



Frequently Asked Questions: Hate Crimes Protections

What is a hate crime?

Under Virginia law, a hate crime is any act of intimidation or harassment, physical violence, or vandalism, where such acts are motivated by animosity based on race, religion, gender, disability, gender identity, sexual orientation, or ethnicity. Previously the law did not include crimes motivated by someone's gender, disability, gender identity, or sexual orientation.

Why do hate crimes protections exist?

Hate crimes are legally considered a more serious crime than similar crimes not motivated by bias. Unlike other forms of crime, the perpetrators of hate crimes target someone based on an identity they hold or the community that they belong to, with the intention of instilling fear in or intimidating that whole community. Therefore, the impact of the crime is greater than just the effect it has on the person targeted and their immediate circle.

House Bills [276](#) and [618](#) update Virginia's hate crimes law to include protection on the basis of gender, disability, gender identity, and sexual orientation whereas previously the law only protected people targeted based on their race, ethnicity, or religion. Virginia's hate crimes law allows for the survivor of a hate crime to sue the perpetrator in civil court for damages incurred. This law also allows the Attorney General's office to prosecute hate crimes anywhere in the state.

The long-term impacts of hate crimes against an individual or a community can include toxic stress resulting in poor physical and mental health, economic instability or job and wage loss, and lack of community safety.

What community resources exist for LGBTQIA+ hate crime survivors?

There are several community organizations that are LGBTQ+ affirming you can reach out to for support and resources if you experience a hate crime.

For a hate crime that involved sexual assault, intimate partner violence, or stalking a great resource is the [Virginia Sexual and Domestic Violence Action Alliance](#) (the Action Alliance).

The Action Alliance has a [statewide hotline](#), which you can call at 1-800-838-8238, text at 804-793-9999, or [chat online here](#). For more resources, [click here](#). In addition, they also offer trauma-informed [legal services and legal advocacy](#) to callers from Virginia who are experiencing sexual or intimate partner violence, dating violence, human trafficking and hate crimes. Simply call or text their statewide hotline to get connected to these legal resources.

For any form of violence that you experience, including hate crimes, a great resource is the [Virginia Anti-Violence Project \(VAVP\)](#), whose mission is to address and prevent violence within and against diverse LGBTQ+ communities across Virginia. They offer many [services](#) for

LGBTQ+ survivors of violence, including safety planning, emotional support, groups sessions and licensed therapy, accompaniment, resource referrals, and emergency housing.

VAVP and the Action Alliance also collaborate on a [LGBTQ+ specific Helpline](#), which you can call at 866-356-6998, text at 804-793-9999, or [chat online here](#). The LGBTQ+ Helpline focuses on anti-violence in the LGBTQ+ community. This is a space for survivors and people impacted by violence, like friends, family, professionals, and the general public, to connect about LGBTQ+ centered resources.

How do I report a hate crime?

Disclaimer: We know that many communities, especially Black, Brown, Indigenous, and LGBTQ+ communities, do not always feel safe calling law enforcement for assistance or using the legal system to seek justice. Police presence can sometimes escalate a situation and either the survivor or the perpetrator of violence could be harmed as a result. Whether or not you contact law enforcement, we encourage you to reach out to a trusted friend, family member, neighbor, or community service like VAVP or the Action Alliance for support.

If you are in immediate danger, and are able to safely do so, call 911 or call a trusted person or community service to help you. If you feel threatened, intimidated, or fear for your safety, VAVP and the Action Alliance can help you to create a safety plan, get you connected to community resources, and make sure that you are supported by a trained and trauma-informed advocate 24/7, 365 days a year.

The Attorney General's office lists [multiple resources for hate crimes survivors](#), and can also help you report a hate crime or connect you with survivor resources that can support you following a crime. You can contact them at human_rights@oag.state.va.us or 1-855-NOH8VA1 (1-855-664-8821).

