



POLICY/PROCEDURE NUMBER: 08-S.O.-015

Page 1 of 5

SUBJECT: HATE CRIMES

EFFECTIVE DATE: January 7, 2015

REVIEW DATE: January 7, 2016

AMENDS/SUPERSEDES: January 2, 2008 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 version.

IACLEA STANDARD: N/A

CSU POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINE – YES

APPROVED: Anne P. Glavin, Chief of Police

I. PURPOSE

The California State University, Northridge Police Department will take a proactive role in promoting peace within the academic community and in ensuring that rights guaranteed by state and federal laws are protected for all regardless of race, color, national origin, gender, ethnicity, religion, age, disability or sexual orientation. When such rights are infringed upon by violence, intimidation, threats or other harassment, the department will use every reasonable resource to rapidly and decisively identify the perpetrators, arrest them, and bring them before the court.

All acts of violence or threats will be viewed as serious and will not be tolerated, and their investigation will be given priority attention. Such acts may generate fear and concern among victims and the public and have the potential of re-occurring, escalating and causing further violence.

II. POLICY

Bias-motivated crime is a serious law enforcement problem. University police officers must be prepared to respond to all such bias-motivated acts rapidly and with a high degree of sensitivity. The California State University, Northridge Police Department will not tolerate acts of prejudice or hate not protected by the Constitution of the United States. It is expected that police officers of this department will respond to both hate crimes and hate incidents with a high degree of concern and response priority.

III. DEFINITIONS

- A. Hate Crime (422.55 PC): "Hate crime" means 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.
 - (2) Gender.
 - (3) Nationality.
 - (4) Race or ethnicity.
 - (5) Religion.
 - (6) Sexual orientation.
 - (7) Association with a person or group with one or more of these actual or perceived characteristics.

"Hate crime" includes, but is not limited to, a violation of Section 422.6 PC.

422.6. (a) PC – No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

(b) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

51.7 California Civil Code – Establishes right to be free from violence or intimidation committed against persons or property because of actual or perceived "race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability."

- B. Hate Incident (CSU system-wide definition): Any non-criminal conduct that is motivated by hatred, prejudice or bigotry and directed at any individual, residence, house of worship, institution or business expressly because of the victim's (person or institution) real or perceived race, nationality, religion, sexual orientation, gender or disability. Hate incidents also include conduct directed against an individual or group because of their association or advocacy on behalf of a member or members of a protected class.
- C. Aggravating Factors (1170.75 PC): Aggravating factors that shall be considered include selection of a victim because of the victim's actual or perceived "race, color, religion, nationality, country of origin, ancestry, disability, gender, or sexual orientation."

IV. RESPONSIBILITIES

- A. Dispatcher(s):

When a dispatcher receives a complaint of an apparent hate crime or hate incident or a complaint that appears to have the components of such a crime or incident, the dispatcher

should dispatch a police unit immediately. Once a responding patrol unit verifies that a hate crime or a hate incident has occurred, the dispatcher shall advise the shift supervisor so that he/she may respond to the scene. The reporting party of any hate crime or incident should be treated professionally and reassuringly by the receiving dispatcher.

B. Responding officer(s):

1. Give priority to the needs and feelings of the victim(s). Reassure the victim(s) as appropriate and do not appear to be hurried in your efforts to obtain the facts of the case. Be prepared for an emotional response from the victim, family and targeted group.
2. Determine whether the incident meets the criteria of a hate crime.
3. Preserve the crime scene and evidence carefully.
4. Ask the victim about possible suspects. Encourage them to express their feelings which may yield useful information about motives, potential perpetrators, etc. Do not make assumptions or jump to conclusions.
5. Ask the victim and other parties present if they are aware of any similar incidents in the area.
6. Before leaving the area, look around for similar incidents if the crime was one of vandalism or graffiti. Photograph all acts of vandalism or graffiti.
7. Ensure that the dispatcher has notified the shift supervisor. If it appears critical that crime scene evidence be processed, notify the Investigations Unit immediately.
8. Complete a thorough RIMS report. Education Code Section 67380(a)(2) requires a written record of a non-criminal act of hate violence to include a description of the act, victim characteristics, and offender characteristics, if known.)

