

SAN JOSE POLICE DEPARTMENT  
HATE CRIME INVESTIGATION POLICY



# **SAN JOSE POLICE DEPARTMENT**

## **HATE CRIME INVESTIGATIONS POLICY**

(Revised 2026)

### **CHIEF'S MESSAGE**

The investigation of hate crimes and hate-motivated incidents is a priority for the San Jose Police Department. It is the policy of the San Jose Police Department to ensure that every person in the City of San Jose enjoys the right to be free of any crime committed with the intent of intimidating or interfering with the free exercise or enjoyment of any right secured to him or her by the Constitution or laws of the state or the Constitution or laws of the United States because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. Hate crimes have the capacity to polarize communities and must be swiftly and effectively investigated. The effective prevention and prosecution of hate crimes requires the combined efforts of all Department personnel.

The role of the Department is to address the on-going safety of victims, their families, and others who are affected by hate crimes. The following procedures are designed to facilitate a coordinated Department-wide response to such crimes.

All officers shall be familiar with this policy and shall exercise reasonable diligence in carrying out its provisions, unless otherwise directed by the Chief of Police or by another command officer to whom the Chief of Police has formally delegated that responsibility.

### **ANALYSIS**

The Assaults Unit Hate Crime Detail was established in 1993. A hate crime, also known as a bias crime, is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a disability, gender, nationality, race, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

The Department recognizes that hate crimes are historically underreported nationwide and within local jurisdictions and further recognizes that hate crimes motivated by anti-disability bias and anti-gender bias are disproportionately and more severely underreported. This underreporting may result from victim fear of retaliation, mistrust of law enforcement, uncertainty regarding whether conduct constitutes a hate crime or hate incident, communication barriers, disability-related access barriers, and reluctance to report crimes involving gender identity or gender expression. To remedy this underreporting, the Department shall implement measures including ongoing officer training on hate crime recognition and reporting requirements, mandatory use of the hate crime supplemental reporting template, supervisory review of reports involving potential bias indicators, community outreach and public education regarding hate crime reporting resources, coordination with advocacy and community-based organizations serving affected populations, and periodic review of hate crime reporting data to identify trends, reporting gaps, and opportunities for corrective action.

The Hate Crime Detail works with all Department members to ensure the Department properly responds to, investigates, reports, and tracks crimes of hate and hate-motivated incidents. The Hate Crime Detail coordinates its efforts with other law enforcement agencies, as well as the Santa Clara County District Attorney's Office. The Hate Crime Detail also collaborates with

community-based organizations to develop educational programs targeting hate crime prevention, deter retaliation, and encourage the cooperation to prosecute those accused of committing hate crimes.

All acts of hate crime violence or threats will be viewed as serious. Such acts generate fear and concern in victims and the public, and have the potential for recurring, escalating, and possibly causing retaliation. Therefore, investigations related to hate crimes will be given priority attention.

The Assaults Unit Hate Crime Detail Unit Commander is responsible for verifying that a process is in place to ensure this policy and all related orders are available to officers in the field. This includes ensuring that the Department maintains an internet link that makes this policy and all related orders readily available to every Department member, as well as ensuring that procedures exist for the transmission and periodic retransmission of the policy and any related orders to all officers.

Additionally, as required by Penal Code section 422.92, the Assaults Unit Hate Crime Detail Unit Commander is responsible for ensuring that the Department maintains a hate crime brochure and that all officers are trained to distribute the brochure to all suspected hate crime victims and any other interested parties.

## **DEFINITIONS**

**Hate Crime:** A hate crime is any criminal act or attempted act intended to frighten, harm, injure, intimidate, or harass an individual, in whole or in part, because of the victim's actual or perceived disability, gender, nationality, race, ethnicity, religion or sexual orientation. This act can be directed against a public agency or private institution which is motivated because that agency is identified or associated with person(s) with an identifiable protected characteristic (i.e., disability, gender, nationality, race, ethnicity, religion, or sexual orientation). A "Hate crime" is defined within California Penal Code §422.55, §422.56, and §422.9.

A hate crime is a criminal civil rights violation (Penal code Sections 422.55 – 422.93). It is any criminal act against the person or property of another, committed because of the victim's actual or perceived race, color, religion, ancestry, national origin, disability, gender, or sexual orientation (Penal Code Section 422.55(a)(1)-(6). This also includes committing a criminal act against a victim based on the actual or perceived association of the victim with a person or group based upon the actual or perceived disability, gender, nationality, race, ethnicity, religion or sexual orientation of the associated person or group (Penal Code Section 422.55(a)(7). A hate crime also includes any violation of Penal Code Section 422.6, which is defined on page 4 of this policy.

