

**Santa Clara County
Law Enforcement Policy Statement
Regarding Hate Crimes**

Santa Clara County's Law Enforcement Agencies and District Attorney's Office are committed to thorough and effective investigation of hate crimes. This commitment recognizes the importance of respecting victimized persons and holding offenders fully responsible for their criminal conduct.

The Santa Clara County Police Chiefs' Association adopts the attached policy statement regarding hate crimes.


Chief Bruce Cumming
Chair, Police Chiefs' Association of
Santa Clara County

August 14, 2008

Members:

CALIFORNIA HIGHWAY PATROL
Captain Cathy Wayne

CAMPBELL POLICE DEPARTMENT
Chief David Gullo

GILROY POLICE DEPARTMENT
Chief Denise Turner

LOS ALTOS POLICE DEPARTMENT
Chief Tuck Younis

LOS GATOS/MONTE SERENO POLICE DEPT.
Chief Scott Seaman

MILPITAS POLICE DEPARTMENT
Chief Dennis Graham

MOUNTAIN VIEW POLICE DEPARTMENT
Chief Scott Vermeer

PALO ALTO POLICE DEPARTMENT
Chief Lynne Johnson

SAN JOSE POLICE DEPARTMENT
Chief Rob Davis

SAN JOSE STATE UNIVERSITY POLICE DEPT.
Chief André Barnes

**SANTA CLARA COUNTY DISTRICT ATTORNEY'S
OFFICE**
Dolores A. Carr, District Attorney

SANTA CLARA POLICE DEPARTMENT
Chief Stephen Lodge

SUNNYVALE DEPARTMENT OF PUBLIC SAFETY
Chief Don Johnson

**SANTA CLARA COUNTY
LAW ENFORCEMENT POLICY STATEMENT
REGARDING HATE CRIMES**

POLICY

The members of the Santa Clara County Police Chiefs' Association (the "Association") agree to focus agency administrative, investigative and enforcement resources toward eliminating hate crimes through enforcement, in-service training, victim assistance and community crime prevention efforts.

PROFESSIONAL EXPECTATIONS

"Hate Crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The underlying bias must be a substantial factor in the perpetrator's motivation to commit the crime. Such crimes attack the basic values of American society by targeting the right of every resident to live safely and freely. They are especially pernicious because they can provoke retaliation, inflict significant emotional harm on their victims, and polarize communities. We recognize the impact of these crimes on victims, their families and our community. Therefore, we are committed to the highest professional standards when dealing with hate crimes.

REPORTING

The Association acknowledges the critical importance of thoroughly reporting and tracking hate crimes. Each agency is responsible for ensuring its communications staff receive training in identifying hate crimes. This will help ensure an appropriate response to reported hate crimes. In addition, the Association acknowledges the importance of encouraging community members to report all bias-related incidents, even when they do not rise to the level of a hate crime. This will allow agencies to take measures to prevent such incidents from escalating into hate crimes.

Reports should contain, when appropriate, suspect's and victim's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Such reports should also include information and any quotes which indicate why the crime appears to have been committed substantially because of the victim's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. All hate crimes shall be documented on the appropriate crime report forms, ensuring that the hate crime fields are properly marked.

All reported bias-related incidents that do not rise to the level of a hate crime will nonetheless be documented. A designee in the agency will collect, review and store all incident reports to assist in pattern analysis and aid in the prosecution of hate crimes. The report, when appropriate, will state suspect's and victim's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association. This information will be utilized for follow-up and appropriate referral to mutually concerned agencies, including the Santa Clara County Network for a Hate-Free Community.

PATROL OFFICER RESPONSE

When a patrol officer determines that a hate crime has occurred, the officer shall conduct a thorough preliminary investigation consistent with agency policies and procedures. The investigation will focus on the identification, apprehension and prosecution of suspects.

Officers will maintain objectivity in reporting hate crimes. An arrest shall be made when appropriate. Officers shall document elements of the crime, description of injuries and all evidence collected.

Officers will be aware of the emotional trauma associated with hate crimes and be sensitive to the victim's feelings, needs and fears. Officers will explain the options available to the victim, including the citizen's arrest process, temporary restraining orders (if applicable), and in cases of arrest, the follow-up procedures and ensuing criminal proceedings. Officers will inform the victim of available department and community resources, including resources available from the Santa Clara County Victim Witness Assistance Center and the Santa Clara County Network for a Hate-Free Community.

INVESTIGATION

All reported hate crimes will receive thorough follow-up investigation consistent with agency policies and procedures. Investigators will maintain liaisons with appropriate state, federal and local law enforcement agencies for intelligence and information exchange and assistance. To the maximum extent possible, agencies will assign responsibility for investigating hate crimes to a specific team or individual.

PREVENTION EFFORTS

All agencies will develop and implement innovative strategies designed to prevent and reduce the spread of hate crimes and bias-motivated incidents within their communities. The agencies will develop programs that are consistent with their mission and values statements. Agencies will engage community leaders and organizations in their prevention efforts and have brochures available to the public pursuant to Penal Code section 422.92.

TRAINING

It is the policy of the Association to encourage and facilitate hate crime training for public safety personnel in accordance with Penal Code section 13519.6. The Association will facilitate the development of training that will assist local agencies in hate crime education. Departments will develop procedures to accomplish formal on-the-job training. The training will follow California Peace Officer Standards and Training guidelines.

PROSECUTING ATTORNEY

The Santa Clara County District Attorney's Office recognizes the distinctive fear and stress typically suffered by victims of hate crimes, the potential for reprisal and escalation of violence, and the far-reaching negative consequences that hate crimes have on our community. The District Attorney's Office considers hate crimes to be very serious and is committed to prosecuting hate crimes aggressively through vertical prosecution.