



Roll Call Training Bulletin

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Daniel Hahn, Chief of Police
Volume 95

Bias Motivated or Hate Crime Incidents-Update **4-1-2021**

BACKGROUND

In conjunction with **RCTB #80** (Bias Motivated or Hate Crime Incidents), this bulletin is designed to ensure that officers have the necessary information and tools to continue to respond appropriately and swiftly to hate crime activity. Hate crimes are serious crimes that affect the community and may result in imprisonment or jail time for offenders.

This bulletin provides additional information about the multiple California criminal laws that prohibit hate crimes and/or provide enhanced penalties for specified hate-related acts. The following are brief summaries of Penal Code sections that may be applicable charges for hate crimes. These summaries may not include all of the elements of a particular crime. Officers are reminded to always refer to the applicable Code before making a charging decision.

302 – Provides it is a misdemeanor to intentionally disturb, with profane discourse, rude or indecent behavior, or by unnecessary noise, a group of people who have met to worship.

594.3 (b) – Provides that it is a felony to knowingly vandalize a place of worship when it has been committed for the purpose of intimidating and deterring persons from freely exercising their religious beliefs.

11411 (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.

(b) provides that it is a misdemeanor to cause a person to fear for their 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.

(c) – Provides that it is a felony (wobbler) 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.

(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 felony (wobbler).

11412 – Provides that it is a felony to attempt to discourage religious activities by threats of violence.

11413 (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.



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Officers shall use the attached "Hate Crime Checklist" to assist in the investigation of a hate crime and shall provide the Hate Crime Brochure to victims of these crimes.

The California Department of Justice has a Hate Crime Rapid Response team that is on-call and can be requested to respond to a "triggering event". The Attorney General and/or the Chief Deputy to the Attorney General have the sole authority to declare that a triggering event has occurred. The declaration of a triggering event by the Department of Justice directs law enforcement and forensic agencies to give the event the highest priority to any request for assistance such as forensic processing or investigative assistance.

The Department of Justice defines a "triggering event" as a hate crime involving any or all of the following:

- a) serious bodily injury or death, or appear calculated to cause such;
- b) acts of arson or attempted arson;
- c) use of explosives; and/or
- d) a mass casualty incident, or any action appeared calculated to trigger a mass casualty incident.

A request for a possible designation by the Department of Justice of a "triggering event" should be routed through an officer's chain of command.

Sacramento Safe Place Program

The Sacramento Police Department is partnering with local businesses and social organizations to actively collaborate in building trust and developing positive relationships within the community – in addition to decreasing unreported crimes.

Participating business will be given a Safe Place decal to be placed at the point of entry to their business. The SacPD Safe Place decal will notify victims of crimes that their differences will be respected and protected within the premise, and that employees are trained to call the police and allow the victim a place of refuge.

A premise history will be placed on any participating business or organization to notify dispatch and responding officers. If the call was related to a bias motivated incident or the complainant was seeking refuge, the officer shall indicate "Safe Place Program" in the remarks of the call. SacPD Bias Motivated Crimes general order (G.O. 524.04) has been updated to include SacPD Safe Place Program information.

SUMMARY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias shall be viewed very seriously and given high priority. Once it has been determined that a bias motivated or hate crime incident has taken place, officers should handle the call pursuant to GO 524.04 and notify their supervisor.