

LONG BEACH POLICE DEPARTMENT HATE CRIME POLICY

8.2.9 HATE CRIMES AND HATE- OR BIAS-MOTIVATED INCIDENTS Revised April 14, 2015

8.2.9.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will use all available resources to investigate those incidents. This policy has been developed to follow the provisions of [Penal Code § 13519.6\(c\)](#) and provides guidelines for identifying and investigating incidents motivated by hate or other bias.

8.2.9.2 DEFINITIONS

Revised April 14, 2015

Hate crimes – [Penal Code § 422.55\(a\)](#) defines a hate crime as a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- a) Disability
- b) Sex
- c) Nationality
- d) Race or ethnicity
- e) Religion
- f) Sexual orientation
- g) Association with a person or group with one or more of these actual or perceived characteristics

Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws because of one or more of the actual or perceived characteristics of the victim ([Penal Code § 422.6](#)).
2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim ([Penal Code § 422.6\(b\)](#)).
3. Terrorizing a person with a swastika or burning cross ([Penal Code § 11411](#)).
4. Vandalizing a place of worship ([Penal Code § 594.3](#)).

Hate- or bias-motivated incident - These incidents do not rise to the level of a hate crime as defined by the penal code.

According to the Department of Justice, a hate- or bias-motivated incident is not categorized as a hate crime because it lacks either a criminal act or a bias motivation. For example, a note reading, "I HATE HOMOSEXUALS" is posted on the door of a residence occupied by a homosexual. That act would be classified as a bias-motivated incident, not a hate crime, because although there was a bias motivation there was no criminal act. If the words, "I HATE HOMOSEXUALS" were spray painted on the same door, that act would be considered a hate crime because it involved a criminal act and a bias-motivation.

8.2.9.3 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE OR BIAS-MOTIVATED INCIDENTS

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Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate any suspected hate crime and hate- or bias-motivated incident. The first point of contact is critical in the handling of hate crimes and hate- or bias motivated incidents. The person who first receives

the incident information must be aware of the sensitivity to the distinguishing characteristics of hate crimes, so that the victim and the incident are treated appropriately.

8.2.9.4 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE OR BIAS-MOTIVATED INCIDENTS – PRELIMINARY INVESTIGATING OFFICER

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When an officer receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following shall occur:

- (a) A supervisor shall be notified of the circumstances as soon as practical.
- (b) The Violent Crimes Detail shall be notified. The Violent Crimes Sergeant is responsible for making the final determination of whether or not the incident will be classified as a hate crime.
- (c) The assigned officer will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime has been committed.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the incident should potentially be classified as a hate crime.
- (e) Depending on the situation, the assigned officer(s) may request additional assistance from on-call Violent Crimes detectives or other resources to further the investigation.
- (f) Absent prior approval of a supervisor, all reports will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure entitled, "[We Care about Your Safety – How to Report & Protect Yourself against Hate Crimes](#)," ([Penal Code § 422.92](#)). This brochure will also be available to members of the general public upon request. The assigned officer(s) should make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) At no time will Patrol personnel make notification to the Human Dignity Coordinator. It will be the responsibility of the Violent Crimes Sergeant to make all such notifications regarding hate crimes to the Human Dignity Coordinator.

8.2.9.5 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE OR BIAS-MOTIVATED INCIDENTS – FIELD SUPERVISOR

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A field supervisor shall be dispatched and respond to all hate crime incidents. The field supervisor shall maintain the flow of information on hate crimes to the Division Commanding Officer. When a hate crime has occurred, a field supervisor will review all reports and ensure proper notifications are made to the Violent Crime Detail.

8.2.9.6 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE OR BIAS-MOTIVATED INCIDENTS – WATCH COMMANDER

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The Watch Commander will send out an internal Watch Commander Notification using the event type, "Hate or bias motivated incident." This notification will automatically be sent to the Violent Crimes Sergeant and the Command Staff.

The Watch Commander will ensure that proper notification is made to the Violent Crimes Detail.

A hate crime incident is a mandatory after-hours and weekend notification to the Duty Chief. The Duty Chief will assist the Watch Commander in determining whether a CM Staff notification is appropriate. During business hours, the Watch Commander will first consult with the Violent Crimes Sergeant or his/her chain of command before sending out a CM Staff notification.

The Watch Commander or Patrol personnel shall not make a notification to the Human Dignity Coordinator. It will be the responsibility of the Violent Crimes Sergeant to make all notifications to the Human Dignity Coordinator.

8.2.9.7 PROCEDURE FOR INVESTIGATING HATE CRIMES AND HATE OR BIAS-MOTIVATED INCIDENTS – INVESTIGATING DETAIL RESPONSIBILITY

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The assigned detective will be responsible for following up on the reported hate crime and hate- or bias-motivated incident as follows:

- a) The handling detective will maintain contact with the victim and other involved individuals as needed.
- b) The handling detective will conduct follow-up investigations as needed.