**Hate-Motivated Incident:** According to the California Department of Justice a hate-motivated incident is an action or behavior motivated by hate but which, for one or more reasons, is not a crime. Examples of hate-motivated incidents are:

- Name-calling
- Insults
- 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

**Disability:** Includes mental disability and physical disability as defined in Section 12926.1 of the Government Code.

**Gender:** As defined in Penal Code Section 422.56 (c) "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.

**Nationality or national origin:** Includes citizenship, immigration status, country of origin, and national origin.

**Race:** Race or ethnicity includes ancestry, color, and ethnic background (Penal Code Section 422.56(f)).

**Religion:** Includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual Orientation:** Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim:** Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

## **CALIFORNIA PENAL CODE SECTIONS ON HATE CRIMES**

California law recognizes that certain crimes are more serious where a victim is singled out because of his or her disability, gender, nationality, race or ethnicity, religion, or sexual orientation. These offenses are commonly referred to as hate crimes and can serve as a **standalone crime** under California Penal Code Section 422.6 (interfering with the civil rights of another), as an **aggravating factor** under § 422.7, or as an **enhancement** under § 422.75.

**§ 422.55** – Defines “hate crime” as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation; or because of the person’s association with a person or group with one or more of these actual or perceived characteristics.

**§ 422.56** - Defines disability, gender, nationality, race or ethnicity, religion, sexual orientation, victim and association with a person or group with one or more of these actual or perceived characteristics and how they relate to Penal Code §422.55.

**§ 422.57** – Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

**§ 422.3 (a)** – Any person who willfully threatens, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime that will result in death or great bodily injury to another person or persons at a daycare, school, university, workplace, house of worship, or medical facility with specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, if the threat on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or persons to reasonably be in sustained fear for their own safety or the safety of others at these locations (certain exceptions if under 18).

**§ 422.6 (a)** – Makes it a **standalone crime** for a person, whether or not acting under color of law, shall not, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of the 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 (422.6 (b) - knowingly damage, deface or destroy real or personal property for the purpose of intimidating or interfering with the free exercise or enjoyment of a right or privilege).

**§§ 422.7 and 422.75** – Provide that if a person commits a crime and is motivated in part by the fact that the victim has one or more of the protected characteristics in § 422.55, the criminal offense will be considered a “hate crime.”

**§ 422.7 (sentence enhancement)** – If the defendant is convicted of a misdemeanor that was motivated by bias and the misdemeanor caused the victim to suffer an injury, or the defendant had the ability to violently commit injury, or the misdemeanor caused property damage in excess of \$950, the prosecution may use this in aggravation and charge the misdemeanor as a felony. (Felony wobbler: 16 months, or two or three years in county jail and/or fine up to \$10,000; or one

year in jail.)

**§ 422.75 (felony enhancement)** – Provides for an enhanced sentence for any felony if the prosecutor can establish that it was committed as a hate crime.

**§ 190.2, subd. (a)(16) (Special Circumstances)** – Provides a death penalty or sentence of life in prison without possibility of parole for murder motivated by a victim's race, color, religion, nationality, or country of origin. A prosecutor must establish that the defendant intended to kill because of the deceased person's real or perceived protected characteristic(s).

**§ 190.03, subd. (a)** – Provides for life in prison without possibility of parole for first-degree murder motivated by a victim's protected characteristic(s). The prosecutor must prove the defendant committed the murder, in whole or in part, because of the deceased person's actual or perceived protected characteristic(s).

**§ 302** – Establishes a misdemeanor to intentionally disturb a group of people who have met to worship. (Penalty: up to one year in jail and/or up to a \$1000 fine.)

**§ 594.3, subd. (b)** – Provides that it is a felony to knowingly vandalize a place of worship as a hate crime. (Penalty: 16 months, or two or three years in county jail.)

**§ 1170.8** – Provides as an aggravating factor the fact that a robbery, arson, or assault with a deadly weapon or by means of any force likely to produce great bodily injury was committed within a place of worship.

**§ 1170.85, subd. (b)** – Provides that age or disability of victim may be circumstances in aggravation.

**§ 11411, subs. (a), (b)** – Subdivision (a) provides that it is a misdemeanor to hang a noose, knowing it to be a symbol representing a threat to life, on the private property of another and on public property, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing them. Subdivision (b) provides that it is a misdemeanor to cause a person to fear for his or her safety by displaying racist signs on the private property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing them.

