

## 19-10 - Hate Crimes

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Los Angeles County Sheriff's Department

### NEWSLETTER

Field Operations Support Services

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### HATE CRIMES

Hate crimes and hate incidents should always be taken seriously by deputy personnel and investigated thoroughly. Victims of a hate crime or hate incident may be a person, group, or place.

**A hate crime** is defined as any criminal act or attempted criminal act directed against the victim, in whole or in part, because of the actual or perceived characteristics of the victim. Pursuant to 422.55 PC and 422.56 PC, the characteristics for a hate crime and their definitions are:

- Disability – Includes mental or physical disability regardless of whether the disability is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness;
- Gender – Means sex, and includes a person's gender identity and gender expression, such as a transgender person;
- Nationality – Includes citizenship, country of origin, and national origin;
- Race or Ethnicity – Includes ancestry, color, and ethnic background;
- Religion – Includes all aspects of religious beliefs, observance, and practice, including agnosticism and atheism;
- Sexual Orientation – Means heterosexuality, homosexuality, or bisexuality; and/or
- Association with a person or group with one or more of the above characteristics – Includes advocacy for identification with, or being on the ground owned or rented by, or adjacent to, a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or any other entity, group, or person that has, or is identified with people who have one or more of the characteristics listed above.

The definition of a hate crime uses the phrase "in whole or in part" which means the bias motivation must be a factor in the crime, whether or not other factors also exist. A person is a victim of a hate crime if the suspect perceives the victim to be part of one of the above listed groups whether or not the victim actually is or not. A bias motivation is a preexisting negative attitude toward actual or perceived characteristics as described above.

**A hate incident** is defined as any non-criminal act, including words, directed at a person(s) motivated by bias against a person or group. An example of a hate incident is:

- Utterance of epithets;
- Distribution of hate materials in public places;
- Posting of hate materials without causing property damage; and

- The display of offensive materials on one's own property.

A hate crime or hate incident could be a gang-related hate crime or hate incident. All hate crimes or hate incidents should also be considered gang-related when the suspect or victim is believed to be a gang member or gang affiliate. When the suspect is unknown, the incident should be considered gang-related when there are gang-related indicators, such as:

- The nature of the offense;
- The participants were wearing or using common gang identifying signs, symbols, or colors;
- The circumstances of the crime or incident indicates it is gang-related; or
- The expert opinion of a gang investigator states the crime or incident is gang-related.

A victim may not report the criminal act or non-criminal incident due to fear of retaliation from the suspect or fear of law enforcement. The highest underreported group of victims are people with disabilities and transgenders. In some instances, a victim may not realize they are a victim of a hate crime or hate incident. Deputies should thoroughly investigate the call for service to determine if a hate crime or hate incident has occurred.

While investigating a hate crime or hate incident, the deputies should:

- Give the victim time to voice their immediate concerns and express their feelings;
- Show empathy for the victim and express concern for their well-being;
- Reassure the victim of the Department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators;
- Advise the victim they have the right to have their name and address confidential; and
- Assist the victim in identifying and contacting community-based resources which may provide support and assistance. These may include family members, close acquaintances, clergy, or agencies that provide counseling, shelter, food, clothing, childcare, or other related services.

If a deputy in the field has questions regarding a hate crime or hate incident, they should contact their supervisor for direction. In addition, the Hate Crime Task Force may also be contacted for further direction or assistance.

In the event of a hate crime or hate incident, all appropriate notifications must be made in accordance with Manual of Policy and Procedures (MPP) sections 4-11/012.00, Hate Crimes, and 5-09/510.00, Handling Hate Crimes. See these MPP sections for additional information and procedures.

Information regarding the content of this newsletter may be directed to Field Operations Support Services [REDACTED TEXT]

Original Newsletter #150, Hate Crimes, rescinded on June 5, 2019

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