

A-52.4 HATE CRIMES AND HATE INCIDENTS

Last Revised: December 6, 2017

Date Issued: January 4, 2000

PURPOSE

1. The purpose of this General Order is to provide policy and procedure for the reporting and investigation of hate crimes and incidents.

POLICY

2. The Redding Police Department values the diversity of the people it serves. We recognize a threat against any portion of our community is a threat against our diverse way of life. It is the policy of the Redding Police Department to ensure that the rights of all people, as guaranteed by the Constitutions of the United States and the State of California, are protected. When any act motivated by hatred or prejudice occurs, the Department will ensure it is dealt with on a priority basis and use every necessary legal resource to rapidly identify the responsible(s) and bring them to justice.
3. This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall attend to the security and related concerns of the immediate victims and their families.

DEFINITIONS AND LAWS

4. In accordance with 422.55 PC, 422.56 PC, and 422.6 PC, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following should apply:
 - A. Hate crime: a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:
 - 1) Association with a person or group with these actual or perceived characteristics: includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, 422.55(a) PC.

- 2) Disability: includes mental disability and physical disability as defined in Government Code 12926.
 - 3) Gender means a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
 - 4) Nationality: includes citizenship, country of origin, and national origin.
 - 5) Race or Ethnicity: includes ancestry, color, and ethnic background.
 - 6) Religion: includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.
 - 7) Sexual orientation: means heterosexuality, homosexuality, or bisexuality.
- B. Hate Incident: A hatred incident is any non-criminal act, including words, directed against a person(s) based on the person(s) actual or perceived race, nationality, religion, sexual orientation, disability or gender. Hatred incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one's own property.
- C. Victim includes, but is not limited to, a 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 the offense. Interference with exercise of civil rights because of actual or perceived characteristics of victim, as specified in 422.6 PC.
- 1) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in 422.55 (a) PC.
 - 2) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or

interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in 422.55 (a) PC.

Note: In compliance with 13519.6 PC, additional legal references to California Criminal Statutes involving hate crimes for misdemeanor and felony statutes can be found in the following, but not limited to: 139 PC, 302 PC, 422.7 PC, 422.9 PC, 594.3(a) PC, 11411 PC.

RESPONSE AND REPORTING PROCEDURES

5. Peace officers have important roles to play in responding to and documenting hate incidents and crimes. By doing the job efficiently and carefully, officers can reinforce the message that hate crimes will be investigated aggressively, thus enhancing the likelihood of a successful prosecution. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery. Failure to respond to hate crimes within agency guidelines may jeopardize public safety and leave officers and departments open to increased scrutiny and possible liability. Additionally, establishing methods to handle each investigation in a non-combative manner will assist the investigation.

Responding officers shall document the crime or incident using an offense or arrest report. The hate crimes box shall be checked on the face page if a crime has occurred. The hate crimes box is not checked for hate incidents.

FIRST RESPONDER RESPONSIBILITIES

6. First responding officers at the scene of a suspected hate or bias crime or incident should take preliminary actions deemed necessary, to include, but not limited to, the following:
 - A. Stabilize the victim(s) and request medical attention when necessary.
 - B. Ensure the safety of victims, witnesses, and perpetrators.
 - C. Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1) Hate literature.
 - 2) Spray paint cans.

- 3) Threatening letters.
 - 4) Symbols used by hate groups (e.g., swastikas, graffiti).
- D. Identify criminal evidence on the victim.
- E. Request the assistance of translators or interpreters when needed to establish effective communication.
- F. Conduct a preliminary investigation; record information on:
- 1) Identity of suspected perpetrator(s).
 - 2) Identity of witnesses, including those no longer at the scene.
 - 3) Prior occurrences, in this area or with this victim.
 - 4) Statements made by suspects; exact wording is critical.
- G. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the property owner should be contacted to ensure that it is removed as soon as possible. The officer should follow up to ensure that this is accomplished in a timely manner.
- H. Canvass the area for additional witnesses and to eliminate non-witnesses by recording (video/audio) their statement of what they saw and where they were when the incident took place. Video protects the integrity of the investigation in court, media reporting, internal affairs investigations, and any legal cases where witnesses or non-witnesses may be influenced to dramatically change their original statement.
- I. Notify your supervisor of the crime or incident.

