

Hate Crimes

323.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

323.2 DEFINITIONS

Hate crimes - Penal Code § 422.55(a) defines a hate crime as 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
- (g) Association with a person or group with one or more of these actual or perceived characteristics

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 § 245).

323.2.1 CRITERIA FOR DETERMINING HATE CRIMES

Examples of hate crimes include, but are not limited to:

- Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
- Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
- Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
- Vandalizing a place of worship (Penal Code § 594.3).

Guidelines for hate crime determination are as follows:

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- The hate crime must involve a specific target, such as an individual, residence, house of worship, religious or ethnic organization, or business
- Graffiti must be racial, ethnic, religious, gender or sexual orientation biased in nature, such as swastika, KKK, Nazi, or other hate group symbols or slogans, or involve the use of epithets
- Bigotry must be the central motive for the attack, rather than economics, revenge, etc., as in other kinds of crime
- Any assault against a person, in the absence of other apparent motivation, when initiated for racial, ethnic, religious, or sexual orientation reasons, will be considered a hate crime
- 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
- Obscene or threatening phone calls, when containing racial, ethnic, religious or sexual orientation slurs, are considered hate crimes

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

- Graffiti on freeway overpasses, public phone facilities, etc.
- Neo-Nazi or gang graffiti, even if accompanied by a swastika
- Interracial crimes, such as robbery, assault, or rape, which are motivated by factors other than race, ethnicity, religion, or sexual orientation
- Intra-group acts, regardless of graffiti; this includes gang graffiti and other gang acts
- Name calling and epithets not accompanied by assault or other criminal act
- KKK, Nazi, or other hate crime rallies, leafleting, or recruiting drives, though reprehensible, are not hate crimes

Though an incident may not be classified as a hate crime, the legislature has charged law enforcement with preventing and preparing for likely hate crimes. As such, officers will be required to follow the policy as outlined in 338.4.6.

323.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes, to form and cooperate with prevention and response networks.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

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- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

323.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) Personnel will respond in a sensitive way to the feelings and needs of the victim(s).
- (c) A supervisor should be notified of the circumstances as soon as practical.
- (d) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (e) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).
- (f) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives, the Forensics Unit or other resources to further the investigation.
- (g) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). Absent prior approval of a supervisor, the report will be completed and submitted by the assigned officer(s) before the end of the shift.
- (h) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations
- (i) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

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323.4.1 INVESTIGATIVE SERVICES DIVISION RESPONSIBILITY

The Field Supervisor shall respond immediately to the scene of all incidents covered by this policy. If the incident constitutes a definable criminal offense, the Field Supervisor shall:

- (a) Ensure that the crime scene is protected
- (b) Ensure that the Assaults Unit supervisor and any other appropriate investigative personnel are notified. Notify the Office of the Chief of Police and the Press Information officer
- (c) Ensure that the scene is properly processed and evidence is gathered
- (d) Under the direction of the detective or officer in charge of the investigation, the Forensic Specialist will assist in providing a thorough examination of the scene. The Forensic Specialist will photograph and recover evidence as instructed by the detective or officer in charge.
- (e) Personally assure the victim(s) that the investigation will be actively pursued to apprehend the suspect(s)
- (f) Arrange for an immediate increase of patrols throughout the affected area. If in the judgment of the Field Supervisor there still exists the potential for further acts of violence, a unit should be specifically assigned to the location in a fixed post position
- (g) Ensure that all physical remains of the incident are removed after processing is completed. If the remains cannot be removed (example: paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible
- (h) Ensure that the crime/incident report contains full data on the materials used (cross, literature, paint, etc.), including size, construction, wrappings, messages; plus the method of removal and the disposition of the remains
- (i) Ensure that a copy of all reports be provided to the supervisor of the Assaults Unit as soon as practicable
- (j) Maintain contact with community leaders at the scene concerning the progress of the investigation

323.4.2 WATCH COMMANDER NOTIFICATION

Officers and/or field supervisors shall notify the Watch Commander or Station Sergeant as soon as possible of the following information (if applicable):

- (a) Any disturbance, physical violence, or destruction of property that is racially, religiously, ethnically, gender biased or sexual orientation motivated
- (b) The type of vandalism and the materials involved
- (c) The exact time and location of the incident

