

Hate Crimes

307.1 PURPOSE AND SCOPE

Message from the Sheriff:

Hate Crimes convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly, they may undermine public confidence in law enforcement.

Crimes motivated by hate are not simply assaults, property damage, or violations of civil rights. They are crimes that specifically target individuals with particular characteristics. As such, they provide fuel for the prejudices and fears that underline these crimes; thus, continuing the cycle of hatred, prejudice, and bias. Enforcement of hate crime laws are important because they send a clear message to would-be perpetrators that hate crimes do not just affect the intended victim and that law enforcement, and the communities that we serve, will not tolerate these types of crimes. The broad impact of hate crimes makes them a major concern for all law enforcement agencies.

The Orange County Sheriff's Department Vision Statement reflects, "A community where every person feels safe and valued." It is essential that our Department address hate crimes in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators.

This policy is designed to assist 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 general policy framework 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 the Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

307.1.1 DEFINITIONS AND LAWS

In accordance with Penal Code § 422.55, Penal Code § 422.56, Penal Code § 422.6, and Penal Code § 422.87, for purposes of all other state laws, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, discriminatory selection of victims, 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.

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

Disability bias – is a preexisting negative attitude towards persons with perceived or actual disabilities. In recognizing suspected disability bias hate crimes, 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; and/or
- Perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in disability bias. This includes, but is not limited to, situations where 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 from those of the victim. Such 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.

Gender - means sex and includes a person's gender identity and gender expression.

Gender expression -means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - is a person's sense of being male, female, some combination of male or female, or neither male nor female. (15 CCR § 1006.)

Hate crime - Hate crime includes, but is not limited to, a violation of Penal Code § 422.6, and 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:

"Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family,

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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 in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A hate crime need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - Per the California Attorney General, a hate incident is an action or behavior motivated by hate or bias but which, for one or more reasons, is not a crime. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Displaying hate material on your own property
- Posting hate material that does not result in property damage
- Distribution of materials with hate messages in public places

Hate speech - The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. While these acts are certainly disagreeable, offensive or hurtful, they do not rise to the level of criminal violations and thus may not be prosecuted. However, these incidents have a traumatic impact on the victims as well as on the community at large:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

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 a crime would not have been committed but for the actual or perceived characteristic.

Nationality - means country of origin, immigration status, including citizenship, and national origin.

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

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

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Religion bias - A negative attitude towards persons based upon their perceived or actual religious beliefs, lack of beliefs, membership, or lack of membership in a faith group. In recognizing suspected religion-bias hate crimes, consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion.

Examples of religions and such symbols and articles include, but are not limited to:

- In Buddhism; statues of the Buddha
- In Christianity; crosses
- In Hinduism; forehead markings, known as bindis and tilaks, Aum/Om symbols, and images of deities known as murtis
- In Islam; hijabs
- In Judaism; Stars of David, menorahs, and yarmulke
- In Sikhism; turbans, head coverings, and unshorn hair, including beards

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, bisexuality, asexual, polysexual or pansexual.

Victim - includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

307.2 POLICY

It is the policy of the Orange County Sheriff's Department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/

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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.

This Department will employ reasonably available 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, this Department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All Department Members are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or designee to whom the Sheriff formally delegates this responsibility.

307.3 PREVENTION AND PREPARATION

In order to facilitate the guidelines contained within this policy, Department Members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department Members are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes, and should be documented for informational purposes.

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 helps to reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes.

307.3.1 HATE CRIMES COORDINATOR

To assist with preventing hate crimes, the Sheriff designates the Captain of the Counter Terrorism Bureau, or their authorized designee, to fill the role of Hate Crimes Coordinator. The Hate Crimes Coordinator will be responsible for ensuring the following functions are completed, consistent with Penal Code § 422.87.

