5-09/510.04 - Handling of Hate Crimes and Hate Incidents â€“ Initial Response

Responding deputies should be familiar with the role of all Department personnel with respect to the Department's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervisors and/or investigators, access needed assistance as necessary and/or appropriate.

Deputies who require assistance in handling calls for service or conducting investigations related to hate crimes and hate incidents are to contact their station/unit hate crime coordinator or the Department hate crime coordinator for further guidance.

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Deputies receiving non-emergency possible hate crime or hate incident-related calls shall give them higher priority than other non-emergency calls. Pending calls for service (i.e., awaiting calls in the Mobile Digital Computer [MDC]) should be reviewed for appropriate response, with hate crimes and hate incidents being prioritized over 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 crimes reports must be completed by the end of the handling employee's shift and 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.

At the scene of a suspected hate crime, or a hate incident that is reported with separate criminal conduct, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- Use agency checklist (per Penal Code section 422.87) to assist in the investigation of any hate crimes (see Appendix);
- Stabilize the victim(s) and request medical attention when necessary;
- Properly protect the safety of victims, witnesses, and perpetrators;
- Identify criminal evidence in the possession of victims, witnesses, and/or perpetrators;
- Properly protect, preserve,process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as

reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner;

- Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, perpetrators, or others as necessary;
- Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing. Requests for a sign-language interpreter can be made through the Sheriff's Information Bureau (SIB) pursuant to MPP 5-09/005.30 "Communicating Through a Sign Language Interpreter");
- Collect and photograph physical evidence or indicators of hate crimes such as;
    - Hate literature;
    - Spray paint cans (e.g., where used for hate or bias-motivated graffiti);
    - Threatening letters;
    - Symbols used by hate groups; and
    - Desecration of religious symbols, objects, or buildings.
- Conduct a preliminary investigation and record pertinent information including but not limited to:
    - Identity of suspected perpetrator(s);
    - Identity of witness(es), including those no longer at the scene;
    - The offer of victim confidentiality per Government Code section 6254;
    - Prior occurrences in the area or with respect to the victim(s);
    - Statements made by suspect(s) (exact wording is critical);
    - The victim's protected characteristics and determination if bias was a motivation "in whole or in part" for the commission of the crime or incident;
    - Provide victim assistance and follow-up; and
    - Canvass the area for additional witnesses.
- Assist victims in seeking a Temporary Restraining Order (if applicable);
- Adhere to Penal Code section 422.93, which protects hate crimes victims and witnesses from being detained or reported to federal immigration authorities exclusively for any actual or suspected

immigration violation if they have not been charged with or convicted of any crime under state law;

- Provide information regarding potential immigration-related relief available to victims of crime (e g. U-Visa. T-Visa, S-Visa);
- Document any suspected crimes which may also be motivated by terrorist or extremist ideologies/beliefs and notify the unit Terrorism Liaison Officer (TLO); and
- Notify the watch commander and other appropriate personnel in the chain of command, depending on the nature of the hate crimes or hate incident and its potential inflammatory and/or other impact on the community.

In conducting the initial investigation of a hate crimes 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, organizations, or agencies that may provide support and assistance;
- Give the victim the brochure entitled, "A Brief Guide to Hate Crimes" and document that the victim received the brochure in the incident report (per Penal Code section 422.92);
- Advise the victim they have the 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 crimes 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 crimes statistical code (520-529) is used; and
- If the suspect is in custody, or if the hate crimes or hate incident is noteworthy, immediately notify a member of the Hate Crimes Task Force. If after business hours, a member of the Hate Crimes Task Force may be contacted through the Sheriff's Information Bureau (SIB).