



Hate Crimes

Chapter Four

Hate Crime Defined

422.55 PC

- *Act of intimidation, harassment, physical force, threats of physical force*
- *Against any person, family, or their property or advocate*
- *Motivated in part or whole by hostility to their real or perceived*
- *Race, ethnicity, nationality, religion, gender, disability, sexual orientation*

422.6(a) PC-Misdemeanor

- ✱ *By force or threat of force*
- ✱ *Willfully injure, intimidate, interfere, oppress, or threaten*
- ✱ *Any other person*
- ✱ *In the exercise of that person's constitutional rights*
- ✱ *Because of that persons's real or perceived*
- ✱ *Race, ethnicity, nationality, religion, gender, disability, or sexual orientation*

422 .6(b) PC Misdemeanor

- *Knowingly deface, damage, or destroy the real or personal property of any other person*
- *For the purpose of intimidating or interfering with the exercise of the rights and privileges of the Constitution or laws of the U.S.*
- *Because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation*



422.7 PC Penalties

- ✿ *Makes it a wobbler if a person commits a hate crime and is convicted and one of the following is true:*
 - ✿ *when the suspect has a prior conviction for intimidating or interfering with or conspiracy to interfere with an individual's civil rights*
 - ✿ *Commits a violent crime or has the present ability to do so*
 - ✿ *Causes an actual injury, or*
 - ✿ *Causes property damage in excess of \$950.00*

422.75 PC

- *A person who commits a felony or attempts to commit a felony*
- *because of the person's real or perceived race, color, religion, nationality, national origin, ancestry, disability, gender or sexual orientation*
- *will receive an additional prison term of one, two, or three years*

11411(a) PC-Misdemeanor

- *Place or display a sign, mark, symbol, emblem,*
- *On the property of another without that person's consent*
- *Example: Displaying a Nazi swastika or hanging of a noose*
- *For the purpose of terrorizing another*



11411(b) PC

- *Felony or misdemeanor for someone to engage in a pattern of conduct for the purpose of terrorizing the owner or occupant*
- *By placing or displaying a sign, mark, symbol, etc. (e.g. Nazi swastika)*

11411 (C) PC

- *Felony or Misdemeanor to burn or desecrate a cross or other religious symbol*
- *Knowing it to be a religious symbol*
- *On the private property of another with authorization*
- *For the purpose of terrorizing the owner or occupant*
- *Includes acts committed at schools*



Interfering With Religious Freedom

11412 PC

- ✿ *Any person who with intent to cause, or causes another*
- ✿ *Person to refrain from exercising their freedom of religion*
- ✿ *By means of threat directly communicated*
- ✿ *To commit an unlawful injury, or*
- ✿ *To reasonably appear to the recipient that such threats could be carried out*
- ✿ *Felony*

Terrorizing Another 11413 PC

- *Any person who*
- *Explodes or attempts to explode*
- *A destructive device*
- *For the purpose of terrorizing another*
- *Felony*



Federal Criminal Statutes

- *Designed to guarantee individual federally protected rights*
- *The United States Justice Department becomes involved in a case after state or local authorities have concluded prosecution or in the absence of state or local prosecution*

Forcible Interference With Civil Rights Under the Color of Authority

- ✦ 18 USC, Section 242: willful deprivation of civil rights by those acting under the color of law
- ✦ *Frequently used to prosecute violent misconduct by law enforcement officials*

Aftermath of Rodney King Verdict

- ✦ Officer Laurence Powell and Sgt. Stacey Koon were convicted of violating the civil rights of Rodney King in 1993 and sentenced to Federal Prison for 30 months. Officers Timothy Wind and Theodore Briseno were acquitted.



