or terrorism in Alaska?**

Although Alaska does criminalize terroristic threats, this type of conduct would likely not fall within the statute because the statute is limited only to sending or delivering bacteriological, biological, chemical or radiological substances, or filing a false report of such conduct.<sup>9</sup> Such events should still be reported to the police as they might constitute an assault in the third or fourth degrees<sup>10</sup> or criminal mischief.<sup>11</sup>

**9. The state is not investigating my case or bringing a lawsuit. How can I get in touch with an attorney with the state to discuss my case?**

You can contact Alaska Office of Victims' Rights Telephone: (907) 272-2620; your local District Attorney's Victim/ Witness Program (County listing online at <http://law.alaska.gov/department/criminal/doa.html>), or the United States Attorney's Office Victim/Witness Assistance Program at <https://www.justice.gov/usao-ak/victim-witness>. You can also contact the Stop Hate Hotline at 1-844-9-NO-HATE.

**10. The state is not investigating my case or bringing a lawsuit, but I would like to explore bringing a case with a private attorney against the perpetrator (known as a "civil case"). Does Alaska have civil laws relevant to hate crimes or hate incidents?**

Alaska does not have any civil laws specific to hate crimes or hate incidents. However, every crime victim has the right to file a civil lawsuit seeking financial compensation from the perpetrator or from other parties whose unreasonable conduct gave rise to conditions which allowed the crime to occur. Victims could also attempt to seek punitive damages from a perpetrator if the perpetrator was motivated by bias against a certain social group.<sup>12</sup>

**11. I have been attacked, put in fear of danger, intentionally made to suffer emotional distress, had my property vandalized, or harmed in another way due to an act motivated by hate. What other civil laws can I use to bring a case?**

There are a number of other civil laws that you can use to bring a case against someone who physically or emotionally injures you. This is true even if the person's actions do not rise to the legal definition of a hate crime or hate incident. These other civil laws, or causes of action, are generally known as torts. A tort is a wrongful act that results in legal liability.

In Alaska, if someone intentionally injures you or your property, you may be able to sue that person for damages using any of the following tort causes of action:

- Assault and Battery – A perpetrator is liable for assault and battery if (1) the perpetrator "intend[s] to cause a harmful or offensive contact with the [victim];"

(2) the [victim] is put in imminent apprehension of such a contact,” and (3) “an offensive contact results.”<sup>13</sup> An example of this is when someone punches or kicks another person.

- False Arrest-Imprisonment – The elements of the false arrest-imprisonment tort are (1) a restraint upon the target’s freedom, (2) without proper legal authority.<sup>14</sup> An example of false imprisonment would be if someone locked you in a room and you were unable to escape.
- Intentional Infliction of Emotional Distress (“IIED”) - IIED is best defined by its elements. To bring an IIED claim, you must be able to show: (1) the conduct is extreme and outrageous, (2) the conduct is intentional or reckless, (3) the conduct causes emotional stress, and (4) the distress is severe.<sup>15</sup> An example of outrageous conduct that could lead to a successful IIED claim would be someone making a threat to take someone’s life.”<sup>16</sup>
- Trespass & Conversion – A person who intentionally enters someone else’s property commits an intentional trespass and is liable even if the person mistakenly believed he or she had a right to be on the property.<sup>17</sup> An example of trespass to land would be if someone vandalized, or otherwise damaged, your front lawn.<sup>18</sup> To establish a claim for conversion, the victim must prove (1) that she had a possessory interest in the property; (2) that the perpetrator interfered with the victim’s right to possess the property; (3) that the perpetrator intended to interfere with victim’s possession; and (4) that the perpetrator’s act was the legal cause of the victim’s loss of her property.<sup>19</sup> An example of conversion would be if someone damaged your car.

In Alaska, generally speaking, actions for any form of tort or personal injury must be brought within two years of the date of injury-producing event.<sup>20</sup> That is, a lawsuit must actually be filed before two years from the date of the injury-producing event.

**12. I would like to explore bringing a case with a private attorney against the perpetrator (known as a “civil case”), but I do not know any private attorneys. How can I find someone to represent me?**

Contact your local bar association or 844-9-NO HATE.

**13. What are some state organizations working on hate crimes and incidents?**

The following organizations are key providers of legal assistance for victims of hate crimes and discrimination:

1. State Agencies
  - a. Victim Crimes Compensation Board  
1-800-764-3040

<https://aws.state.ak.us/VccbOnline/Default.aspx>

- b. Your local District Attorney's Office  
Alaska's District Attorney's Offices can be found at:  
<http://law.alaska.gov/department/criminal/doa.html>
- c. Council on Domestic Violence and Sexual Assault  
(907) 465-4356  
<http://www.dps.state.ak.us/cdvsa>

**14. I need additional help. Where can I find additional information or get help?**

If you would like additional information or need additional help, please visit the Communities Against Hate resource page at [www.communitiesagainsthate.org](http://www.communitiesagainsthate.org). If the information you are seeking is not on the resource page or if you need immediate help, please contact 844-9-NO-HATE.

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<sup>1</sup> Examples of underlying crimes include assault, battery, destruction of property, threats, rape, murder, arson, robbery, and burglary. This list of criminal offenses is not exhaustive, however, and other criminal offenses may be punished as hate crimes.

<sup>2</sup> Alaska Stat. § 12.55.155(c)(22)

<sup>3</sup> Alaska Stat. § 11.41.200-289.

<sup>4</sup> Alaska Stat. § 12.55.155(c)(22).

<sup>5</sup> Alaska Stat. § 11.46.400-486.

<sup>6</sup> Alaska Stat. § 12.55.155(c)(22).

<sup>7</sup> Alaska Stat. § 11.46.482-486.

<sup>8</sup> Alaska Stat. § 12.55.155(c)(22).

<sup>9</sup> Alaska Stat. § 11.56.807-810.

<sup>10</sup> Alaska Stat. § 11.41.220-230.

<sup>11</sup> Alaska Stat. § 11.46.475-495.

<sup>12</sup> Alaska Stat. § 09.17.020.

<sup>13</sup> *Taylor v. Johnston*, 985 P.2d 460, 464 (Alaska 1999).

<sup>14</sup> *Hazen v. Municipality of Anchorage*, 718 P.2d 456, 461 (Alaska 1986).

<sup>15</sup> *King v. Brooks*, 788 P.2d 707 (Alaska 1990).

<sup>16</sup> *Teamsters Local 959 v. Wells*, 749 P.2d 349 (Alaska 1988).

<sup>17</sup> *Brown Jug, Inc. v. Int'l Bhd. of Teamsters*, 688 P.2d 932, 938 (Alaska 1984).

<sup>18</sup> *Shields v. Cape Fox Corp.*, 42 P.3d 1083, 1089 n.12 (Alaska 2002).

<sup>19</sup> *Silvers v. Silvers*, 999 P.2d 786, 793 (Alaska 2000).

<sup>20</sup> Alaska Stat. §09.17.070.