

**POLICY 18. HATE CRIMES****A. DEFINITIONS**

1. Hate or Bias Crime - Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, disability, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under color of law.
2. Bias - A pre-formed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, sexual orientation, disability, or gender.

**B. PROCEDURE**

1. Deputy's Responsibilities - Whenever a Deputy receives information or is dispatched to investigate a suspected hate crime, the Deputy will perform the following:
  - a. Respond in a sensitive manner to the needs of the victim(s).
  - b. Preserve the crime scene and evidence.
  - c. Immediately take all possible investigative and enforcement action.
  - d. If there is a cross burning or any other racially motivated destruction of property, notify the crime laboratory or bomb/arson investigator.
  - e. Prepare a detailed report, and ensure that the report outlines the elements and proper classification of a hate crime.
  - f. In cases involving the distribution of hate literature, collect samples of the literature and preserve it for latent print identification if the circumstances of distribution indicate that would be possible. In all cases of hate literature distribution, a crime report, if a crime was committed, or a Deputy's report will be written listing witnesses, reporting parties and the circumstances of distribution. Copies of all reports and samples of the literature will be sent to the Domestic Terrorist Section of the Sheriff's Criminal Intelligence Detail no later than the following business day. **(continued)**

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- g. If possible, make a follow-up visit to assure the victim that their local law enforcement is doing everything possible to eliminate the fear factor and apprehend the suspect(s).
2. Field Supervisor's Responsibilities
  - a. Evaluate the necessity to respond to the scene to provide direction and supervision.
  - b. Ensure that the appropriate investigative personnel have been notified if a cross burning or any other racially motivated destruction of property has taken place.
  - c. Notify the Station Commander of the incident in a timely manner.
  - d. When a supervisor is on-scene at a hate crime incident, he/she should personally contact the victims and assure them that the investigation will be actively pursued.
  - e. Notify the Communications Center or the Public Affairs Unit as soon as possible of the following information (if applicable):
    - Any disturbance or destruction of property that is motivated by hate toward a victim's race, religion, ethnicity, gender, sexual orientation, or disability.
    - Type of neighborhood (racial, ethnic, and socioeconomic make-up).
    - Whether arrests are imminent, or the names, addresses, dates of birth, sex, and race of any persons arrested.
  - f. If staffing levels permit, arrange for an immediate increase of patrols throughout the affected area. If, in the judgment of the patrol supervisor, there still exists the potential for further acts of violence, all options should be explored (i.e., undercover surveillance, increased patrol, S.E.D. assistance, etc.) to combat the crime.
  - g. Advise patrol personnel that all physical remains of the incident should be removed after processing is completed. If the remains cannot be removed (e.g., paint on walls), the supervisor or Deputy shall attempt to impress upon building or property owners the need for complete restoration as soon as possible. ***(continued)***

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- h. Ensure that the report contains complete and accurate information including detailed statements of threats made, materials used (e.g., cross, literature, paint, etc.), including size, construction, wrappings, plus the method of removal and the disposition of the remains.
- i. The field supervisor will notify the Sheriff's Criminal Intelligence Detail of all hate crimes and hate incidents no later than the following business day and will ensure that copies of all reports are forwarded to the Intelligence Detail.

*Reference: Department P&P Section 6.101 (Hate Crimes)*