If you believe that you or someone you know has been the survivor of a hate crime, and you wish to report the crime to law enforcement, an advocate at VAVP or the Action Alliance can help you. You can also contact your [local law enforcement agency](#) or local Commonwealth's Attorney to report a crime without an advocate. Additionally, you can report these crimes to your local FBI office. Click here to find your [local office](#) or complete the online form [found here](#). Information on filing with other federal agencies that may be appropriate can be [found here](#).

You should also, as much as possible, preserve any evidence you have of the incident by taking pictures of vandalism, damage, or the physical evidence of any persons (with their consent); keeping copies of any videos taken; and noting witnesses, descriptions of the offenders, their vehicles, etc. This information and evidence can be shared with the law enforcement officials investigating the crime you have reported and can help to ensure effective law enforcement and prosecution responses occur.

What legal protections do I have as a survivor of a hate crime?

Survivors of hate crimes have several resources and courses of action available through the legal system:

- The person who committed a hate crime against you can be prosecuted for a more serious crime.
- Hate crime survivors have the right to sue the person responsible in civil proceedings. If the court makes a finding in favor of the survivor, they may recover damages requested or as deemed appropriate by the court, including punitive damages and/or award of their costs and reasonable attorneys' fees. If you are interested in pursuing a case, you should first contact an attorney. You can find a list of [LGBTQ-friendly attorneys here](#) or call the Action Alliance for a free, confidential, and trauma-informed legal consultation to determine your rights and to connect you with legal and advocacy resources near you.
- If you are a survivor of a hate crime, you may be entitled to services from your local Victim/Witness Assistance Program. A directory of programs sorted by locality can be [found here](#), or you can call 1-888-887-3418 Monday through Thursday during business hours.
- If you were a survivor of a hate crime and were physically injured as a result, you may be entitled to reimbursement for out-of-pocket expenses related to your injury. Virginia residents can [learn more here](#) or call 1-800-552-4007 to find out more about the Criminal Injuries Compensation Fund (CICF). Additionally, a trained advocate through the Action Alliance, VAVP, or your local Victim/Witness Assistance Program can help you to file a claim with CICF for reimbursement of out-of-pocket expenses, including medical costs incurred, related to your injury.

Where can I get data on hate crimes?

Disclaimer: These statistics may not be accurate, as the actual numbers are likely significantly higher due to various reasons for not reporting. We hope that HB 276 and HB 618 present better opportunities for restitutions to be made, however, we know that reporting does not happen because it has not previously been taken seriously and it often does not lead to arrest, prosecution, or even a record of the incident.

You can find information about the number and type of hate crimes committed in Virginia at the [Virginia State Police website](#). Additionally, the [FBI tracks hate crimes](#) that are voluntarily reported by local police departments.

Sources:

[Virginia Anti-Violence Project](#)
[Virginia Sexual and Domestic Violence Action Alliance](#)
 House Bills [276](#) and [618](#)
[Office of the Attorney General of Virginia](#)
[U.S. Department of Justice](#)
[Virginia Department of Criminal Justice Services \(DCJS\)](#)

Collaborators

Thank you to the [Virginia Anti-Violence Project](#) and the [Virginia Sexual and Domestic Violence Action Alliance](#) for offering their expertise to review and provide feedback on this information sheet.

About Equality Virginia

Equality Virginia is the leading advocacy organization in Virginia seeking equality for lesbian, gay, bisexual, and transgender people. EV believes in a truly inclusive Commonwealth where all are equally valued, regardless of sexual orientation or gender identity, and a Virginia that is a safe, welcoming, and equal place for lesbian, gay, bisexual, and transgender individuals and their families to live, work, and play.

For more information, check out www.equalityvirginia.org or reach out to info@equalityvirginia.org.

DISCLAIMER: This document provides general information only and should not be understood as providing legal advice regarding any person's specific situation. For guidance on your particular situation, you must consult a lawyer.