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SUBJECT: Hate Crimes/Hate Incidents

ISSUED BY: Fernando Solorzano

I. PURPOSE

Hate crimes/incidents affect not only the individual victim but the entire community. Crimes and incidents motivated by hatred for racial, religious, and sexual groups are not merely crimes of simple assaults, property crimes, or violations of civil rights. By specifically target individuals based on their particular characteristics, they provide fuel to prejudices and fears within the community and act to continue the cycle of hatred and prejudice.

The broad impact of hate crimes on the community is of great concern to the University and the Department. It is essential that the Department address hate crimes/incidents in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators. To this end, the following procedures, based on proven best practices, are adopted by the Department to assist in identifying and handling crimes motivated by hate and bias.

II. POLICY

It is the policy of the Department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race/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 are viewed very seriously and given high priority.

The Department 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, the Department will seek to attend to the security and related concerns of the immediate victims and their families.

III. DEFINITIONS

In accordance with Penal Code sections §422.55, §422.56, and §422.6 the following definitions apply:

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: disability, gender, nationality, race/ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics.

Hate Incident

A non-criminal act directed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race/ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics.

Association with a person or group with these actual or perceived characteristics

This includes any person who advocates for, identifies with, or is present on grounds owned/rented by, or adjacent to any 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 the characteristics listed under this definition of hate crime and listed in the definition of hate crime under paragraphs 1 to 6 inclusive of the California Penal Code section §422.55 subdivision (a).

Disability

Under the Americans with Disability Act an individual is considered disabled and subject to protection if they have any impairment that substantially limits one or more major life activities. This includes all mental and physical disabilities defined in Government Code section §12926.

Gender

Meaning a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Nationality

This includes citizenship, country of origin, and national origin.

Race/Ethnicity

Includes ancestry, color, and ethnic background

Religion

This includes all aspects of religious belief, observance, and practice including agnosticism and atheism.

Sexual Orientation

This includes heterosexuality, homosexuality, or bisexuality.

Victim

This includes, but is not limited to, a community center educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

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

IV. RESPONSE AND REPORTING PROCEDURES

Peace officers have important roles to play in responding to and documenting hate crimes/incidents. By doing the job efficiently and carefully, officers can reinforce the message that hate crimes will be investigated aggressively 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 may jeopardize public safety and leave officers and the Department open to increased scrutiny and possible liability.

First Response Procedures

First responders at the scene of a suspected hate crime/incident should take the following preliminary actions:

- (a) Stabilize the victim(s) and request any necessary medical attention.
- (b) Give priority to the needs and feelings of the victim(s). Reassure the victim(s), especially concerning threats to their safety or the likelihood of a recurrence.
- (c) Determine whether the incident meets the hate crime criteria
- (d) Preserve the crime scene and all evidence carefully. Photograph and collect physical evidence or indicators of hate crimes. If evidence of an inflammatory nature cannot be physically removed then Facilities Maintenance should be contacted to ensure removal as soon as possible after photographing.

- (e) Conduct a preliminary investigation and record information regarding the incident. Request the assistance of translators or interpreters when needed to establish effective communication. Ask victim(s) about possible suspect(s). Encourage them to express their feelings which may yield useful information about motives and potential perpetrators.

NOTE: It may be necessary to allow the victim(s) or witness(es) a period of time to vent their immediate concerns and to express their feelings about the incident.

- (f) Identify individuals or agencies that may provide support, assistance, or remedy to the victim. Provide the victim with the “Victim of Violent Crime Form”. Other local victim assistance resources may include family members, acquaintances, clergy, or community service agencies.
- (g) Check the surrounding area for other incidents if this crime was one of vandalism or graffiti.
- (h) Complete a thorough, written report documenting the incident and actions taken.
- (i) Provide the victim with the Title IX packet provided to the department by the University department of Equity and Diversity.

Supervisory Responsibilities

The Watch Commander should confer with the initial responding officer(s), and ensure that necessary preliminary actions have been taken. In addition the Watch Commander should take the following actions:

- (a) Provide support and assistance to the victim of the crime. Express the Departments official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators. Express the Department’s interest in protecting the anonymity of the victim whenever possible.
- (b) Determine whether the scope of the incident requires a call out by the Investigative Services Unit. Coordinate the notification of the Investigative Services Unit with the Support Services Division Commander or their designee.
- (c) Review all field reports of hate crimes/incidents. Determine whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes. Ensure that the Title IX packet has been given to the victim and has been documented in the Title IX packet Log.
- (d) Coordinate the timely notification of the Chief of Police, the Field Services Division Commander, and/or the Support Services Division Commander, regarding the incident.

- (e) Respond to and initiate an investigation of any hate crimes reported to have been committed under the color of authority.

Investigative Services Unit Responsibilities

The assigned detective(s) should:

- (a) As soon as possible, contact the victim(s) personally and express concern on behalf of the Department and the University. Reinforce the importance the Department places on their safety and well-being and our commitment to arresting the perpetrator(s).
- (b) Review the case file and evidence thoroughly and make the final determination as to whether the incident should be classified as a hate crime for reporting purposes.
- (c) Coordinate with any appropriate local, county, regional, state, and/or federal law enforcement agency for identification and investigation of suspect groups/persons linked to the incident.
- (d) Take steps to ensure the appropriate assistance is provided to the victim(s), including, but not limited to:
 - (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.
- (e) Coordinate with the Field Services Unit and the victim(s) residential jurisdiction if evidence shows the possibility that the victim(s) may be attacked or harassed for reporting the crime.
- (f) Coordinate with other law enforcement agencies to assess patterns of hate crime and develop techniques and methods to identify and handle hate crimes.
- (g) Complete a timely and thorough follow-up investigation of the incident.
- (h) Maintain a file of all hate crimes/hate incidents, with current follow-ups and case dispositions.

V. GOALS AND EXPECTATIONS

The California State University, Long Beach Police is charged with ensuring that the rights guaranteed by state law and the U.S. Constitution are protected for all people,

regardless of their ethnicity, race, national origin, religion, gender, sexual orientation, or political beliefs.

When these rights are infringed upon by violence, threats, or other harassment, this Department will use every means available to identify the perpetrators, arrest them, and bring them before the court.

All acts violence or threats motivated by hate will be viewed as serious, and the Department will give priority attention to these incidents. Such acts generate fear and concern among victims and the public, and have the potential for recurring, escalating, and possibly causing counter violence.

APPROVED