C. Shift Supervisor:

1. Respond immediately to the scene of all hate crimes or hate incidents.
2. Ensure that the crime scene is protected and photographs have been taken.
3. Ensure that investigative personnel have been notified.
4. Notify command personnel if the incident is serious.

D. Investigating officer(s):

1. Contact the victim and personally express concern on behalf of the department and the university as soon as possible.
2. Attempt to elicit additional motive and perpetrator information from the victim. Recap all available information and provide reassurance of police concern and commitment to combating hate crime.
3. Photograph (if this has not already been done) and process the crime scene.
4. Gather and take custody of any related evidence.
5. Contact appropriate federal, state and/or local law enforcement agencies for assistance with serious cases as necessary.
6. Maintain liaison with federal, state and local agencies for intelligence information exchange.
7. Keep the appropriate department personnel informed of the status of the case.

V. INVESTIGATIVE PROCEDURES

- A. Officers must recognize that single incidents such as vandalism or threats may initially appear as less serious when viewed in the larger context of all crime. Incident reports should be reviewed for patterns of incidents occurring at either the same location or directed at a particular individual or group. Very often what may begin as a minor incident escalates into a more serious crime.
- B. Officers must bring the investigative and enforcement elements of the Police Department into quick action following any and all reported or observed incidents of racial, religious, or ethnic hatred. There is to be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear. It must be remembered that the actions taken in dealing with the incidents of racial, religion, gender, sexual orientation, and ethnic bias are visible signs of concern and commitment to the community on the part of the CSU and its police departments.
- C. Penal Code Section 422.92 requires that law enforcement agencies make available a brochure on hate crimes to victims of these crimes and the public. The brochure is located in the report forms storage area or available from the Crime Prevention Unit.
- D. The proper investigation of hate incidents is the responsibility of all CSU police officers. Each officer must be sensitive to the feelings, needs, and fears that may be present in the community, as a result of incidents of this nature.

VI. CALIFORNIA HATE CRIME STATUTES (as filed by the L.A. District Attorney's Office)

- A. Felonies
 - P.C. 422.7 – Commission of a crime for the purpose of interfering with another's exercise of civil rights.
 - P.C. 594.3 – Vandalism of place of worship based on racial or religious bias.
 - P.C. 11412 – Threats obstructing exercise of religion.
 - P.C. 11413 – Use of destructive device or explosive or commission of arson in certain places.
- B. Misdemeanors
 - P.C. 302 – Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.
 - P.C. 422.6 – Use of force, threats or destruction of property to interfere with another's exercise of civil rights.
 - P.C. 422.9 – Violation of civil order (Bane Act) protecting the exercise of civil rights.
 - P.C. 538(c) – Unauthorized insertion of advertisements in newspapers and redistribution to the public.
 - P.C. 640.2 – Placing handbill, notice or advertisement on a consumer product or product package without authorization.
 - P.C. 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.
- C. Enhancements

- P.C. 190.2(a)(16) – Special circumstances imposing the Death Penalty or Life Without possibility of Parole if the victim was intentionally killed because of race, color, religion, nationality, country of origin.
- P.C. 190.3 – Special circumstances imposing Life Without possibility of Parole if the victim was intentionally killed because of sexual orientation, gender or disability.
- P.C. 422.75 – Penalty for felony committed because of victim’s race, color, religion, nationality, country of origin, ancestry, disability or sexual orientation shall be enhanced one, two or three years in prison, if the person acts alone; and 2, 3 or 4 years if the person commits the act with another.
- P.C. 422.7 – Specifies additional penalties to be imposed for "felony of intimidation because of specified beliefs or characteristics."

Note: If the criminal offense was not committed because of bias, an appropriate criminal charge can nonetheless be filed.

VII. REPORTING REQUIREMENTS

- A. Law enforcement agencies must report all hate crime to the Department of Justice that involves a criminal act or an attempted criminal act and a bias motivation against a protected class. Penal Code Section 13023 directs the Attorney General to collect any information relative to any criminal acts or attempted criminal acts motivated by hatred. This information is collected through the Uniform Crime Report. The Records Unit is responsible for this requirement.
- B. The Clery Act Crime Awareness and Campus Security Act of 1990 requires that hate crime statistics (bias motivated offenses) be reported annually to the Department of Education and be published in the University Police Department’s Annual Security Report.