

POLICY 18. HATE CRIMES

A. Overview

1. Hate crimes are inherently difficult on the victim, the community, the Sheriff's Department and the deputies investigating these incidents. Deputies should be cognizant that a hate crime can gather negative media attention and cause panic within the community. Deputies must exercise prudent sensitivity when investigating these types of crimes. Deputies should utilize all resources available to them to investigate the crime as well as offer support and compassion to the victims and witnesses.
2. The definition of a hate crime can be categorized as 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 or 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 the color of law. Refer to California Penal Codes 422.55, 422.56, and 422.57 for additional definitions.

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 necessary.
 - d. If there is a cross burning or any other racially motivated destruction of property, notify the crime laboratory or Sheriff's Bomb Arson Investigator.
 - e. Determine if a crime has been committed and the applicable criminal charges. If a hate crime has been committed, contact the

Sheriff's Criminal Intelligence Unit as soon as possible to further evaluate the incident and provide assistance.

- f. Prepare a detailed report, and ensure that the report outlines the elements of the crime and proper classification as a hate crime.
- g. In cases involving the distribution of hate literature, collect samples of the literature and preserve the evidence for possible submittal to the Sheriff's Crime Laboratory to be forensically examined. In all cases of hate literature distribution, a report will be generated by the investigating deputy. If a crime was committed, a crime report will be generated. If no crime was committed, at minimum a Deputy's Report will be generated, detailing the incident and any evidence collected at the scene. In all cases of hate literature distribution, the investigating deputy should contact the Sheriff's Criminal Intelligence Unit as soon as possible.
- h. 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. The field supervisor shall respond to the scene to provide direction and supervision.
- b. Evaluate the circumstances of the incident to determine if a hate crime has occurred. This may be a difficult undertaking at the time of the preliminary investigation. Sheriff's Criminal Intelligence Unit, the San District Attorney's Office, and investigators skilled in investigating hate crimes should all be consulted prior to identifying the crime as a hate crime or not.
- c. If it is determined that a hate crime has occurred, the supervisor will ensure the appropriate hate crime and charges are selected.
- d. Ensure that the appropriate investigative personnel have been notified if a hate crime has taken place.
- e. Notify the station commander of the incident in a timely manner.
- f. When a supervisor is on-scene at a hate crime incident, the supervisor should personally contact the victim(s) and assure them that the investigation will be actively pursued.
- g. Notify the watch commander at the Sheriff's Communications Center or the Public Affairs Unit as soon as possible, with the following information (if applicable):

1. Any disturbance or destruction of property that is motivated by hate toward a victim's race, religion, ethnicity, gender, sexual orientation, or disability.
 2. Type of neighborhood (racial, ethnic, and socioeconomic make-up).
 3. Whether arrests are imminent, or the name, address, date of birth, sex, and race of any persons arrested.
- h. 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 and calm the community.
 - i. Advise patrol personnel that all physical remains of the incident should be removed after processing is completed. If the remains cannot be removed (i.e., paint of walls), the supervisor or deputy shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.