

Hate Crimes

319.1 PURPOSE AND SCOPE

Agency Content

The purpose of this policy is to provide the Department of State Hospital (DSH), Office of Protective Services (OPS) employees with assistance in identifying and handling 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 policy for prevention, response, accessing assistance, 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 OPS may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

319.1.1 DEFINITIONS

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Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Pen. Code § 422.55; Pen. Code § 422.56; Pen. Code § 422.6; Pen. Code § 422.87):

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) 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, of Penal Code section 422.55 subsection (a).
- (h) Examples of hate crimes include, but are not limited to:
 - (a) Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim. (Pen. Code § 422.6)
 - (b) Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Pen. Code § 422.6(b)).
 - (c) Terrorizing a person with a swastika or burning cross (Pen. Code § 11411).

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- (d) Vandalizing a place of worship (Pen. Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Hate Speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

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 include:

- (a) Name-calling
- (b) Insults and epithets
- (c) Distributing hate material in public places
- (d) Displaying hate material on your own property

Bias Motivation - Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Penal Code section 422.5. 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.

Disability Bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to: dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

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Disability - Disability includes mental disability and physical disability as defined in Government Code section 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender - Gender means sex and includes a person's gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or in Part - "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 crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual Orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

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 (Pen. Code § 422.56)

319.1.2 STATUS AND LEGAL REQUIREMENTS

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Items listed in this section include sections from the Penal Code, Welfare and Institutions Code and Government Code.

[See attachment: OPS 319-Hate Crimes-Codes and Definitions.pdf](#)

319.2 POLICY

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It is the policy of DSH to safeguard the rights of 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 should be viewed very seriously and given high priority.

DSH 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

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consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

All OPS personnel shall be familiar with this policy and carry out the policy at all times.

319.3 PLANNING AND PREVENTION

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While it is recognized that not all crime can be prevented, DSH is strongly committed to build and strengthen relationships with the community we serve, engage in dialogue, and provide education to the community about this policy. OPS personnel are also encouraged to learn about the inherent issues concerning the communities they serve in relation to hate crimes. Assigned DSH personnel should perform the following:

- (a) Meet with residents in target communities to allay fears; emphasize the Department's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information.
- (b) Provide direct and referral assistance to the victim and his/her family.
- (c) Conduct public meetings on hate crime threats and violence in general.
- (d) Establish relationships with formal community-based organizations and leaders.
- (e) Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.
- (f) Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.
- (g) Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

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.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. OPS should evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

319.4 RESPONSE, VICTIM ASSISTANCE AND FOLLOW-UP (INVESTIGATIONS)

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First responding officers should know the role of all department personnel as they relate to the agency'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. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

- (a) Use Department's checklist and attach to investigative report per Penal Code section 422.87 to assist in the investigation of any hate crime. [See attachment: OPS 319 Hate Crime Checklist.pdf](#)
- (b) Stabilize the victim(s) and request medical attention when necessary.
- (c) Ensure the safety of victims, witnesses, and perpetrators.
 1. Issue a Temporary Restraining Order (if applicable).
- (d) 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.
- (e) 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, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
- (f) 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.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including, but not limited to:
 1. Identity of suspected perpetrator(s).
 2. Identity of witnesses, including those no longer at the scene.
 3. The offer of victim confidentiality per Government Code section 5264.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.

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6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 - i. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Penal Code section 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.
 - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.
 - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
 - (j) Adhere to Penal Code section 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.
 - (k) Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
 - (l) Provide Hate Crimes Brochure (Pen. Code § 422.92) if asked, if necessary or per policy (if applicable). Department of Justice (<https://oag.ca.gov/civil/content/hatecrimes>) and Department of Fair Employment and Housing (<https://www.dfeh.ca.gov/resources/posters-and-brochures-and-fact-sheets/poster-and-brochure-tab-list/?target=Hate%20violence%20%28Ralph%29>)

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- (m) Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
- (n) Report any suspected multi-mission extremist 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.

319.4.1 INVESTIGATIONS UNIT RESPONSIBILITY

State **MODIFIED**

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes should take all actions deemed 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 (hard core).
- (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 being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
- (d) Fully investigate any report of hate crime committed under the color of authority per Penal Code section 422.6 and Penal Code section 13519.6.
- (e) 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.
 - 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 - 1. Identity of suspected perpetrator(s).
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. Offer of victim confidentiality per Government Code section 5264.
 - 4. Prior occurrences, in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. Document the victim's protected characteristics.