**§ 11411, subd. (c)** – Provides that it is a misdemeanor or a felony to engage in a pattern of conduct for the purpose of terrorizing the owner or occupant of private property or in reckless disregard of terrorizing the owner or occupant of that private property by placing a racist symbol on that property on two or more occasions. (Felony wobbler: 16 months, or two or three years, and/or up to a \$10,000 fine; or one year in jail and/or up to a \$5,000 fine.)

**§ 11411, subd. (d)** – Provides that any person who burns or desecrates a cross or other religious symbol, knowing it to be a religious symbol, on the private property of another without authorization for the purpose of terrorizing the owner or occupant or in reckless disregard of terrorizing them, or who burns, desecrates or destroys a cross or other religious symbol, knowing it to be a religious symbol, on the property of a primary school, junior high school or high school, for the purpose of terrorizing any person who attends, works at or is otherwise associated with the school shall be guilty of a felony or misdemeanor. (Felony wobbler: 16 months, or two or three years in county jail, and/or up to a \$10,000 fine; or one year in jail and/or up to a \$5,000 fine, as well as increased fines for subsequent convictions.)

**§ 11412** – Provides that it is a felony to attempt to discourage religious activities by threats of violence. (Penalty: 16 months, or two or three years in state prison.)

**§ 11413, subds. (a), (b)(2), (b)(9)** – Provides that it is a felony to use a bomb against or to set on fire a place of worship or any private property if the property was targeted because of the protected characteristic(s) of the owner or occupant of the property and the purpose was to terrorize another or was in reckless disregard of terrorizing another. (Penalty: three, five, or seven years in state prison, and a fine of up to \$10,000.)

**§ 136.2** – Protective Orders – Provides protection against further harm. Once criminal charges are filed under any criminal statute, hate crimes victims have the right to a court order prohibiting any additional harassment.

**§ 1547, subds. (a)(12) & (13)** – Authorizes the Governor to offer a reward for information leading to the arrest and conviction of any person who has committed certain hate crimes.

**§ 3053.4** – Requires that as a condition of parole following a hate crime sentence, defendant must refrain from further acts of violence, threats, stalking, or harassment of the victim or victim's family. "Stay away" conditions may also be imposed (additional requirement that you maintain a certain physical distance from victim).

**§ 11410** – States that the urging of violence where death or great bodily injury is likely to result is conduct not protected by the California Constitution; in this section the Legislature finds that it is the right of every person, regardless of actual or perceived race or ethnicity, color, creed, religion, gender, gender identity, gender expression, national origin, disability, sexual orientation, or association with a person or group with these actual or perceived characteristics, to be secure and protected from fear, intimidation and physical harm caused by the activities of violent groups and individuals.

**§ 13023** – Requires the Attorney General collect statistical information on hate crimes.

**§ 13519.6** – Requires Peace Officers Standards and Training Commission to offer training on hate crimes enforcement.

### **Criteria for Reporting Hate-Motivated Crimes and Incidents**

The following criteria are to be used in determining whether an incident is biased in nature. Some incidents may not clearly fit a specific definition. In those cases, a common-sense approach must be used. If it appears that an incident is motivated by bias or perceived bias based upon one's disability, gender, nationality, race, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, it shall be reported and investigated as such.

Department members should be aware of common religious symbols, signs, and articles of spiritual importance to a particular religion. These following religious signs, symbols, and articles may be considered as a common article used during a targeted attack. Examples 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

A. **A criminal act** directed against persons or groups because of their disability, gender, nationality, race, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics **may include any of the following:**

- Burning cross or religious symbol
- Explosives
- Bomb threats
- Destroying, injuring property of another
- Assault
- Interrupting or disturbing religious meetings
- Vandalism to public property

B. **A non-criminal act or incident is completed** when a bias exists towards a person based upon their disability, gender, nationality, race, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics combined with the apparent intention to do any one or combination of the following:

- Harass
- Intimidate
- Threaten
- Retaliate
- Create conflict

**Reports of such incidents are taken because there is potential for reoccurrence and/or escalation into a criminal act.** The key criterion in determining whether any crime or incident fits into the definition of bias is the motivation behind the incident. Was the act done because of the person's actual or perceived disability, gender, nationality, race, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics?

