



DATE ISSUED: August 20, 2003

GENERAL ORDER O-13

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SUBJECT: HATE MOTIVATED CRIME AND INCIDENT INVESTIGATION

I. PURPOSE - To establish procedures for the handling of reported acts of hate motivated crimes or incidents on the Berkeley Campus. These cases generate fear and concern among victims and the community, and have the potential to recur and to escalate.

II. POLICY

1. This Order supersedes General Order O-13, "Hate Motivated Crime and Incident Investigations," dated December 1, 1995.
2. The rights guaranteed by state laws and the U.S. Constitution are to be protected for all people regardless of their race, ethnic background, national origin, religious beliefs, gender, age, disability, sexual orientation, or political affiliation. When such rights are infringed upon by violence, threats, or other harassment, the Department will use every necessary resource to identify those responsible for these acts and prosecute them.
3. A Training Bulletin on this topic will be updated and issued annually in August, prior to the beginning of Fall instruction. The bulletin will include (but not be limited to) a review of this order, any legal updates and current campus resources.

III. DEFINITIONS

4. The US Department of Justice defines a Hate Crime, also known as a bias crime, as a criminal offense committed against a person, property, or society which motivated, in whole or in part, by the offender's bias against a race religion, disability, sexual orientation, or ethnicity/national origin. Definitive guidelines for Hate Crime determination are as follows:
 - a. The Hate Crime must involve a specific target, such as an individual, residence, house of worship, religious or ethnic organization, or business.
 - b. Graffiti must be racial, ethnic, religious, or homophobic in nature, such as swastika, KKK, Nazi, or other Hate Group symbols or slogans, or involve the use of epithets.
 - c. Any assault against a person, in the absence of other apparent motivation, when initiated with bias motivated epithets, will be considered to be a Hate Crime.



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- d. Vandalism to a house of worship, or ethnic, religious, or Lesbian, Gay, Bisexual, Transgender or Intersex organization will be considered a Hate Crime in the absence of evidence of other motives,
 - e. Obscene or threatening phone calls, when containing bias motivated slurs, are considered Hate Crimes when it is determined that hate is the primary motivation for the call.
5. A Reportable Incident is any criminal or non-criminal act directed at any person or group due to a bias against any race, religion, ethnicity/national origin, gender, disability or sexual orientation.

IV. PROCEDURES

6. Communications Center
 - a. Upon receipt of a reported Hate Motivated Crime or Incident, the Public Safety Dispatcher will:
 - 1) Notify the Division Commander immediately if on-duty.
 - 2) Dispatch a field unit as soon as reasonably practical, based on the nature of the call.
 - 3) Notify the Patrol Sergeant of the reported incident.
7. Patrol Officer
 - a. When a Patrol Officer responds to a reported Hate Motivated Crime or Incident, the Officer will:
 - 1) Apprehend the perpetrator(s) if applicable.
 - 2) Request that a Patrol Supervisor respond to the scene.
 - 3) Render assistance and comfort to the victim.
 - 4) Conduct a thorough preliminary investigation consistent with Department Policies and Procedures, including evidence collection and photographs when applicable.
 - 5) Provide assistance to the victim and/or referral to the appropriate legal or service agencies
 - 6) Provide relevant forms to the victim, e.g. "Victims of Violent Crimes" form. Resource Guides for these cases must be personally delivered.



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8. Patrol Supervisor

- a. The Patrol Supervisor, upon being notified of a possible Hate Motivated Crime or Incident, will:
 - 1) Respond to the scene, interview the Patrol Officer, and confirm whether or not a Hate Motivated Crime or Incident has occurred.
 - 2) Take whatever steps are necessary to ensure that the situation does not escalate.
 - 3) Render assistance and comfort to the victim.
 - 4) Supervise the preliminary investigation.
- b. The Supervisor will notify the Patrol Captain (if on-duty) or On-Call Captain.
- c. The Supervisor will notify the on-duty or on-call investigators.
- d. The Supervisor will see the case is included in the shift summary report.

9. Patrol Captain

- a. The Patrol Captain (if on duty) or the On-Call Captain, upon being notified of a possible Hate Motivated Crime or Incident, should:
 - 1) Respond to the scene of the incident and confer with the Patrol Supervisor, if appropriate.
 - 2) Notify the Investigative and Support Services Captain.
 - 3) Notify the Chief of Police.
 - 4) Notify UC administrators, as appropriate, after review with the Chief of Police.
- b. Following the preliminary investigation, the Patrol Captain should review all field reports.
- c. Within one week of a hate crime, a UCPD Senior Staff member should visit the victim (victim's family, etc.)
- d. The Patrol Captain will prepare a Critical Incident Report for the Chief of Police.



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10. Criminal Investigations Bureau

- a. The investigator assigned the case will:
 - 1) Conduct a thorough follow-up investigation consistent with Department policy and procedure including personal contact with victim(s).
 - 2) Keep the ISSD Captain informed of the progress of the investigation.
 - 3) Prepare the case for prosecution in court.
- b. The COES Lieutenant is designated to serve as the liaison between the Department and community, religious, and civic leaders, as appropriate.
- c. The ISSD Captain will ensure all necessary follow-up investigations are completed and shall brief the Chief regularly on the status of the investigations. He/she will also ensure that all Hate Motivated Crime or Incident statistics are reported in accordance with state and federal law.

11. Crime Prevention Unit

- a. A member of the Crime Prevention Unit should meet with appropriate groups to allay fears, reduce the potential for counter-violence, and provide safety and protection information. This should be coordinated through the COES Lieutenant.
- b. The Crime Prevention Unit will provide assistance to the victim and victim's family as needed.

A handwritten signature in black ink, appearing to read "Victoria L. Harrison".

Victoria L. Harrison
Chief of Police