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- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) 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.
- (l) Coordinate the investigation with the crime scene investigation unit or other units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take steps to ensure 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.
 - 3. Provide the victim and any other interested person the brochure on hate crimes per Penal Code section 422.92 and information on any local advocacy groups (if asked).
- (o) Report any suspected multi-mission extremist crimes to the Department's TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

319.4.2 SUPERVISOR RESPONSIBILITY

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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 by:
 - 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms Gov. Code § 6254) to the extent possible. Allow the victim to convey his/her 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 departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services per Penal Code section 422.92.

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- (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-crimes 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.
- (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 notifying local or State law enforcement agencies of assigning an officer at specific locations that could become targets).
- (e) Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to Penal Code section 13023.
- (f) Ensure adherence to Penal Code section 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. (U-Visa, T-Visa, S-Visa, etc.)
- (g) Respond to and investigate any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary with approval from the Chief of Law Enforcement and Chief of Police. Due to the of the nature of the incident the Director of DSH and California Health and Human Services Agency need to be notified. For information see the California Department of Justice webpage (<https://oag.ca.gov/civil/content/hatecrimes>) and the Department of Fair Employment and Housing website (<https://www.dfeh.ca.gov/resources/posters-and-brochures-and-fact-sheets/poster-and-brochure-tab-list/?target=Hate%20violence%20%28Ralph%29>)
- (i) Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System. [See attachment: DOJ Rapid Response Team.pdf](#)
- (j) Make a final determination as to whether the incident should be classified as a hate crime.

319.5 REPORTING

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The Chief of Police, or designee, shall:

- (a) Ensure that hate crimes are properly investigated, documented and reported.
- (b) During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/ penal code section identifying the report as a hate crime. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.

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- (c) OPS shall comply with legally mandated reporting, including the California Department of Justice, pursuant to Penal Code section 13023.

319.6 RELEASE OF INFORMATION

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The Department will 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 crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

The Department will consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- (a) Informing community organizations in a timely manner when a community group has been the target of a hate crime
- (b) Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
- (c) Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
- (d) Providing the community with on-going information regarding hate crime and/or hate incidents

319.7 TRAINING

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All OPS staff, including Communication Operators, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The Department will follow all legislatively mandated training requirements. All DSH sworn employees will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code section 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

Attachments

OPS 319-Hate Crimes-Codes and Definitions.pdf

OPS 319-Hate Crimes-Codes and Definitions

Definitions

- a. Penal Code § 422.55 - Provides general definition of hate crimes in California.
- b. Penal Code § 422.56- Provides definitions of terms included in hate crimes statutes.
- c. Government Code § 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

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- a. Penal Code § 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

- a. Penal Code § 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.
- b. Penal Code § 190.03(a) - Homicide penalties related to certain hate crime related acts.
- c. Penal Code § 288(b)(2) - Sexual assault of dependent person by caretaker.
- d. Penal Code § 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.
- e. Penal Code § 594.3 - Vandalism of places of worship.
- f. Penal Code § 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.
- g. Penal Code § 11413 - Arson or destructive device at place of worship.

Misdemeanors

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- a. Penal Code § 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.
- b. Penal Code § 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights.

Related Crimes

- a. Penal Code § 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a exempt-tax place of worship.

- b. Penal Code § 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.
- c. Penal Code § 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.
- d. Penal Code § 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

- a. Penal Code § 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.
- b. Penal Code § 190.3 - Special circumstances imposing life without parole if the victim was intentionally killed because of sexual orientation, gender, or disability.
- c. Penal Code § 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.
- d. Penal Code § 1170.8 - Enhancement for robbery or assault at a place of worship.
- e. Penal Code § 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

- a. Penal Code § 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.
- b. Welfare and Institution Code § 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

- a. Penal Code § 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).
- b. Penal Code § 13519.6 - Defines hate crime training requirements for peace officers.
- c. Penal Code § 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

- a. Penal Code § 422.78 - Responsibility for prosecution of stay away order violations.

- b. Penal Code § 422.86 - Public policy regarding hate crimes.
- c. Penal Code § 422.89 - Legislative intent regarding violations of civil rights and hate crimes.
- d. Penal Code § 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.
- e. Penal Code § 422.93 - Protection of victims and witnesses from being reported to immigration authorities.
- f. Government Code § 6254 - Victim confidentiality.