## **PROCEDURAL GUIDELINES**

### **BUREAU OF TECHNICAL SERVICES - COMMUNICATIONS:**

- A. Call taker verifies Incident meets criteria of possible hate crime or hate incident.
- B. Call taker notifies Communications Senior or Supervisor.

- C. Senior or Supervisor notifies District Sergeant and Area Commander.
- D. Beat Officer is dispatched as soon as reasonably practical, in accordance with BTS Communications procedures.
- E. Dispatcher will dispatch the possible hate crime or hate incident over the MDT and not the radio.
- F. If there is a question of whether the incident meets the criteria of a hate crime or hate-motivated incident, the Communications Senior or Supervisor may contact the Hate Crime Detail during regular business hours or BOI On-Call during non-business hours.

**BUREAU OF FIELD OPERATIONS:**

- A. Beat Officers responding to reports of hate crimes or hate-motivated incidents, including reports of hate crimes committed under the color of authority, will respond without delay to initiate a thorough preliminary investigation which should take into consideration the following factors:
  - 1. Is the motivation of the offender known?
  - 2. Are the victim and the offender of different race, color, religion, ancestry, national origin, gender, sexual orientation, or is the victim targeted because of their disability?
  - 3. Were any biased remarks made by the offender concerning the victim's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation?
  - 4. Were there any offensive symbols, words or acts that are known to represent a hate group or other evidence of bias against the victim's group?
  - 5. Does the victim perceive the action of the offender to have been motivated by bias?
  - 6. Did the incident occur on a holiday or other day of significance to the victim's group or the offender's group?
  - 7. Is there no other clear motivation for the incident?

**B. Patrol Officer**

When an officer determines a hate crime or hate-motivated incident has occurred, the officer shall:

- 1. Apprehend the perpetrator(s), if applicable.
- 2. Request a District Sergeant respond to the scene.
- 3. Be aware of the sensitive nature and effects of the hate crime or hate-motivated incident towards the victim. Utilize a trauma-informed approach to support the victim.

4. Conduct a thorough investigation consistent with Department policy and procedure, regardless of victim cooperation.
5. Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodation (e.g., ADA standards, braille, visuals, translators for the deaf or hard of hearing)
6. Take photographs and collect relevant physical evidence.
7. Conduct an area canvass for witnesses and take statements.
8. Complete General Offense report, including completion of the Automated Hate Crime /Hate Incident Template and check the appropriate BIAS category or categories and include in the G.O. the exact language and/or actions used by the suspect. When a non-criminal act or hate-motivated incident is committed due to any person's disability, gender, nationality, race, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics with the apparent intention to harass, intimidate, threaten retaliate or create conflict. Reports of such incidents will be taken due to the potential for escalation into a criminal act. Officers shall not label the report as "Informational Only," but should list the most applicable crime type.
9. As stated in Duty Manual section L 2212 HATE CRIMES, consider whether a gun violence restraining order may be necessary (if an involved party owns, possesses, or expressed an intent to acquire a firearm) to prevent future violence involving a firearm. Department members should refer to Duty Manual section L 4113 – GUN VIOLENCE RESTRAINING ORDERS.
10. Provide the victim with a Victim Right to Confidentiality Form (200-45V) and advise them of their option to keep their name and address confidential per 293 PC.
11. Provide the victim with referral information regarding victim support services, safety options, and follow-up investigative procedures. Provide the victim and all other interested persons with a Department of Justice Hate Crime brochure.
12. Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
13. The patrol officer will coordinate with the investigative unit assigned to the case to ensure that symbols of an inflammatory nature are removed as soon as possible after they are properly collected for evidence or recorded. If they cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property, or the appropriate City department, shall be contacted to expedite the removal of such material as soon as possible.

C. District Sergeant

Upon being notified of a possible hate crime or incident, the District Sergeant shall:

1. Respond to the scene and confirm whether a hate crime or hate-motivated incident has occurred.

2. Ensure assistance is provided to the victim.
3. Supervise the investigation.
4. Take whatever steps are necessary to ensure that the situation does not escalate.
5. Update the Area Commander and the appropriate investigative unit.
6. Complete the Watch Commander Report entry for a hate-motivated incident or a hate crime.
7. Review and sign off report.