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- (d) The type of neighborhood (racial, ethnic, and make-up, etc.)
- (e) Whether arrests are imminent, or the names, addresses, dates of birth, sex, and race of any persons arrested
- (f) Upon receiving this information, the Watch Commander, Station Sergeant or Field Supervisor will notify the Assaults detail supervisor and the PIO
- (g) If the incident occurs on the weekend, the on call staff officer must also be notified

323.4.3 INVESTIGATIVE SERVICES DIVISION RESPONSIBILITY

Unless the incident requires specialized investigation (murder or arson), the Assaults/Special Offense detail shall be responsible for conducting the criminal investigation of a hate crime. In the event that the hate related crime requires specialized investigation, personnel assigned to the appropriate criminal investigation detail shall be responsible for conducting the criminal investigation.

Investigative personnel shall, upon being directed by a commanding officer or a designate, respond to the scene of all incidents covered by this policy and shall (if applicable):

- (a) Conduct a thorough, on-site investigation to determine what evidence is required to ensure a successful arrest and prosecution of the criminal offender(s)
- (b) Ensure that all physical evidence is recorded, photographed, and gathered by designated personnel
- (c) Generate appropriate supplemental crime reports
- (d) When appropriate, maintain liaison with federal, state, and local agencies for intelligence information exchange . When appropriate, share relevant information with Department personnel so that they are aware of potential problems in the community and can function in a proactive manner
- (e) Follow-up with the victim(s) to assure the individual(s) that the police are doing everything possible to apprehend the suspect(s)
- (f) Maintain contact with the victims and other involved parties. Ensure they are informed of case clearance information
- (g) Conduct an investigation into all possible hate-motivated incidents to determine the motivation for the incident and report the facts of such incidents to the Chief of Police. Additionally, the supervisor or designee shall respond to the scene of any hate or bias incident whenever directed by the Chief of Police or, in the supervisor's opinion, the investigation warrants it
- (h) Report the inquiry findings, as soon as practicable, to the Chief of Police and, where appropriate, make recommendations for further actions
- (i) Maintain and catalog all criminal and non-criminal reports involving race, ethnicity, religion, or sexual orientation bias

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- (j) Keep the Chief of Police informed at all times concerning matters covered in this section
- (k) Coordinate with the District Attorney's office

323.4.4 RESPONSIBILITIES OF THE OFFICE OF THE CHIEF OF POLICE-STAFF SERVICES

Once informed of a hate incident, the Press Information Officer, (PIO), will gather information from the Watch Commander and the Assaults/Special Offense detail to determine if the investigators have classified the occurrence as a hate incident or hate crime. The PIO will also determine from investigators what level of assistance would be appropriate from City management and the Glendale Human Relations Coalition's hate crime response team.

The PIO will advise the City PIO of the incident and make recommendations as to the level of response from City management.

The PIO will advise and coordinate any planned community support activity with the Intelligence Unit.

The PIO will maintain contact with community leaders concerning the progress of the investigation.

On a routine basis, the PIO shall meet and work with community members, leaders or groups such as the Los Angeles County Human Relations Commission and the Anti-Defamation League of B'nai B'rith, to assist, coordinate, and facilitate the efforts of those involved in preventing the recurrence of these types of hate crimes. The Glendale Police Department firmly believes that meetings with group representatives often provide positive mutual confidence, through which rumors can be quelled with factual information. This trust is crucial to preventing community unrest, which is often based on misinformation or lack of information. Immediate contact with community leaders is essential to maintaining order.

323.4.5 RECORDS RESPONSIBILITY

Records personnel shall be responsible for maintaining statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023.

323.4.6 DOCUMENTING NON-CRIMINAL HATE INCIDENTS

In all other reported incidents, not amounting to a hate crime, consideration should be given for documentation in a police report with a non-criminal classification. An additional copy of the report shall be forwarded to the Office of the Chief of Police. The same relevant information concerning the race, ethnic, religious, sexual orientation, etc. of persons involved must be included in the report. This information will be utilized for follow-up and appropriate referrals.

323.5 TRAINING

All sworn members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.