Civil Actions Related to Hate Crimes

- *There are both federal and state civil statutes that protect individuals' rights*
- *Example: Ralph Civil Rights Act*
 - *California statute that prohibits violence or intimidation by threat of violence against persons or property because of their real or perceived:*

- ✿ *Race*
- ✿ *Color*
- ✿ *Religion*
- ✿ *Ancestry*
- ✿ *National origin*
- ✿ *Political affiliation*
- ✿ *Sex*
- ✿ *Sexual orientation*
- ✿ *Age*
- ✿ *Disability*
- ✿ *Position in a labor dispute*
- ✿ *Any other arbitrary, class-based distinction*

Bane Civil Rights Act

- *Forbids interference by threats, intimidation, or coercion with an individual's constitutional and statutory rights*
- *Examples of rights: association, assembly, due process, education, employment, equal protection, housing, speech, travel, voting, worship, use of public facilities*

Impact of Hate Crimes

- ✿ *Direct victims:*
 - ✿ *Had a crime committed against them*
 - ✿ *Report that a crime has been committed against them*
 - ✿ *Suffer, as a direct result of the crime (economic loss, physical injury, emotional trauma, death)*

Indirect Victims

- ✿ *Have a close relationship to the direct victim*
- ✿ *Suffer emotional trauma and/or economic loss as a result to being a witness to a crime*
- ✿ *Are members of a targeted group*
- ✿ *Make up the community where a crime has taken place*

Impact of Hate Crimes

- *Reactions:*
 - *Bitterness*
 - *Helplessness, frustration*
 - *Anger*
 - *Fear*
- *Disharmony among communities*
- *Tension between law enforcement and communities*
- *Distrust between groups*

Investigation and Documentation of Hate Crimes

Criteria for Reporting Hate-Motivated Crimes and Incidents

- ✿ *SJPD Hate Crime Policy: if it appears that an incident is motivated by bias or perceived bias based on race, color, religion, ancestry, national origin, disability, gender or sexual orientation, it shall be reported and investigated as such.*

When You Are Dispatched to a Possible Hate Crime

- *Conduct a preliminary investigation without delay*
- *Is the suspect's motivation known?*
- *Are the victim and suspect of different race, religion, ancestry, national origin, gender, sexual orientation, or is the victim targeted because of his or her disability?*

Preliminary Investigation Continued

- *Any bias remarks made?*
- *Any offensive symbols, words or acts that represent a hate group or other evidence of bias against the victim?*
- *Does the victim perceive that the suspect's actions were motivated by bias*
- *Did the incident occur on a holiday or other day of significance to the victim's group or suspect's group*
- *Any other clear motivation for the incident?*

Investigation Continued

- *Apprehend and process the suspect*
- *Request a district Sgt. to respond*
- *Provide assistance to the victim including victim support information, safety options, and follow-up investigation procedures*
- *Conduct a thorough investigation regardless of victim cooperation*
- *Collect physical evidence including photos and video*
- *Conduct an area canvass*

Investigation Continued

- *Complete a Crime Report checking “HATE” routing box*
- *Include exact language and/or actions used by the suspect*
- *Coordinate with the Investigative Unit assigned to the case (including removal of offensive symbols or words)*

Non-Criminal Incident

- *If a non-criminal act or incident is committed that is bias-based and apparently intended to harass, intimidate, threaten, retaliate, or create conflict, an Information Crime Report will be completed*
- *These reports are taken due to the potential for escalation into a criminal act*

