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OFFICE OF THE ATTORNEY GENERAL

Hate Crime & Bias Incident Hotline: 1-855-225-1010

We Accept All Relay Calls

Using interpreters for 240+ languages

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Hate Crimes and Bias Incidents

Washington Law Enforcement Bulletin

Washington communities, just like others across the United States, are affected by bias crimes and incidents. These incidents have a devastating and long-lasting impact on individuals, families, and communities, making people feel unwelcome or unsafe where they live. Bias crimes and incidents are underreported, and data about their prevalence is limited. Identifying and documenting these incidents, and treating victims of hate and bias with patience, compassion, and dignity is essential to meaningfully addressing hate and bias incidents. Law enforcement agencies are required to accurately and uniformly identify, investigate, and track these incidents ([RCW 43.10.305](#)).

Hate Crimes & Bias Incidents Hotline

[RCW 43.10.305](#) established a hotline to provide victims of hate crimes or bias incidents with support and referral to services and referrals to law enforcement with the victim's consent. This referral must only be made if the victim agrees and should never compromise the victim's safety or confidentiality. The law *requires law enforcement to refer* victims of hate crimes or bias incidents to the Hate Crimes & Bias Incidents Hotline, both website and phone number (1-800-XXX-XXXX, accepting all Relay calls, [XXX.wa.gov](#)).

What is a Hate Crime?

A hate crime is a criminal offense that includes threats of or actual physical violence, property damage, or harassment, committed against a person or property that is motivated by the offender's bias against another person's *perceived or actual* race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, mental, physical, or sensory disability, or the use of service animal by a person with a disability ([RCW 9A.36.080](#)). A person is a victim of a hate crime even if the perpetrator was mistaken about the victim's characteristics (for example, a suspect who believes a victim is Muslim and damages his property due to this belief would be guilty of a bias crime, even if the victim isn't Muslim or in any protected class.)

What is a Bias Incident?

Under Washington law, a bias incident is a hostile expression towards another person based on their actual or perceived characteristics. Bias incidents do not rise to the level of a hate crime and cannot be charged under the hate crime statute. They do not include incidents in which an investigating law enforcement officer establishes probable cause of the commission of a crime, and do not include expressions of opposition or support for the actions or policies of a foreign or domestic government protected under free speech ([RCW 43.10.305 \(5\)\(a\)](#)). For example, a person reports a road rage incident

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where they were called a derogatory name related to their race. Although not a hate crime, the bias incident should still be documented and referred to the Hate Crimes & Bias Incidents Hotline.

Bias Indicators

“Bias indicators” is a term used by law enforcement when investigating the report of a crime. The presence of a bias indicator does not always mean the crime is a hate crime. Bias indicators mean the officer should investigate deeply and gather more information and cues to try to determine the suspect’s motivation.

- Differences, whether actual or perceived by the offender, in victim’s race, color, ethnicity, gender, gender identity, national origin, ancestry, religion, sexual orientation, disability status, or other cultural expression.
- Victim was engaged in activities promoting or advocating for a specific group or identity.
- Incident coincided with a holiday or date of particular significance to the victim’s or offender’s actual or perceived group.
- Bias-related language, written statements, or gestures made by the offender.
- Bias-related drawings, markings, symbols, and graffiti on offender’s clothing, person, or property were left at the scene of the incident.
- Objects, words, or items that represent the work of organized hate groups left at the scene (e.g.- white hoods, burning crosses, nooses, etc.).
- Previous hate crimes have been committed at the same location.
- Location represents a safe, special, gathering, or holy space for a group.
- Victim or witness perceives that the incident was motivated by bias.
- Offender was previously involved in a similar incident or is a member of/associates with organized hate group.
- Offender engages in hate activity in person and/or online.
- Victim was previously harassed or verbally abused based on their affiliation with a targeted group.
- Lack of other motives for the incident.