DOJ Rapid Response Team.pdf



State of California
Office of the Attorney General
Xavier Becerra
Attorney General

The Attorney General's Hate Crime Rapid Response Team Protocol for Deployment of Department of Justice Resources

Statement of Purpose

The Attorney General is the chief law officer of the State. It is his duty to see that the laws of the State are uniformly and adequately enforced. (Cal Const., art. V, § 13.) Because crimes motivated by hate are not just attacks on individual innocent people, but attacks on the entire State and our communities, the California Department of Justice (Department) will direct the deployment of the full resources of the Department to aid and assist local and federal law enforcement authorities in the investigation of possible hate crimes, and in the identification, arrest, prosecution, and conviction of the perpetrators of those crimes.

In order to ensure that the perpetrators of hate crimes are quickly identified and apprehended Attorney General Xavier Becerra reaffirms this protocol for the **Attorney General's Hate Crime Rapid Response Team**. The team shall be composed of employees of the Department of Justice who perform functions within the Department that, if rapidly deployed, may assist local and federal law enforcement authorities in the identification, arrest, prosecution, and conviction of the perpetrators of hate crimes. The team shall be on call at all times.

The **Attorney General's Hate Crime Rapid Response Team** does not supplant the efforts of local and federal law enforcement authorities with respect to the investigation and prosecution of hate crimes. It is the Attorney General's intent that those agencies have access to, on a highest of priorities basis, the full resources of the Department of Justice at their disposal. He believes that through a strong cooperative and team effort, state, local, and federal law enforcement agencies will be in the best position to quickly and decisively respond to the commission of a hate crime in California.

Members of the Rapid Response Team

The Rapid Response Team shall consist of the Chief Deputy to the Attorney General, the Chief of the Division of Legal Affairs, the Chief of the Division of Law Enforcement, the Assistant Chief of the Division of Law Enforcement, the Director of the Bureau of Investigation, the Chief of the Division

of Criminal Justice Information Services, the Chief Assistant Attorney General of the Division of Criminal Law, the Senior Assistant Attorney General of the Civil Rights Enforcement Section within the Division of Public Rights and the Manager of the Victims' Services Unit within the Division of Criminal Law.

Events Qualifying for Deployment of Attorney General's Rapid Response Team

While all hate crimes should be investigated and solved, deployment of the Rapid Response Team shall be focused on those hate crimes that result in or involve any or all of the following:

- a) serious bodily injury or death, or appear calculated to cause such;
- b) acts of arson or attempted arson;
- c) use of explosives; and/or
- d) a mass casualty incident, or any action appeared calculated to trigger a mass casualty incident.

The occurrence of such a crime may qualify as a "triggering event."

Individuals Authorized to Declare Occurrence of Triggering Event

The Attorney General or the Chief Deputy to the Attorney General shall have authority to declare that a triggering event has occurred.

Action to be Taken in Response to the Occurrence of a Triggering Event

Once a declaration has been made, the Chief of the Division of Law Enforcement, the Assistant Chief of the Division of Law Enforcement, the Director of the Bureau of Investigation, the Chief Assistant Attorney General of the Division of Criminal Law, the Chief of the Division of Legal Affairs and the Chief of the Division of Criminal Justice Information Services, and the Senior Assistant Attorney General of the Civil Rights Enforcement Section within the Division of Public Rights shall immediately coordinate and without delay take the following actions:

- I. **The Division of Law Enforcement** – the Chief of the Division of Law Enforcement shall:
 - A. Contact the local police chief and/or county sheriff and the head of the local office of the Federal Bureau of Investigation that has responsibility for investigating hate crimes in the jurisdiction in which the triggering event has occurred, and shall advise them that the full resources of the Department of Justice will be made available to them on the highest of priorities basis.
 - B. Notify the Director of the Bureau of Investigation that a triggering event has occurred and direct the deployment of as many special agents and other relevant staff as necessary to the scene of the triggering event to assist local and federal authorities, to observe and evaluate the scene of the triggering event, and to prepare and deliver, within 24 hours of the occurrence of the triggering event, a report to the Attorney General on the facts and circumstances that are known as of that time. The special agent(s) and other Department staff shall also take whatever steps are necessary to assist local and federal

authorities in transporting any physical evidence to the Department of Justice laboratories for analysis if those authorities determine such action is appropriate. The Chief shall further command the Director to immediately, and not later than 24 hours following a triggering event, deliver to relevant local and federal law enforcement any and all intelligence information that might assist those authorities in identifying the perpetrator(s).

