

5-09/510.00 - Handling Hate Crimes

Hate Crime:

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.

A victim of a hate crime may be a person, group, or place. Penal Code section 422.56(i) states a victim includes, but is not limited to:

- Community center;
- Educational facility;
- Entity;
- Family;
- Group;
- Individual;
- Office;
- Meeting hall;
- Person;
- Place of worship
- Private institution;
- Public agency;
- Library; or
- Other victim or intended victim of a hate crime.

Penal Code section 422.55 uses the phrase “in whole or in part” in the definition for a hate crime. This phrase is defined in 422.56(d) PC where the bias motivation must be a factor in the crime, whether or not other

factors also exist. There is no requirement the bias motivation be the main factor of the crime, or that the crime would not have been committed had the actual or perceived characteristic existed, but must be a substantial factor in bringing about the particular result.

A “bias motivation” is a preexisting negative attitude toward actual or perceived characteristics (disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these characteristics). A bias motivation may include, but is not limited to:

- Hatred;
- Animosity;
- Resentment;
- Revulsion;
- Contempt;
- Unreasonable fear;
- Paranoia;
- Callousness;
- Thrill seeking;
- Desire for social dominance;
- Desire for social bonding with those of one’s own kind; or
- A perception of vulnerability of the victim due to the victim being perceived as being weak, worthless, or “fair game.”

For disability-bias hate crimes, deputies should consider whether there is any indication the suspect was motivated by a bias that was inspired by a dislike of persons who arouse fear or guilt, a perception the person with disabilities is inferior and therefore a “deserving victim,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations. Deputies should also consider whether the suspect perceived the victim to be vulnerable, such as a suspect targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different than those of the victim. Any of these indicators could be evidence that the suspect’s motivation includes bias against persons with the perceived particular disability and shall be reported as a hate crime.

In May 2018, the California State Auditor’s Office conducted an audit regarding law enforcement and hate crimes. It was found that victims underreport incidents of hate crimes and law enforcement did not always identify the hate crimes, especially in antidisability and antigender hate crimes. Deputies should always keep in mind when interviewing a victim whether there was an underlying bias by the suspect and if a hate crime was actually committed. The bias does not have to be the only reason for the crime, nor does it have to be the primary motive of the crime. If a deputy is unclear as to whether a hate crime has occurred, the deputy shall contact their supervisor for direction.

Hate Incident:

Any non-criminal act, including words, directed at a person(s) motivated by bias against a person, group, or place. A hate incident follows all of the same policies and laws as described in a hate crime.

Hate incidents include, but are not limited to, the following:

- 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.

Gang-Related Hate Crimes:

All hate crimes and non-criminal hate incidents should be considered gang-related when the suspect or victim, acting individually or collectively, is believed to be a gang member or gang affiliate. When the suspect is unknown, a hate crime and non-criminal hate incidents should be considered gang-related when:

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

NOTE: A gang-related hate crime should not be confused with a gang-motivated crime. Motivation is used for investigative and prosecutorial purposes only. Gang motivated is a state of mind that can be proven in a court of law by the totality of circumstances, or by statements.

DUTIES AND RESPONSIBILITIES:

Complaint Desk:

Information regarding hate crimes or hate incidents received at the complaint desk will be entered into the Department's computer-aided dispatch system (CAD), assigning the call to the attention of the appropriate field supervisor and dispatched immediately. "Hate crime" or "hate incident" shall be referenced in the remarks section of the call prior to dispatching.

Handling Deputy Responsibilities:

Deputies receiving possible hate-related calls shall give them higher priority than other non-emergency calls. For example, a hate-related vandalism report would take priority over a burglary report; however, a hate-related vandalism report would not take priority over crimes in progress, burglary or robbery alarms, or medical emergencies.

Deputies handling a hate crime or hate incident shall prepare an Incident Report (SH-R-49). In addition to the incident report, the Crime Analysis Supplemental Form shall be completed indicating the bias motivation. Hate crime reports shall not be deferred. Hate incident reports may be deferred with the approval of the watch sergeant.

All gang-related hate crimes or hate incidents shall be reported and documented with the statistical code 860.

In conducting the initial investigation of a hate crime or hate incident, the handling deputy shall:

- Give the victim time to voice their immediate concerns and express their feelings;
- Express empathy for the victim;
- Express the Department's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrator(s), and the deputy's and Department's interest in the victim's well-being;
- Assist the victim in identifying and contacting community-based individuals or agencies that may provide support and assistance;
- Give the victim the brochure entitled, "A Brief Guide to Hate Crimes" and document the victim received the brochure in the incident report;
- Advise the victim they have a right to have their name and address remain confidential pursuant to Government Code section 6254(f)(2) and document their response in the incident report;
- Notify the field supervisor of the hate crime or hate incident and, if appropriate, request they respond to the scene;
- Ensure the "Bias-Motivated Incident" section of the Crime Analysis Information form – M.O. Factors is completed;
- Ensure that the proper hate crime statistical code (520-529) is used; and
- If the suspect is in custody, immediately notify a member of the Hate Crime Task Force. If after business hours, the member of the Hate Crime Task Force may be contacted through the Sheriff's Information Bureau (SIB).

