

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

DETECTIVE PROCEDURES MANUAL

DATE	SECTION	NUMBER
Dec. 26, 2011	SPECIFIC CRIME INVESTIGATION	H.4

SUBJECT:

INVESTIGATION OF HATE CRIME

H.4.1 Hate Crimes

The proper investigation of crimes based on racial, religious, ethnic, gender or sexual orientation is the responsibility of all sworn members of the Sheriff's Department.

The investigative and enforcement elements of the Sheriff's Department will be brought into quick action following any and all reported or observed incidents classified as hate or bias crimes. There is to be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear.

It must be remembered that the actions taken by this department in dealing with incidents of racial, religious, ethnic, gender, bias or sexual orientation are visible signs of concern and commitment to the community on the part of San Diego County Government and the Sheriff's Department.

H.4.2 Definition

A. A HATE or BIAS crime is defined as "Any act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability or sexual orientation with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California whether or not performed under the color of the law."

B. BIAS is defined as a performed negative opinion or attitude toward a group of persons based on their race, religion, disability, ethnicity/national origin, or sexual orientation.

H.4.3 Bias Motivation

An important distinction must be made when reporting a hate crime. The mere fact that the offender is biased against the victim's race, religion, disability, sexual orientation, and/or ethnicity/national origin does not mean that a hate crime was involved. Rather, the offender's criminal act must have been motivated, in whole or in part, by his/her bias.

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Because motivation is subjective, it is difficult to know with certainty whether a crime was the result of the offender's bias. Therefore, before an incident can be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.

H.4.4 Procedure

Whenever a deputy receives information or is dispatched to investigate a suspected hate crime, the deputy will use the following procedure.

A. Investigative Supervisor shall:

1. Maintain contact with community leaders concerning the process of the investigation (i.e., San Diego County Human Relations Commission, Heartland Human Relations Commission, etc.).
2. Assure the victims and other concerned parties are informed of the case status.
3. Assure the case is properly investigated and presented to the District Attorney for prosecution.
4. If requested by a Field Supervisor, on-call investigative personnel shall respond to the scene of any cross burning or any other racially, religiously, or technically motivated destruction of property and shall assist the patrol personnel as applicable.