SUPERVISORY RESPONSIBILITIES

7. The supervisor shall confer with the initial responding officer(s), and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:
 - A. Provide immediate assistance to the crime victim.

- 1) Express the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - 2) Express the department's interest in protecting victims' anonymity whenever possible.
 - 3) Allow the victim a period in which to ventilate his/her immediate concerns and to express his/her feelings.
 - 4) Identify individuals or agencies that may provide support, assistance and remedy (such as the victim compensation and assistance program available at www.victimcompensation.ca.gov or 800.777.9229). Local victim assistance resources may include the Shasta County Victim Assistance Program, family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services.
- B. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.
- C. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community. Supervisors shall route a copy of all Hate Crime and Incident reports to the Chief of Police, Field Operations Captain, Investigations Division, and the Crime Statistician.
- D. In cases of large scale hate crime waves, respond to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
- E. Ensure adherence to 422.93 PC, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- F. Respond to and investigate any reports of hate crimes committed under the color of authority.
- G. Provide assistance, as appropriate, including activating the Department of Justice hate crimes rapid response protocol.

- H. Report any suspected multi-mission extremists crimes to the agency terrorism liaison officer (TLO), or assigned designee, and direct the TLO/designee to send the data to the Joint Regional Information Exchange System.
- I. The Field Operations Captain shall review all Hate Crime Reports and discuss relevant cases with our Civil Rights Advocate for possible follow up.

INVESTIGATIVE RESPONSIBILITIES

- 8. When conducting a thorough follow-up investigation, investigators should:
 - A. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 - B. Coordinate the investigation with the identification unit and other units of the agency and with outside agencies where appropriate.
 - C. Make a final determination as to whether the incident should be classified as a hate crime.
 - D. Complete any reports necessary to comply with statistical reporting requirements for hate crimes.
 - E. Take steps to ensure the appropriate assistance is provided to hate crime victim(s), including the following measures:
 - 1. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - 2. Provide ongoing information to the victim about the status of the criminal investigation.
 - F. Develop intelligence of multi-mission criminal extremists that specifically involve:
 - 1. Nexus of certain hate crimes.
 - 2. Anti-government.

3. Anti-reproductive rights.
 4. Actual or perceived homelessness.
- G. Coordinate with supervisor if evidence shows the possibility that the crime victim may be attacked or harassed for reporting the crime. The agency may provide additional protection such as increased neighborhood surveillance.
 - H. Provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crime will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.
 - I. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved.
 - J. Complete reports required by other agencies.

CRIME STATISTICIAN RESPONSIBILITIES

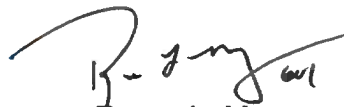
9. The Crime Statistician shall report all necessary hate crime data to the Department of Justice Law Enforcement Information Center at the end of each month on the form provided by the Department of Justice, per 13023 PC.
10. In the event there are no hate crimes to report, a negative report must be submitted to the Department of Justice.

PLANNING AND PREVENTION

11. Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

HATE CRIMES BROCHURE

12. Per 422.92 PC, law enforcement agencies shall make available a brochure on hate crimes to victims of these crimes and the public.
13. The Department of Fair Employment and Housing provides brochures to local law enforcement agencies.
14. Hate Crimes Brochures will be available in the report writing room and the front lobby of the Redding Police Department.

A handwritten signature in black ink, appearing to read "Roger L. Moore". The signature is stylized with a large initial "R" and a long horizontal stroke extending to the right.

Roger L. Moore
Chief of Police