Field Sergeant Responsibilities:

Provide the watch commander with the pertinent information on the hate crime or hate incident as soon as possible.

Watch Sergeant Responsibilities:

The watch sergeant shall:

- Review all hate crime and hate incident reports for appropriate classification;
- Ensure the deputy documented in the incident report he or she gave the victim the brochure entitled "A Brief Guide to Hate Crimes";
- Ensure the deputy documented in the incident report whether or not the victim wanted their name and address to remain confidential;
- Assign all hate crimes to station/unit detectives unless incidents would ordinarily be assigned to Operations Safe Streets Bureau (OSS), Homicide Bureau, Major Crimes Bureau, Arson Explosives Detail, or Special Victims Bureau. These shall be assigned after consultation with their respective on-call investigator;
- Assign all hate incidents to patrol;
- All hate crime or hate incidents reports shall be considered active;
- Special Request Distribution (SRD) all hate crime and hate incident reports to the Hate Crime Task Force; and
- Ensure all notifications, including date and time of notification, are documented in the Incident Report.

Watch Commander Responsibilities:

The watch commander shall:

- Ensure an operational log entry has been completed for hate crimes or hate incidents. All hate crimes or hate incidents shall be recorded in the watch commander's summary log and documented with a chief's memorandum to the station/unit's concerned division chief; and
- Notify the station's/unit's hate crimes coordinator of the hate crime or hate incident.

Station Detective Responsibilities:

The station/unit detective shall:

- Review the report within ten business days of the hate crime or hate incident to ensure the proper classification (or declassification) of the report as a hate crime or hate incident. Any changes shall be brought to the attention of the station's/unit's hate crimes coordinator and the Hate Crime Task Force; and
- If a case is assumed by the Hate Crime Task Force, station detectives shall close their case by completing a case clearance supplemental report using clearance code: 112 – Reassigned to Other Agency. The case clearance supplemental report shall indicate that the case will be handled by the Hate Crime Task Force.

Unit Commander Responsibilities:

The unit commander's involvement in the process provides command emphasis that builds community confidence and maintains the integrity of the community partnership. This is a vital component in the Department's effort to reduce hate crimes and hate incidents, and reduces the spread of misinformation through education and enforcement. Therefore, unit commanders shall:

- Ensure key station/unit personnel meet periodically with neighborhood groups and/or residents in target communities to provide information and share concerns;
- Express to the community the Department's concern for, and response to, hate crimes and hate incidents;
- Establish liaison with community-based organizations, commissions, and task forces that deal with the issue of hate crimes and hate incidents. When a hate crime or hate incident occurs, ensure that these organizations are briefed on actions taken and/or intended actions by the Department;
- Identify impacted groups to allay fears and relay the Department's concern over and response to these hate crimes or hate incidents;
- Develop procedures that reduce the potential for violence and provide safety, security, and crime prevention information regarding hate crimes and hate incidents;
- Ensure a process is in place to provide direct and referral assistance to victims and/or their families;
- Participate in public meetings on hate-related threats and violence; and
- Establish liaison with local community organizations and leaders.

Station/Unit Hate Crime Coordinator Responsibilities:

The station/unit hate crime coordinator shall:

- Review reports to ensure all appropriate reports have been completed;

- Ensure that all hate crime and hate incident reports have been SRD'd to the Hate Crime Task Force;
- Liaison with the handling investigator, the community, and any applicable community-based organizations;
- Act as an information resource for deputies at their station/unit regarding hate crimes and hate incidents; and
- Expand, where appropriate, existing preventive programs.

Station/Unit Clerical Staff Responsibilities:

A copy of all hate crime and hate incident reports shall be immediately faxed to the Hate Crimes Fax Distributors list in Outlook and a copy SRD'd to the Hate Crime Task Force and the unit's hate crime coordinator as soon as possible.

Reporting Requirements:

Section 13023 of the Penal Code requires all law enforcement agencies to forward to the Department of Justice (DOJ) all hate crimes and hate incidents statistics. Therefore, it shall be the responsibility of the LASD member of the Hate Crime Task Force to provide the Crime Analysis Program (CAP) with the hate crime and hate incident statistics. At the end of each month, CAP shall continue to process and report hate crime and hate incident information in compliance with County, State, and Federal requirements.

Hate Crime Task Force:

The task force shall seek the most effective investigation and prosecution with consideration given to both State and Federal laws.

See section 4-11/012.00, Hate Crimes, for additional information on hate crime or hate incident reporting, clarifying distribution, and handling procedures.