1. Developing and maintaining relationships with targeted communities through the Sheriff's interfaith and community councils to engage them in ongoing meetings focused on hate crime activity, trends and the importance of reporting hate crimes and hate incidents to include school and education partners. These meetings are generally held in collaboration with nonprofits or community organizations focused on the prevention of hate activity.
2. The Department will collaborate with the Orange County Human Relations Commission to address hate crime prevention and response. The Hate Crimes Coordinator will be the liaison to work directly with the designated Orange County Sheriff's Department Orange County Human Relations Commissioner.

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3. The Orange County Intelligence Assessment Center (OCIAC) will establish and maintain relationships with formal community-based organizations and leaders through public outreach and in coordination with the Public Affairs and Community Engagement Division(P.A.C.E.).
4. The OCIAC will review open-source intelligence and public social media sources in order to find and evaluate possible hate crimes. Intelligence and social media sources will be analyzed for possible hate crime suspects and suspect information will be provided to the appropriate law enforcement agency having jurisdiction.
5. The Hate Crimes Coordinator is responsible for ensuring the Victim Assistance Information card and Hate Crimes brochure are up to date and available to Department personnel for distribution.
6. The Hate Crimes Coordinator will review the California Attorney General's latest opinions on hate crime statistics and targets, as well as the Orange County Hate Crime Report produced by the Orange County Human Relations Commission, in order to identify trends in hate activity and plan outreach efforts to targeted communities, such as such as immigrant, Muslim, Arab, LGBTQ, Black or African- American, Jewish, and Sikh persons and persons with disabilities.
7. Where appropriate, coordinate providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
8. The Hate Crime Coordinator will collaborate with county agencies to include the Orange County District Attorney's Office and their respective reporting program designees to address underreporting. Additionally, the Department will continue its outreach campaign to address hate activity and promote available reporting resources such as "2-1-1", the Orange County Human Relations Commission as well as education through the Department's Hate Crime brochure.
9. Revise the Department's hate crime brochure. Ensuring the brochure is readily available on the Department's intranet website (Penal Code § 422.92; Penal Code § 422.87). The Coordinator is also responsible for ensuring that all sworn Members are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
10. An annual review and assessment of this policy, including:
 - (a) POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
 - (b) Analysis of the Department's data collection as well as the available outside data (e.g., annual California Attorney General's Report on Hate Crime) in preparation for and response to future hate crimes.
 - (c) Hold at least one annual meeting to engage Department stakeholders. Department stakeholders include members of the public, private sector entities, non-governmental organizations, houses of worship, the OC Sheriff's Interfaith Advisory Council members, and others to address faith-based hate crimes.

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- (d) Review the hate crimes brochure to ensure compliance with Penal Code § 422.92.

307.3.2 RELEASE OF INFORMATION

Releasing information about hate crime incidents assists with preventing hate crimes. The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by Policy 805 - Records Maintenance and Release or as allowed by law. In accordance with Policy 340 - News Media Relations, by the P.A.C.E. Division should be provided with information that can be responsibly reported to the media. When appropriate, the Department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

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

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

307.4 RESPONSE

307.4.1 INITIAL RESPONSE

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

1. Assigned deputy(s) should promptly contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate. Responding deputy(s) should be sensitive to the effects of the crime on the victim, determine whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency's hate crimes brochure, as required by Penal Code § 422.92.

