


Title: HATE CRIMES		Number: GO2-29
Issued Under Authority Of: Larry L. Lutzow, Chief of Police		Approval: 
Effective Date: January 1, 2003	Revised:	Distribution:
References:		Special Instructions:

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

1. POLICY:

During the past several years, crimes motivated by hatred for an individual's race, religion, ethnicity or sexual orientation have increased sharply throughout the United States. These incidents not only have a damaging effect on the victim, but also threaten the democratic foundations of our society and greatly add to tensions within the community affected.

Therefore, it is the policy of this agency to ensure that all residents of this county enjoy the right to live free of violence, vandalism, intimidation, or threat against their person or property which is motivated by their race, ethnicity, national origin, religion, or sex orientation.

We believe that the unique nature of these crimes requires special attention from this Department. We will take every possible action to identify and arrest the perpetrators and

bring them to justice, as well as respond in a sensitive manner to the emotional violence experienced by the victims, their families and community.

Emphasis will be placed on referring victims to appropriate agencies for assistance, and on community and law enforcement cooperation to reduce the fear and tension that frequently occur as a result of Hate Crimes.

II PROCEDURE:

The following procedures are recommended for the handling of hate crimes. It must be stressed that the point of first contact is critical in the handling of hate crimes. The person who first receives the incident information must be aware of and sensitive to the distinguishing characteristics of hate crimes so that the victim and the incident are treated appropriately.

1. Preliminary Investigating Officer

-Determine whether incident meets hate crime criteria.

-Give priority to the needs and feelings of victim.

-Suggest that the victim call appropriate agencies for additional support and services.

-Write a thorough report.

2. Supervising Officer

Review all field reports of hate crimes. It is particularly important that supervising personnel are sensitive to the treatment of victims. Such concern can be demonstrated by supervising and preliminary investigation and continuing to monitor the investigation with the investigating officer.

III CRITERIA FOR DETERMINING HATE CRIMES

Hate crimes are defined as acts directed at an individual, institution, or business expressly because of race, ethnicity, religion, or sexual orientation. Definitive guidelines for hate crime determination are as follows:

1. The hate crime must involve a specific target, such as an individual, residence, house of worship, religious or ethnic organization, or business.
2. Graffiti must be racial, ethnic, religious, or homophobic in nature, such as swastika, KKK, Nazi, or other hate group symbols or slogans, or involve the use of epithets.

3. Bigotry must be the central motive for the attack, rather than economics, revenge, etc., as in other kinds of crime.
4. Any assault against a person, in the absence of other apparent motivation, when initiated with racial, ethnic, religious, or homophobic epithets, will be considered to be a hate crime.
5. Vandalism to a house of worship, or ethnic, religious, or Gay and Lesbian organization will be considered a hate crime in the absence of evidence of other motives.
6. Obscene or threatening phone calls, when containing racial, ethnic, religious or homophobic slurs, are considered hate crimes.

Although the following are of concern because they may reflect inter-group tension, they are not considered hate crimes because they are not aimed at a specific target:

1. Graffiti on freeway overpasses, public phone booths, etc.
2. "Punk rock" or gang graffiti, even if accompanied by a swastika.
3. Interracial crimes, such as robbery, assault, or rape, which are motivated by factors other than race, ethnicity, religion, or sexual orientation.
4. Intra-group acts, regardless of graffiti; this includes gang graffiti and other gang acts.
5. Name calling and epithets not accompanied by assault, widespread among youth, are not considered hate crimes.
6. KKK, Nazi, or other hate crime rallies, leafleting, or recruiting drives, though reprehensible, are not hate crimes.