



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



524.04 BIAS MOTIVATED CRIMES 03-31-17

PURPOSE

The purpose of this order is to establish procedures for identifying and dealing with bias motivated crimes.

POLICY

It shall be the policy of the Sacramento Police Department to ensure that constitutional rights established by State and Federal laws are protected and that there are procedures in place for the investigation and reporting of bias motivated crimes.

PROCEDURE

A. DEFINITIONS

1. BIAS MOTIVATED CRIME – Any crime that is committed primarily to injure, degrade, or deprive a person of his/her dignity, well-being, or possessions because of prejudice against his/her race, nationality, age, sexual orientation, sex, religion, or disability.
2. BIAS MOTIVATED INCIDENTS – Actions by individuals or groups that, while motivated by bias, do not rise to the level of a criminal offense.

B. BIAS MOTIVATED CLASSIFICATION

1. The distinction must be made that the crime/incident was motivated, in whole or in part, by bias. However, this distinction does not have to be clarified at the scene. If victim(s) and/or witnesses are of the belief that the crime or incident was motivated by bias or hate, officers shall classify the crime or incident accordingly and not argue with victim(s) or witnesses regarding differences of perceptions concerning the motivation of the crime.
2. When assessing the motivation behind a possible bias crime/incident, officers shall consider criteria, including, but not limited to
 - a. The perception of victims and witnesses.
 - b. Comments, gestures or written statements that reflect bias.
 - c. Real or perceived differences between the victim and perpetrator.
 - d. Similar incidents or apparent patterns.
 - e. Significant dates, such as anniversary dates.
 - f. The absence of any other reasonable motivation.
 - g. Public or political exposure that may have highlighted the victim.

C. INITIAL RESPONSE

Officers determining that a crime/incident was bias motivated shall

1. Notify a field supervisor of the crime/incident.
2. Express the Department's position, the importance of these cases, and the officers' and Department's interest in the victim(s) well-being.
3. Take appropriate preliminary investigative and enforcement action as necessary, including, but not limited to
 - a. Secure and stabilize the scene.
 - b. Request medical attention if necessary.
 - c. Ensure safety of victims and witnesses.
 - d. Identify and secure all potential evidence.
 - e. Request translator if necessary.
4. Notify CSI and identify any bias motivated destruction or defacement of property (e.g., cross burning, painted swastika, racial epithets).



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



5. Prepare a detailed crime report or incident report, as appropriate.
 6. Complete the Victim Confidentiality Form (SPD 273).
- D. FIELD SUPERVISOR RESPONSIBILITIES
Field supervisors shall
1. Ensure that the victim is informed of individuals, organizations, or agencies that may provide support and assistance.
 2. When the crime/incident occurs during business hours, ensure investigative personnel have been notified if their presence would serve the best interest of the investigation.
 3. Inform the station commander of all bias motivated crimes and incidents.
- E. FOLLOW UP INVESTIGATION
1. Investigation follow-up shall be delegated to the Felony Assaults Unit.
 2. Investigative personnel shall
 - a. Respond during business hours to the scene of bias motivated incidents if their presence will best serve the investigation.
 - b. Liaison with the Department Criminal Intelligence Unit (CIU) for intelligence and information exchange, as well as for any additional investigative resources needed.
- F. STATISTICAL REPORTING
1. The Felony Assaults Unit shall conduct a second-tier review of all crime and incident reports marked "Bias" to ensure proper classification and shall make corrections as necessary.
 2. After review by the Felony Assaults Unit, copies of all bias motivated crime reports shall be forwarded to the California Department of Justice by the designated Records Division Supervisor each month as required by law.