

# BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 1, 2000

GENERAL ORDER H-4

SUBJECT: HATE CRIME POLICY AND PROCEDURES

## PURPOSE

- 1 - The purpose of this General Order is to establish a policy and procedure for handling crimes and incidents that are motivated by hatred or prejudice arising from differences in race, religion, gender, ethnic background, culture, or sexual orientation.

## POLICY

- 2 - The policy of the Berkeley Police Department is to ensure that the rights guaranteed by Federal, State, and Local laws, and the U. S. Constitution are protected for all people regardless of their race, gender, ethnic background, national origin, religious belief, sex, age, disability, sexual orientation, or political affiliation. When such rights are infringed upon by violence, threats, or other harassment, the Department will use all resources necessary to rapidly identify the persons responsible for criminal offenses, arrest them and bring them before the courts.
- 3 - All criminal acts of racial, religious or political hate motivated violence or threats will be viewed as serious, and the investigation of them will be given high priority. Such acts generate fear and concern among victims and the public, and have the potential for recurring, escalating, and possibly causing counter-violence.
- 4 - All reported incidents that are non-criminal and that are motivated by race, gender, ethnicity, religion, sexual orientation, or political affiliation will be investigated as high priority and documented by a police report. Such incidents may have the potential to reoccur and escalate into a criminal offense.

## DEFINITION

- 5 - The California Attorney General's Office most recent edition on "Law Enforcement Guidelines for Hate Crime Policy", defines "hate crime " as "any criminal act or attempted criminal act directed against a person or persons by another based upon the victim's actual or perceived race, nationality, religion, sexual orientation, gender, mental disability, or physical disability. A hate crime includes any criminal act or attempted criminal act against the property of a public agency or a private institution because it is identified or associated with a person or group of an identifiable race, nationality, religion, sexual orientation, gender, mental disability, or physical disability. "

## REPORTING AND INVESTIGATION PROCEDURES

- 6 - Communications Center
  - (a) Upon receipt of a report of a possible/suspected hate motivated crime or incident, the Communications personnel shall:

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- (1) Dispatch a field unit as soon as reasonably practical in accordance with the Communications Center Procedures Manual.
- (2) Notify an area Patrol Sergeant of the reported incident.

### 7 - Patrol Officer

- (a) When a Patrol Officer responds to a report of a hate-motivated crime or incident, the officer shall:
  - (1) Arrest the responsible(s) if applicable.
  - (2) Advise their Patrol Supervisor of the situation.
  - (3) Attempt to effectively calm the victim by being empathetic and supportive.
  - (4) Conduct a thorough preliminary investigation consistent with Department policy and procedure.
  - (5) Provide assistance to the victim by giving them referral information such as counseling and other appropriate support and assistance agencies.
  - (6) Designate hate-motivated crime or incident by writing "Hate Crime Incident" across the top of the report form.
  - (7) Include information on the report form indicating why the motivation appears all or in part to be based on differences in race, religion, ethnicity or sexual orientation.

### 8 - Patrol Supervisor

- (a) The Patrol Supervisor, upon being notified of a possible hate-motivated crime or incident, shall:
  - (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) Assist in calming the victim by being empathetic and supportive.
  - (4) Insure that a thorough preliminary investigation is conducted by the assigned officer.
- (b) The Patrol Supervisor shall notify the Watch Commander, Duty Command Officer, or on-call Captain, as appropriate.

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- (c) The Patrol Supervisor shall include a summary of the incident in the Supervisor's Daily Report.
- 9 - Patrol Watch Commander
  - (a) The Patrol Watch Commander, upon being notified of a possible hate-motivated crime or incident, shall:
    - (1) Discuss the incident with the Patrol Sergeant, as appropriate.
    - (2) Notify any other person(s) deemed appropriate due to the circumstances of the crime or non-criminal incident.
  - (b) The Patrol Watch Commander shall report the incident in his/her Watch Commander's Daily report, as appropriate.
- 10 - Support Services Division - Detective Bureau
  - (a) If the type of crime requires a follow-up, the investigator assigned the case shall:
    - (1) Conduct a thorough follow-up investigation consistent with Department policy and procedure.
    - (2) Keep the **Support Services Division Lieutenant\*** informed of the progress of the investigation.
    - (3) Prepare the case for prosecution in court, if a suspect is known.
  - (b) The **Support Services Division Lieutenant\*** shall ensure all necessary follow investigations are completed.
- 11 - Support Services Division - Report Review Sergeant
  - (a) The Support Services **Division Lieutenant\*** shall insure that all hate-motivated crime or incident statistics are recorded and **reported\*** in accordance with State and Federal laws.
- 12 - Public Information Officer
  - (a) The Public Information Officer shall serve as the liaison between the Department and the press and community, religious, and civic leaders.
- 13 - Community Services Bureau
  - (a) The Community Services Bureau Lieutenant shall meet with neighborhood grout as necessary, to allay fears, reduce the potential for counter-violence, and provide safety and protection information.

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- (b) The Community Services Bureau Lieutenant shall assist the victim and victim family, as needed.

References: General Orders C-2, D-2, M-1  
Police Regulation 232  
Training & Information Bulletin #201  
California Penal Code Sections 136.2, 139, 190.2(a) (16), 302,  
422.6(a) (b) (c), 422.7, 427.9, 538 (c), 594.1, 594.3, 640.8,  
1170.75, 1170.8, 1170.85, 11141 (a), 11410, 11411, 11412, and  
11413  
California Civil Code Sections 51.0, 51.5, 51.7, 52.0 and 52.1