Fremont Flag Incident

- *7/13/17 Niles District of Fremont*

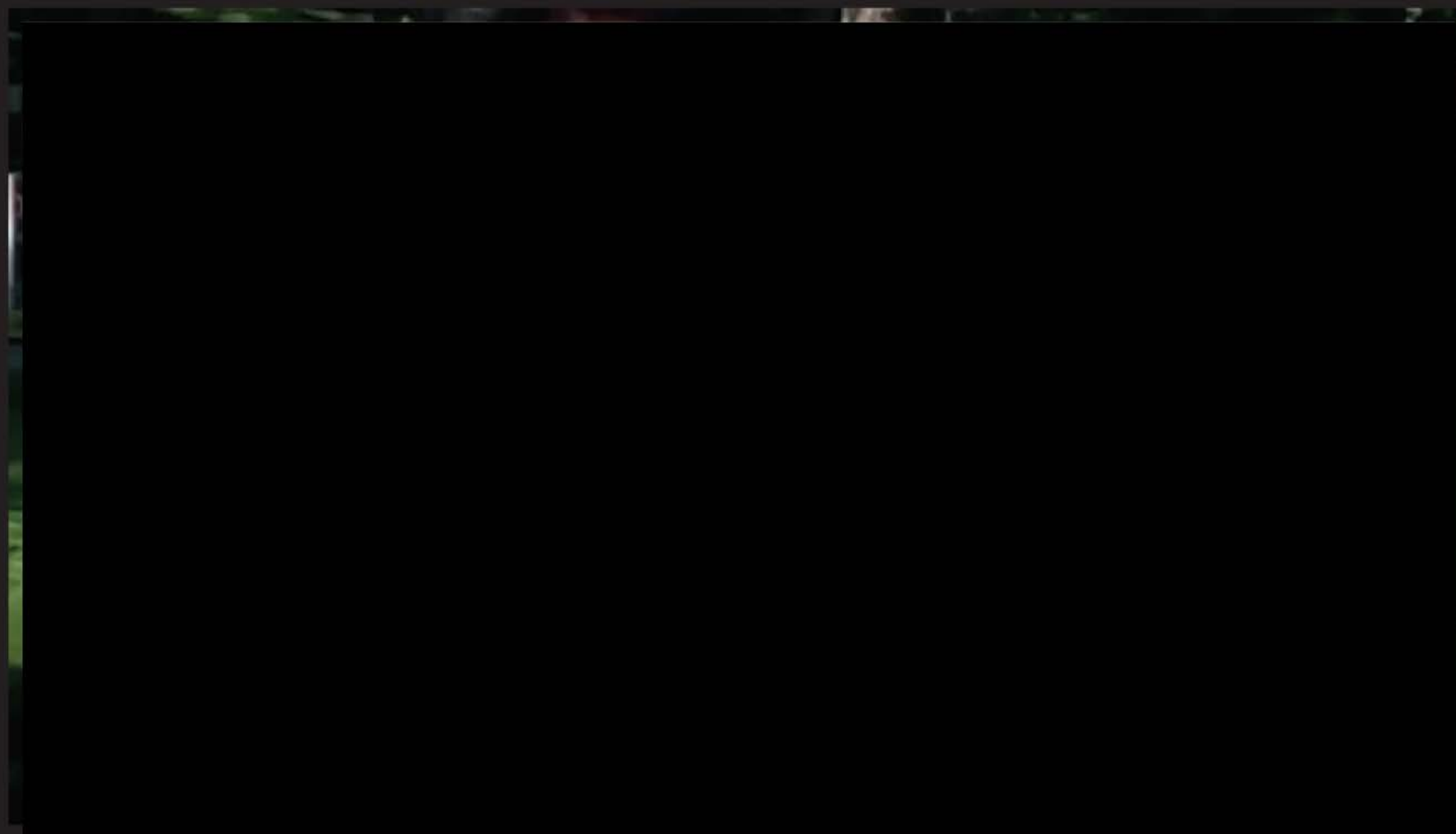
Indicators of Hate Crimes

- *Targets:*
 - *Specific individuals*
 - *Residences*
 - *Places of worship*
 - *Religious or ethnic organizations*
- *Acts of vandalism*
 - *Absence of other motivations*
 - *And occurred at a facility of a religious group, ethnic organization, gay or lesbian organization*

Indicators

- ✿ *Presence of graffiti*
- ✿ *Racial, ethnic, religious, homophobic*
- ✿ *Threatening phone calls*
- ✿ *Statements of suspect(s)*





BAY AREA
NIGHTBEAT

@VeronicaDLCruz

KBCW
NightBeat.tv

Investigative Considerations

- ✿ *Victims*
 - ✿ *Treat with dignity and respect*
 - ✿ *Permit victim to vent*
 - ✿ *Empathize*
 - ✿ *Have a non-judgmental attitude*

Witnesses

- *Conduct neighborhood canvass*
- *Stay alert to any signs of bias*

Suspects

- *Statements*
- *General appearance*
- *Tattoos*
- *Prior incidents*





Collection of Evidence

- *Collection and preservation of evidence that a hate crime occurred can be critical*
- *Types of evidence:*
 - *Photographs of injuries, graffiti, vandalism, drawings, tattoos*
 - *Hate and bias literature*
 - *Voicemail messages, computer messages, letters, notes*
 - *Video surveillance*

Learning Activity

- *Break in to group for scenarios*