5-09/510.06 - Handling of Hate Crimes and Hate Incidents â€“ Investigator and Station Detectives

Station Detective Responsibilities

Cases involving hate crimes, hate incidents, and any associated criminal charges shall be investigated by a handling station/unit detective, unless the Department hate crime coordinator determines the case will be assumed by the Hate Crimes Task Force.

The station/unit detective shall:

- Review the initial report(s) 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/unit hate crimes coordinator and the Hate Crimes Task Force; and

- If a case is assumed by the Hate Crimes Task Force, the station detective shall close their case by completing a case clearance supplemental report using clearance code: 110 Detective Division. The case clearance supplemental report shall indicate that the case will be handled by the Hate Crimes Task Force.

A detective conducting an investigation at the scene of, or performing follow-up investigation on, a suspected hate crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- Consider ideologies or motivating factors of perpetrators of hate crimes and/or incidents, including but not limited to thrill, reactive/defensive, and/or mission (i.e. acts that can also be associated with terrorist or extremist ideologies/beliefs);

- Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner;

- 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);

- Properly investigate any report of a hate crime committed under the color of authority per Penal Code section 422.6 and Penal Code section 13519.6;

- Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, 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.

- Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, perpetrators, or others as necessary;
- Conduct a preliminary investigation and record information (or if such preliminary investigation has been conducted and information recorded by a responding deputy, confirm information) regarding the following:
  - Identity of suspected perpetrator(s);
  - Identify of witness(es), including those no longer at the scene;
  - 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;
  - Provide victim assistance and follow-up;
  - Canvass the area for additional witnesses; and
  - Suspect's social media activity for potential evidence of bias motivation.
- Coordinate the investigation with Department, state, and regional intelligence operations and/or other law enforcement agencies in the area. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense;
- Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department;
- Determine if the incident should be classified as a hate crime or hate incident (whether bias was a motivation "in whole or in part" for the commission of the crime or incident); and
- Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures;
  - Contact victims periodically to determine whether they are receiving adequate and appropriate assistance;

- Provide ongoing information to victims about the status of the criminal investigation;
- Provide victims and any other interested persons the brochure on hate crimes per Penal Code section 422.92 and information on any local advocacy groups (if asked); and

- Document any suspected multi-mission extremist crimes.