

## **Hate Crimes**

### **6.13.01 PURPOSE**

This order establishes protocols and guidance for identifying, responding to, and investigating hate crimes and non-criminal hate incidents. It outlines the Department's framework for prevention, response, reporting, training, and community outreach.

### **6.13.02 DEFINITIONS**

- A. Hate Crime** – ([PC §422.55\(a\)](#)) 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. **Disability** – [PC §422.56\(b\)](#)
  2. **Gender** – [PC §422.56\(c\)](#)
  3. **Nationality** – [PC §422.56\(e\)](#)
  4. **Race or Ethnicity** – [PC §422.56\(f\)](#)
  5. **Religion** – [PC §422.56\(g\)](#)
  6. **Sexual Orientation** – [PC §422.56\(h\)](#)
  7. **“Association with a Person or Group with these Actual or Perceived Characteristics”** – [PC §422.56\(a\)](#)
- B. Bias Motivation** – A preexisting negative attitude toward actual or perceived protected characteristics ([PC §422.87\(a\)\(3\)\(B\)](#)).
- C. “In whole or in part because of”** means that bias is one of the motivations for committing the crime, even if there are other motives. Bias doesn't have to be the primary reason, but must be a substantial factor ([PC §422.56\(d\)](#)).
- D. 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 and public agency, library, or other victim or intended victim of the offense ([PC §422.56\(i\)](#)).
- E. Threats and Vandalism to Interfere with Civil Rights** – It is a stand-alone crime to willfully injure, intimidate, interfere with, oppress, or threaten, by force or threat of force, another person's free exercise or enjoyment of their civil rights, or knowingly deface, damage, or destroy their property, because of that person's actual or perceived protected characteristics ([PC §422.6](#)).

### 6.13.03 POLICY

Members will enforce hate crime laws with fairness, sensitivity, and respect.

Pursuant to [PC §422.87\(a\)\(9\)](#), members shall follow this policy at all times unless directed by the Chief of Police or their Command-level designee.

### 6.13.04 PROCEDURES

#### A. Patrol Response

1. **Hate Crime Incident** – Requires both an underlying criminal act (assault, battery, threats of violence, vandalism, harassment, stalking, etc.) **and** is motivated by bias against a protected characteristic.
  - a. Consider whether indicators of Disability-bias or Religion-bias are present ([PC §422.87\(a\)\(3\)\(C-D\)](#)).
  - b. Notification:
    - i. Special Investigations Division (SID)
    - ii. After hours and weekends: Department Operations Center
  - c. Determine if any additional resources are needed on scene to assist the victim.
  - d. Provide victim the [Hate Crimes Brochure](#), [Marsy's card](#), and other appropriate forms.
  - e. Offer victim confidentiality.
  - f. Determine if a restraining order (GVRO, TRO, EPO) is appropriate.
  - g. Incident Report Requirements:
    - i. **Type of Incident (Primary Code):** Use the underlying criminal act (assault, battery, vandalism, etc.)
    - ii. **Type of Incident (Secondary Code):** Hate Crime
    - iii. Check the **Prejudice-Based** box
    - iv. Assign to 5S200, SID
    - v. **Narrative:** Document the bias motivation and include statements made by the suspect prior to or during the incident. Indicate the relevant protected characteristics of the victim and the suspect if known.
2. **Non-Criminal Hate Incident** – Bias-motivated conduct or expression without an underlying criminal act and is generally protected under the First Amendment. These incidents do not meet the legal threshold for a hate crime because they lack a criminal act.
  - a. Examples include:
    - A person uses hate speech, offensive speech, slurs, or name calling in public, but does not make threats or engage in criminal behavior.
    - Displaying offensive material on private property with permission from the owner (i.e. not vandalism).
    - Displaying offensive symbols or flags in public, at demonstrations, on clothing, or on vehicles.

- Distributing flyers or materials with hate messaging or symbols in public.
- Bias-inspired or mocking gestures.
- b. Types of speech generally not protected under the First Amendment - fighting words, credible threats, perjury, blackmail, incitement to lawless action, and/or solicitation to commit any crime.
- c. Incident Report Requirements:
  - i. Officers should use their discretion on whether a report should be written, as these are non-criminal events. A person who is confronted and berated by a stranger because of their protected characteristics may merit a suspicious occurrence report. Offensive signs or clothing at a demonstration would not merit a report.
  - ii. **Type of Incident (Primary Code):** Suspicious Occurrence or Miscellaneous Investigation
  - iii. **Type of Incident (Secondary Code):** Do not select Hate Crime.
  - iv. Check the **Prejudice-Based** box
  - v. Assign to: CED-Community Engagement Division

**B. Patrol Supervisor Duties**

1. Initial Response and Notification.
  - a. Provide supervision as required.
  - b. Notify the Lieutenant and 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.
  - c. Respond to and investigate any reports of hate crimes committed under the color of authority ([PC §422.6](#)).

**C. Community Engagement Division (CED) Duties**

1. Upon notification, provide referral assistance to the victim and their family as appropriate.
2. Meet with residents in target communities to allay fears; reduce the potential for counter-violence, and; provide safety, security, and crime prevention information.
3. Conduct public meetings on hate crime threats and violence in general.

**D. Special Investigations Division Duties**

1. Coordinate with other local law enforcement agencies in the area to assess patterns of hate crimes and/or incidents and determine if organized hate groups are involved.
2. When it has been determined that a triggering event has occurred, access assistance by activating the California Department of Justice hate crime rapid response protocol ([PC §13519.6 \(c\)\(4\)\(C\)](#)).
3. Make the final determination as to whether the incident should be classified as a hate crime.

4. Collaborate with the Training Division and Terrorism Liaison Unit to periodically train and update Department members on hate crimes, trends, and the under-reporting of anti-disability and anti-gender crimes, etc. ([PC §422.87\(a\)\(4\)](#)).
5. Ensure the Hate Crimes brochure is accessible to officers to distribute to victims of hate crimes and all other interested people ([PC §422.87\(a\)\(8\)](#)).
6. Share hate crime data on a quarterly basis ([S.F. Admin. Code 96A.5\(b\)](#)).
7. Report hate crimes to the California Department of Justice as required by the Attorney General ([PC §422.87\(a\)\(5\)](#)).
8. Report suspected multi-mission extremist crimes to the Homeland Security Unit.

### **6.13.05 TRAINING**

All members will be trained in the Hate Crimes policy. The Department will issue updates to policy and law via Department Notices.