



Roll Call Training Bulletin

Produced by: [REDACTED]
Prepared by: Thuy Nguyen

Sam Somers Jr., Chief of Police

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Bias Motivated Crimes

BACKGROUND

Recent events have prompted a heightened awareness of bias motivated/hate crime by the media and the general public. The purpose of this bulletin is to assist officers and supervisors to recognize and evaluate possible bias related incidents and the criminal charges that may result from them. This bulletin provides a review of the Sacramento Police Department's policy regarding bias related/hate crimes, and has an overview of the related penal codes.

DEFINITION OF BIAS MOTIVATED/HATE CRIME

Definition of bias motivated/hate crime per PC § 422.55 is "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.
- Association with a person or group with one or more of these actual or perceived characteristics."

SUMMARY

Per Department General Order 524.04 (Bias Motivated Crimes), any alleged bias or hate related crime shall be investigated. Please be aware that Penal Code 422.55 clearly states the actual or **perceived** characteristics of the victim plays an important role when determining if a suspect should be charged with the hate crime statute.

If a suspect believes a victim has the characteristics listed above in Penal Code 422.55, and the crime was committed in whole or even **in part** due to those perceived characteristics, the elements of a hate crime have been met.

Once it has been determined that a bias motivated/hate crime has taken place, officer should handle the call pursuant to GO 524.04.

Officers charging suspects with a hate crime against persons shall use PC § 422.6(a) "No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this 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."

Officers charging suspects with a property related hate crime shall use PC § 422.6(b) "No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this 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."