D. Area Lieutenant

1. Maintain responsibility for the preliminary investigation.
2. Ensure the responsibilities of the Beat Officer and Sergeant are completed.
3. Notify the On-Duty Captain in cases where notification is immediately required and a BFO Info Report is not sufficient.
4. Ensure the notification of the Assaults Unit or BOI On-Call and seek investigative guidance as needed.
5. Complete a BFO Info report for a verified hate crime. A BFO Info report can be completed by the lieutenant for a hate incident at his or her discretion.
6. The Hate Crime Detail will be notified of all major Hate Crime investigations.
7. Notify the Media Relations Unit (MRU) in aggravated circumstances. When the MRU is not available to write a press release, the Assaults Unit Commander will be responsible for authoring one.

**BUREAU OF INVESTIGATIONS:**

- A. The Assaults Unit Commander, the Captain, and Deputy Chief assigned to BOI will be notified without delay via the Chain of Command.
- B. The Unit responsible for the investigation of the resulting criminal offense(s) (sexual assault, robbery, etc.) will be responsible for the primary investigation and associated hate crime enhancements and will respond to the scene of any hate crime investigation deemed a major case.
- C. Investigators will conduct follow-up investigations on hate crimes and contact the victim(s) as soon as possible upon receipt of the case.
- D. Unit Commanders will work together to resolve any case-assignment conflict.
- E. The Assaults Unit Commander will provide assistance to the investigator assigned the

case, acting as an information resource and liaison with the District Attorney's Office.

- F. Once the investigation is prepared for DA review, the case will be presented to the District Attorney's Office.
- G. A copy of the completed investigation will be delivered to the Assaults Unit Commander.
- H. The Assaults Unit Commander is responsible for monitoring hate crime investigations conducted by Department personnel and will coordinate with the Crime Analysis Unit for compiling statistical data related to hate crimes.
- I. At the Assaults Unit Commander's discretion, a copy of the report may be routed to the Intelligence Unit.
- J. All BOI personnel will ensure victims of hate crimes are provided appropriate care and directed to available public and private resources (Victim Services, shelters, etc.).
- K. Press and media inquiries will be directed to the Media Relations Unit (MRU), or the commander of the unit investigating the case if the MRU is unavailable.
- L. Temporary Restraining Orders: Protective orders are available from the court having jurisdiction over the criminal case pursuant to 136.2 P.C. Violation of the order can be a misdemeanor, or felony if accompanied by force or threat of force.
- M. Preliminary and Permanent Injunctions: Injunctions may be obtained by the State Attorney General, any District Attorney, City Attorney, or private attorney independent of a criminal proceeding. The Attorney General's Civil Rights Enforcement Unit is experienced in this type of law and may be contacted by law enforcement for assistance any time after a police investigation has begun. They may also be of assistance when there is not enough evidence to meet the criminal standard of "beyond a reasonable doubt," but there may be enough evidence to attach civil sanctions or monetary relief. Victims should not be referred directly to the Attorney General's Office.

Injunctions provide protection from interference by threats, intimidation, or coercion or from attempts to interfere with someone's state or federal statutory or constitutional rights (these include association, assembly, due process, education, employment, equal protection, expression, formation and enforcement of contracts, holding public office, housing, privacy, speech, travel, use of public facilities, voting, worship and protection from bodily restraint or harm, from personal insult, defamation, and from injury to personal relations. Speech alone is not sufficient to support an injunction under the Bane Act, unless the speech threatens violence, the victims reasonably fear the violence will be committed against them and the person threatening violence has the apparent ability to carry out the threat.

- N. Provide appropriate assistance, including activating the California Attorney General's Hate Crimes Rapid Response Protocol when necessary. Deployment of the Attorney General's Rapid Response Team shall be focused on hate crimes that result in or involve any or all the following:
  - Serious bodily injury or death, or appear calculated to cause such
  - Acts of arson or attempted arson

- Use of explosives; and/or
  - A mass casualty incident, or any action appeared calculated to trigger a mass casualty incident
- O. Coordinate with the Department's Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO or designee to transmit data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

### **BUREAU OF FIELD OPERATIONS - CRIME PREVENTION UNIT**

- A. Bureau of Field Operations will collaborate with the Bureau of Investigations and the Training Unit to provide training in the recognition and investigation of hate crimes as mandated by 13519.6 PC, *Standards and Training of Local Law Enforcement Officers*. They will also ensure officers are provided and trained on how to distribute hate crime brochures as mandated by 422.92 PC.
- B. The Crime Prevention Unit will work collaboratively with other Department members and Bureau of Investigations personnel to involve other City departments, schools, and community-based organizations, when participating in the response to aggravated hate crime incidents. Consideration must be given to holding public meetings concerning the crime or incident to defuse tensions, provide crime prevention information, and/or ask for community assistance in solving the crime.

