



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



524.04 Hate Crimes 6-23-21

PURPOSE

This policy is designed to assist in identifying, reporting and investigating crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Sacramento Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

POLICY

The Sacramento Police Department shall ensure that rights established by State and Federal law are protected for all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias shall be viewed very seriously and given high priority.

This department will employ available resources and take action to identify and arrest hate crime suspects. Also, recognizing the particular fears and distress typically suffered by victims of hate crimes, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department shall take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

PROCEDURE

A. DEFINITIONS: In accordance with California Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

1. **Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.
2. **Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.
3. **Gender** - The state of being male or female (typically used with reference to social and cultural differences rather than biological ones).
4. **Gender expression** – Gender-related traits that may or may not be consistent with those traits typically associated with a person's sex assigned at birth; external manifestations of gender, expressed through one's name, pronouns, clothing, haircut, behavior, voice or body characteristics.
5. **Gender identity**- An individual's sense of being either male or female or something other or in between; this may be different from what is traditionally associated with an individual's sex assigned at birth.



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6. **Hate crime** - "Hate crime" includes, but is not limited to, a violation of Penal Code § 422.6. A hate crime is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:
 - a. Disability
 - b. Gender
 - c. Nationality
 - d. Race or ethnicity
 - e. Religion
 - f. Sexual orientation; or
 - g. Association with a person or group with one or more of the foregoing actual or perceived characteristics.
 1. Per the Penal Code, "association" may include 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, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.
7. **Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents may include, but are not limited to:
 - a. Name-calling
 - b. Communicating insults and epithets
 - c. Distributing hate material in public places
 - d. Displaying hate material on your own property
8. **Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. That said, the following types of speech are generally not protected:
 - a. Credible threats
 - b. Perjury
 - c. Blackmail
 - d. Incitement to lawless action
 - e. Solicitation to commit any crime
 - f. Fighting words
9. **In whole or in part** – The phrase "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.
10. **LGBTQIA+** A common acronym for Lesbian, Gay, Bisexual, Transgender, Genderqueer, Queer, Intersex, Agender, Asexual, and Ally community.
11. **Nationality** - Nationality includes citizenship, country of origin, and national origin.
12. **Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.
13. **Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.
14. **Safe Place** - A program where police and businesses partner to provide a safe location for victims of crimes, especially those who are the most vulnerable and subject to bias motivated crimes.
15. **Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.



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16. **Bias Crime Taskforce** - A multi-disciplinary task force comprised of internal and external stakeholders assigned by the Office of Investigations to review bias motivated incidents and crimes. The Bias Crime Taskforce is responsible for meeting on a regular basis and producing a report on biased motivated incidents and crimes throughout the city.
17. **Victim** - Victim includes but is not limited to:
 - a. Community center
 - b. Educational facility
 - c. Entity
 - d. Family
 - e. Group
 - f. Individual
 - g. Office
 - h. Meeting hall
 - i. Person
 - j. Place of worship
 - k. Private institution
 - l. Public agency
 - m. Library
 - n. Other victim or intended victim of the offense

B. PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. This may be accomplished through community meetings and town hall related events.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

C. RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

Officers should handle initial response to hate crime incidents in the following manner:

1. First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.
2. At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:
 - a. Stabilize the victims and request medical aid.
 - b. Properly protect the safety of victims, witnesses, and suspects
 - c. Express to the victim the Department's policy, the importance of these cases, and the officer(s)' and Department's interest in the victim(s)' well-being and victim(s)' safety.
 - d. Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
 - e. Notify field supervisor and 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.
 - f. Properly protect, preserve, and 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