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- (a) When documenting the potential hate crime, deputy(s) shall complete the Hate Crime Supplemental Report Form(POST 2-365) by selecting the Hate Crime box in the Department's electronic reporting system. Through the system, deputies will complete the predefined electronic form which incorporates required information listed in POST 2-365. If Department's electronic reporting system is inaccessible, deputies will utilize the [Hate Crime Supplemental Report](#) attached to this policy.
2. A supervisor shall be notified of the circumstances as soon as practical.
3. Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) shall take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
4. Assigned deputy(s) shall conduct a preliminary investigation and record pertinent information including, but not limited to:
 - (a) Prior occurrences, in this area or with this victim
 - (b) Statements made by suspects; exact wording is critical
 - (c) The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
 - (d) Identification of suspected perpetrator(s)
 - (e) Identify criminal evidence on the victim
5. Based upon available information, the deputy(s) should take appropriate action to mitigate further injury or damage to potential victims or the community.
 - (a) Deputy(s) should attempt to contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the deputy once the offense is documented.
6. The assigned deputy(s) shall interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. The assigned deputy should also make attempts to identify witnesses who may no longer be in the area for further investigation. Request the assistance of translators or interpreters when needed to establish effective communication, including the use of appropriate accommodations for people with disabilities (e.g., Braille, visuals).
 - (a) 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 any actual or suspected immigration violation or reported or turned over to federal immigration authorities (Penal Code § 422.93(b)).
7. Offer of victim confidentiality per Government Code § 7923.615.
8. Depending on the situation, the assigned deputy(s) or a supervisor may request additional assistance from Investigations or other resources to further the investigation.

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9. The assigned deputy(s) shall include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports shall be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, shall be completed and submitted by the assigned deputy(s) before the end of the shift. Evidence may include:
 - (a) Hate literature
 - (b) Spray paint cans or markers
 - (c) Threatening letters
 - (d) Symbols used by hate groups
 - (e) Desecration of religious symbols, objects, or buildings

307.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime should take all actions deemed reasonably necessary in accordance with Department policy and their training and experience including completing the requirements outlined in the "Initial Response" if not handled by the initial responder. Additionally, an Investigator should, in their discretion, do the following:

1. Consider typologies of perpetrators of hate crimes, including, but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes in a professional manner.
3. Provide victim assistance and follow-up as described in section 307.6.
4. Canvass the area for additional witnesses.
5. Identity of suspected perpetrator(s).
6. Examine suspect's social media activity for potential evidence of bias motivation.
7. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved.

307.4.3 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding deputy(s) to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Ensure that hate crimes are properly investigated, documented, and reported.
2. Ensure hate crimes are properly labeled and flagged in the Department's electronic reporting system after being reviewed by a supervisor.
3. The Investigative Sergeant should make the final determination as to whether the incident meets the legal requirements of a hate crime for state and federal reporting purposes.

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4. 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.
5. The supervisor shall notify the Department Commander of the hate crime incident. The Department Commander shall notify the OCIAC Sergeant and the Public Information Officer of any hate crime related incident or any suspected multi-mission extremist crime. Per CA POST, "When an individual or group commits a crime motivated by two or more criminal extremist views, the acts would be considered multi-mission criminal extremism."
6. The OCIAC Sergeant will be responsible for reviewing hate crime incidents and reports to identify trends and make necessary notifications to local, state or federal stakeholders, as needed.
7. Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning a deputy at specific locations that could become targets or increase neighborhood surveillance.
8. Initiate the investigation into any report of a hate crime committed under the color of authority per Penal Code § 422.6 and § 13519.6.
9. Refer to Patrol Operations Manual (POM) Section 52 for operational considerations when responding to a hate crime.

307.5 ACCESSING ASSISTANCE

If additional assistance is necessary for the investigation, the Investigations Division Commander, or his/her designee, may authorize the activation of the California Department of Justice Hate Crime Rapid Response Protocol. While all hate crimes should be investigated and prosecuted to the fullest extent by the local law enforcement agencies with jurisdiction, the Rapid Response Protocol is designed to be invoked in response to the most complex and significant hate crime incidents, such as the following:

1. Hate crimes resulting in a death, especially in jurisdictions with fewer resources available to address the investigation and prosecution of a homicide or a hate crime;
2. Acts of arson resulting in significant damage;
3. Use of explosives; and/or
4. A mass casualty incident.