### **BUREAU OF TECHNICAL SERVICES - CRIME ANALYSIS UNIT**

- A. The Crime Analysis Unit will compile statistics to comply with the Congressional Hate Crime Statistics Act (Public Law 101-275) and 13023 P.C.
- B. The Crime Analysis Unit will collaborate with the Hate Crime Detail to validate reported hate crime incidents.
- C. Analysts will track hate crimes by victim, suspect, and crime types and will report all hate crime/incidents stats to the Assaults Unit Commander on a monthly basis.
- D. The Crime Analysis Unit will collaborate with the Assaults Unit Commander to produce quarterly and annual Hate Crime Summary Reports.
- E. The Crime Analysis Unit will forward statistical analysis to the Federal Bureau of Investigation.
- F. The Crime Analysis Unit will forward Hate Crime statistics to the California Attorney General's office on a yearly basis as mandated by 13023 PC.

### **VICTIM ASSISTANCE**

- A. The Department is obligated not only to investigate the criminal offenses and incidents, but to recognize and react in a positive manner to the emotional trauma experienced by the victim(s), family(s), and member(s) of the public, who have witnessed/suffered such crimes or incidents.

- B. Special emphasis should be placed on victim assistance and community cooperation in order to reduce victim/community trauma and fear. Therefore, officers should:
1. Approach victims in an empathic and supportive manner. Demonstrate concern and sensitivity.
  2. Attempt to effectively calm the victim and reduce the victim's fear.
  3. Reassure the victim that a comprehensive investigation will be conducted by the police to find and prosecute the person(s) responsible for the crime.
  4. Consider the safety of the victim(s) by recommending and providing extra patrol, and/or providing prevention and precautionary advice.
  5. Provide referral information for services such as counseling and other appropriate public support and assistance agencies.

### **BUREAU OF ADMINISTRATION - TRAINING**

The Department's Training Unit shall develop and maintain a schedule for all required hate crime training for every sworn Department member. The training shall include POST-approved instruction on hate crime and hate-motivated incident recognition, characteristics, and investigation, consistent with California Penal Code section 13519.6.

The Training Unit should also identify and seek out cultural diversity training and information from and about specific communities within its jurisdiction, including immigrant, Muslim, Arab, LGBTQ+, Black or African American, Jewish, Sikh, and disability communities, to strengthen Department awareness.

Additionally, the training shall include, consistent with California Penal Code section 422.87:

- Recognition of bias motivators, including a range of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- Accurate reporting by officers, including information regarding the general underreporting of hate crimes and hate incidents.
- Distribution of hate crime brochures.
- Circumstances in which a gun violence restraining order may be appropriate to prevent hate crimes, consistent with California Penal Code section 13519.6.

## **VICTIM REFERRALS**

The San Jose Police Department has compiled a list of public agencies and organizations that provide assistance to victims of hate crimes:

Santa Clara County Victim Services Unit

<https://da.santaclaracounty.gov/victim-services>

(408) 295-2656

American Civil Liberties Union of Santa Clara County

<http://acluscv.org/>

(415) 621-2488

Anti-Defamation League (ADL) for Northern California

<http://sanfrancisco.adl.org/about/>

(415) 981-3500

California Attorney General's Civil Rights Enforcement Section

<https://oag.ca.gov/civil>

(800) 952-5225

California Civil Rights Department

<https://calcivilrights.ca.gov/>

(800) 884-1684

Fair Housing "Project Sentinel" (Santa Clara & San Mateo Counties)

<http://housing.org/>

(800) 339-6043

National Association for the Advancement of Colored People (NAACP)

<http://www.sanjosenaacp.org/>

(800) 622-2799 or (408) 295-3394

Gardner Specialty Service Center (Centro De Bienestar)

<https://gardnerhealthservices.org/health-centers/gardner-specialty-service-center/>

(408) 287-6200

Alum Rock Counseling

<http://www.alumrockcc.org/>

(408) 294-0500 Counseling Line

San Jose Police Department Hate Crime Webpage

<https://www.sjpd.org/reporting-crime/hate-crimes>

International Association of Chiefs of Police Hate Crime Pamphlet

<https://www.theiacp.org/resources/responding-to-hate-crimes-a-police-officers-guide-to-investigation-and-prevention>

State of California Department of Justice/Preventing Hate Crime Brochures

<https://www.oag.ca.gov/civil/content/hatecrimes>

Revised April 2026