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- should follow up with the property owner to determine if this was accomplished in a timely manner.
- g. Document physical evidence or indicators of hate crimes.
 - h. Document victim's protected characteristics.
 - i. Collect physical evidence and request CSI, if available, for photographs of physical evidence and/or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Destruction or defacement of property (e.g. cross burning, painted swastika, racial epithets).
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
 - 5. Destruction of religious symbols, objects or buildings.
 - j. Identify criminal evidence on the victim.
 - k. Request the assistance of translators when needed to establish effective communication with witnesses, victims, or others as appropriate.
 - l. Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspects.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The perception of victims and witnesses.
 - 4. Real or perceived differences between the victim and perpetrator.
 - 5. Significant dates, such as holidays and/or anniversary dates.
 - 6. The absence of any other reasonable motivation.
 - 7. The offer of victim confidentiality per Government Code § 6254 (SPD 273)
 - 8. Prior occurrences, apparent patterns or similar incidents in this area or with this victim.
 - 9. Comments, gestures or written statements made by suspect that reflect bias; exact wording is critical.
 - 10. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime. This distinction does not have to be clarified at the scene. If victims and/or witnesses believe that the crime or incident was motivated by bias or hate, officers shall classify the bias-motivated incident crime or incident accordingly and not argue with victim(s) or witnesses regarding differences of perceptions concerning the motivation of the crime.
 - m. Canvass the area for additional witnesses and potential devices that may have recorded the incident.
 - n. Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
 - o. Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
 - p. Provide the department's Hate Crimes Brochure as needed (per Penal Code § 422.92)
 - q. 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).
 - r. Document any suspected multi-mission extremist crimes.

D. SAFE PLACE PROGRAM

- 1. Officers shall note "Safe Place Participant" in the comment section of call clearance if the location is a Safe Place Program participant and was used for that purpose.
- 2. Safe Place coordinator or LGBTQ liaison may do quarterly audits to monitor the use of the program.
- 3. Supervisors shall notate in their daily report if a Safe Place location was noted as a premise in



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a call for service.

E. INVESTIGATION

1. Investigation follow-up shall be delegated to the Felony Assaults Unit. Investigative personnel shall respond to calls of suspected hate or bias crime or hate incidents at the direction of a watch commander or designee.
2. Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:
 - a. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission.
 - b. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
 - c. 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).
 - d. Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
 - e. Determine whether there is a language barrier. Utilize the language line or other resources.
 - f. Provide victim assistance and follow-up.
 - g. Canvass the area for additional witnesses.
 - h. Examine suspect's social media activity for potential evidence of bias motivation.
 - i. Liaison with the Department Criminal Intelligence Unit (CIU) for intelligence and information exchange, as well as for any additional investigative resources needed.
 - j. Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 - k. Report or ensure any suspected multi-mission extremist crimes are reported to the agency Terrorism Liaison Officer, or assigned designee, and direct the TLO/designee to send the Suspicious Activity Report (SAR) data to the Joint Regional Information Exchange System.
 - l. Coordinate the investigation with the CSI unit (if applicable) or other appropriate units of the department.
 - m. Determine if the incident should be classified as a hate crime. The Felony Assaults Unit shall conduct a second-tier review of all crime and incident reports marked "Bias" to ensure proper classification and shall make corrections as necessary.
 - n. Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 2. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 3. Provide ongoing information to victims about the status of the criminal investigation.
 - o. Document any suspected multi-mission extremist crimes.
 - p. Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023. After review by the Felony Assaults Unit, copies of all bias-motivated crime reports shall be forwarded to the California Department of Justice by the designated Records Division Supervisor each month as required by law.

F. SUPERVISION

1. The field supervisor or district Sergeant, may respond to the call, confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor may request any appropriate personnel necessary to accomplish



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the following:

- a. Provide immediate assistance to the crime victim by:
 1. Expressing the department's official policy on the importance of these cases and the measures that will be taken to apprehend the suspect(s).
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, childcare, or other related services (per Penal Code § 422.92).
- b. Take reasonable steps to 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-crimes reporting purposes.
- c. Notify the watch commander or designee who will then determine if investigative personnel should be called out. The watch commander shall notify the respective district station commander of all bias-motivated crimes and incidents.
- d. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- e. Respond to and investigate any reports of hate crimes committed under the color of authority.
 1. Make the proper notification to the chain of command and to the Internal Affairs unit.
- f. Provide appropriate assistance, including activating the California Attorney General's Hate Crime Rapid Response Team protocol if necessary.
- g. Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- h. Verify reporting of any suspected multi-mission extremist crimes to the relevant unit handling hate crimes.
- i. Make a final determination as to whether the incident should be classified as a hate crime and forwarded to the Chief of Police for approval.