307.6 VICTIM ASSISTANCE

1. The assigned deputy(s) shall provide the victim(s) of any suspected hate crime with a link for victim assistance, which includes a brochure in digital format on hate crimes (Penal Code § 422.92). Such brochures shall also be available to members of the general public upon request. The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

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2. The assigned deputy(s) and supervisor should take reasonable steps to ensure that any hate crime incident 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).
3. The initial responder, investigator, supervisor or victim assistance staff, as determined appropriate in a particular case, should take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 - (a) Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 - (b) Provide ongoing information to victims about the status of the criminal investigation.
 - (c) Offer to Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups. The brochure includes language regarding California law prohibits law enforcement authorities from asking individuals, including those who are reporting or are victims of potential crimes, about their immigration status. Individuals seeking to obtain a U visa (Visa for a crime victim) or a T visa (Visa for a human trafficking victim), may wish to voluntarily provide information about their immigration status to law enforcement authorities to be certified for a U visa or T visa.
4. A supervisor, or other appropriate personnel as determined by the Department, should provide immediate assistance to the crime victim by:
 - (a) Expressing the Department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators. The Department brochure includes a statement supporting the Departments official position regarding hate crimes.
 - (b) Expressing the Department's interest in protecting victims' anonymity to the extent possible and confirming that the victim was provided the option to choose to keep their identity confidential as allowed by Government Code § 7923.615.
 - (c) Providing an outlet for the victim to convey their immediate concerns and feelings.
 - (d) Confirm that the victim has been offered information on 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, childcare, or other related services (per PC § 422.92).

307.7 REPORTING

In addition to the above described duties (see 307.3.1), supervisors are responsible to ensure statutorily required reports to Department of Justice are completed.

1. Verify hate crime data is provided to the Records Division through Departmental reports for mandated reporting to the Department of Justice.

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- (a) The P.A.C.E. Division, in coordination with the Records Division, will ensure the Department's hate crime data is posted monthly on the Department's website OCSDeriff.gov (Penal Code § 13023).
2. The S.A.F.E. Division Commander or the authorized designee, in coordination with the OCIAC Sergeant, shall ensure that all data required by the Department of Justice (DOJ) hate crimes is collected and provided to the Records Division to be reported annually to DOJ (Penal Code § 13023).

307.8 TRAINING

All sworn Members shall receive training on hate crime recognition and investigation consistent with Penal Code § 13519.6. Training will also include (Penal Code § 422.87) information on the following :

1. Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias, and the Department's plan to address underreporting.
2. Information regarding the general underreporting of hate crimes, including the more extreme underreporting of anti-disability and anti-gender hate crimes.
3. Distribution of hate crimes brochures to victims of hate crimes and hate incidents as well as all other interested persons.
4. Identifying when a gun violence restraining order (GVRO) may be an appropriate tool for preventing hate crimes and the procedures for seeking a GVRO. Department Members should refer to Department Policy 339 - Gun Violence Restraining Order for specific procedures on seeking a GVRO.

307.8.1 TRAINING OF PEACE OFFICER RECRUITS

In accordance with Penal Code §13519.6(a)(1) and (d)(1), the curriculum for the POST basic certificate, which is provided to peace officer recruits through the Sheriff's Academy and required for all new deputies hired by the Department, includes instruction on hate crimes. Additionally, in accordance with Penal Code § 13519.6(e)(1), the curriculum for the basic certificate includes the video developed by POST entitled "Hate Crimes: Identification and Investigation."

Sworn Members are required to repeat hate crimes training, as described above, once every 6 years. The Training Division tracks each Sworn members' attendance at the hate crimes training, and sends reminders to each Sworn member when the training must be repeated.

307.8.2 TRAINING OF EXISTING SWORN MEMBERS

In accordance with Penal Code § 13519.6(e)(1), existing peace officers employed by the Department have been required to complete, via the POST learning portal the video facilitated course "Hate Crimes: Identification and Investigation" or other commission certified hate crimes courses.

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307.8.3 ALL STAFF TRAINING ON POLICY

All staff including but not limited to dispatch, desk personnel, volunteers, records, support staff, peace officers, supervisors and managers shall review the Department's Hate Crimes Policy. Members will review the policy on the LEXIPOL platform, and acknowledge they have read and understood it.