- C. Notify the Director of the Bureau of Forensic Services that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
 - D. Notify all Criminalist Laboratories that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
 - E. Notify the Commissioner of the California Highway Patrol that a triggering event has occurred and request that the Commissioner give the highest priority to any request for services that is related to the triggering event.
- II. **The Division of Criminal Justice Information Services** – The Chief of the Division of Criminal Justice Information Services shall:
- A. Notify the Director of the Bureau of Criminal Identification and Investigative Services that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
 - B. Notify the Director of the Bureau of Criminal Information and Analysis that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
- III. **Office of the Attorney General** – Upon the occurrence of a triggering event:
- A. The Chief of the Division of Legal Affairs shall contact the County District Attorney and the United States Attorney having jurisdiction for the locale in which the triggering event has occurred and offer them assistance of the Legal Division of the Office of Attorney General. This would include, but is not limited to, the services and assistance of the Division of Criminal Law, the Victims' Services Unit, and Civil Rights Enforcement Section in the Division of Public Rights. The Chief of the Division of Legal Affairs shall also direct the Chief Assistant Attorney General of the Division of Criminal Law and the Senior Assistant Attorney General of the Civil Rights Enforcement Section to each assign a Deputy Attorney General, who will be available to provide the Rapid Response Team with legal advice that may be needed in connection with the execution of its responsibilities.

- B. The Chief Assistant Attorney General for the Division of Criminal Law shall notify the Manager of the Victims' Services Unit that a triggering event has occurred. The Manager shall make immediate contact with the District Attorney's Victim Services Center of the county in which the triggering event occurred (or any appropriate representative from the District Attorney's Office, if the county does not have a Victim Services Center), and shall offer the full services of the Department's Victims' Services Unit. The Senior Assistant Attorney General of the Civil Rights Enforcement Section shall assist the Manager in responding to this directive.

Additional Support and Outreach

When the Department learns of a scheduled or planned event that may result in the increased possibility of a triggering event, the Chief of the Division of Law Enforcement or his or her designee may contact the local police chief and/or county sheriff in the impacted area to notify them of the Department's ability to assist should any such triggering event occur.

OPS 319 Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page ____ of ____

Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
Total # of photos: _____ D#: _____	<input type="checkbox"/> Known to victim
Taken by: _____ Serial #: _____	

<u>VICTIM</u>	<u>SUSPECT</u>
<input type="checkbox"/> Tattoos	<input type="checkbox"/> Tattoos
<input type="checkbox"/> Shaking	<input type="checkbox"/> Shaking
<input type="checkbox"/> Unresponsive	<input type="checkbox"/> Unresponsive
<input type="checkbox"/> Crying	<input type="checkbox"/> Crying
<input type="checkbox"/> Scared	<input type="checkbox"/> Scared
<input type="checkbox"/> Angry	<input type="checkbox"/> Angry
<input type="checkbox"/> Fearful	<input type="checkbox"/> Fearful
<input type="checkbox"/> Calm	<input type="checkbox"/> Calm
<input type="checkbox"/> Agitated	<input type="checkbox"/> Agitated
<input type="checkbox"/> Nervous	<input type="checkbox"/> Nervous
<input type="checkbox"/> Threatening	<input type="checkbox"/> Threatening
<input type="checkbox"/> Apologetic	<input type="checkbox"/> Apologetic
<input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

<table style="width: 100%;"> <tr> <th style="text-align: left; padding: 2px;"><u>Victim</u></th> <th style="text-align: left; padding: 2px;"><u>Suspect</u></th> <th style="padding: 2px;"></th> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/></td> <td style="padding: 2px;"><input type="checkbox"/></td> <td style="padding: 2px;">Declined medical treatment</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/></td> <td style="padding: 2px;"><input type="checkbox"/></td> <td style="padding: 2px;">Will seek own medical treatment</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/></td> <td style="padding: 2px;"><input type="checkbox"/></td> <td style="padding: 2px;">Received medical treatment</td> </tr> </table> <p>Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<u>Victim</u>	<u>Suspect</u>		<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
<u>Victim</u>	<u>Suspect</u>												
<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment											
<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment											
<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment											

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date