Department Members can access the policy via the LEXIPOL website using Department computers and department-issued cell phones. Updates and notifications regarding the policy are transmitted through LEXIPOL as needed to ensure Members are informed of any changes.

307.9 RELEVANT CRIMINAL STATUTES

Penal Code § 422 - Prohibits verbal, written, or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family.

Penal Code § 422.6(a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat.

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging, or destroying the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment or rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a).

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence, or property to become felonies if committed for the purpose of intimidating or interfering with the free exercise or enjoyment or rights and privileges secured by the Constitution or law if the property damage exceeds \$950, the crime includes the present ability to commit a violent injury or causes actual physical injury, or the person charged has previously been convicted of violating or conspiring to violate Penal Code 422.6.

Penal Code § 422.55 - Provides general definition of hate crimes in California.

Penal Code § 422.56- Provides definitions of terms included in hate crimes statutes.

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem, or other physical impression including Nazi swastika, noose, or burning cross.

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs.

Penal Code § 594.3 - Prohibits vandalism to religious buildings, places of worship, or cemeteries.

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Penal Code § 11413 - Prohibits arson or use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, locations where activities or information-sharing related to abortion take place, bookstores or libraries, courthouses, homes of judicial officers, county probation department locations, public or private schools for kindergarten or grades 1-12, and private property targeted because of the actual or perceived characteristics of the owner or occupant listed in Penal Code § 422.55(a).

The above list is not exhaustive. Additional crimes may have a nexus to hate or bias. For more information on other relevant crimes, contact your supervisor.

Attachments

OCSD- Supplement_Hate_Crime_Report.pdf



SUPPLEMENTAL HATE CRIME REPORT

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Hate incident (No Crime Committed)

Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

Individual

Legal name (Last, First): _____

Date of Birth _____

Age _____

Sex _____

Race _____

School, business or organization

Name: _____

Type: _____
(e.g., non-profit, private, public school)

Faith-based organization

Name: _____

Faith: _____

Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

Crime against persons

Crime against property

Gang activity

Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

Disability

Gender

Gender identity/expression

Sexual orientation

Race

Ethnicity

Nationality

Religion

Significant day of offense

(e.g., 9/11, holy days)

Association with a person or group with
one or more of these characteristics
(actual or perceived)

Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

Actual bias [Victim has the indicated characteristic(s)].

Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

Yes No

Do you know what motivated the suspect to commit this crime?

Yes No

Do you feel you were targeted because you associated yourself with an individual or a group?

Yes No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?

Yes No

Are there Indicators the suspect is affiliated with a criminal street gang?

Yes No

BIAS INDICATORS (CHECK ALL THAT APPLY):

Hate speech

Acts/gestures

Property damage

Symbol used

Written/electronic communication

Graffiti/spray paint

Other: _____



SUPPLEMENTAL HATE CRIME REPORT

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HISTORY

SUSPECT INFORMATION

Legal name (Last, First): _____

Other Names used (AKA): _____

Date of Birth	Age	Sex	Race
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Relationship to Victim: _____

RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: Yes No

Nature of relationship: _____

Length of relationship: _____

Prior reported incidents with suspect: Total # _____

Prior unreported incidents with suspect: _____

Yes No Unknown

WEAPONS/FORCE

Weapon(s) used during incident? Yes No Type: _____

Force used during incident? Yes No Type: _____

EVIDENCE

Witnesses present during incident? Yes No Statements taken? Yes No

Evidence collected? Yes No Recordings: Video Audio Booked

Photos taken? Yes No Suspect identified: Field ID By photo/video Known

RESOURCES

Resources offered at scene: Yes No

Marsy's Law Handout Hate Crimes Brochure Other: _____

MEDICAL

Victim Suspect

<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
<input type="checkbox"/>	<input type="checkbox"/>	Injuries observed

Completed by _____

Date _____

Name/Title/ID number _____