



# HATE CRIMES

9415

## **POLICY STATEMENT**

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This policy is designed to assist Department peace officers in identifying and handling crimes motivated by hate or other biases towards individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing investigation assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes.

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Staff Chief of Law Enforcement or other command-level officer to whom the Staff Chief formally delegates this responsibility.

## **Definition(s)**

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**In accordance with Penal Code (PC) sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:**

**Bias motivation:** Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Penal Code 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or



fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability:** Disability includes mental disability and physical disability as defined in Government Code 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias:** In recognizing suspected disability-bias hate crimes, officers shall consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers shall consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender:** Gender means the socially constructed characteristics of sex and includes a person's gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. A person’s gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person’s assigned sex at birth.

**Hate crime:** “Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- a. Disability
- b. Gender
- c. Nationality
- d. Race or ethnicity
- e. Religion
- f. Sexual orientation
- g. Association with a person or group with one or more of these actual or perceived characteristics:



1. "Hate crime" includes, but is not limited to, a violation of Penal Code 422.6
2. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code Section 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident:** A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech:** The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part:** "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality:** Nationality means country of origin, immigration status, including citizenship, and national origin.



**Race or ethnicity:** Race or ethnicity includes ancestry, color, and ethnic background.

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

**Sexual orientation:** Sexual orientation means heterosexuality, homosexuality, bisexuality, asexual, polysexual, or pansexual.

**Victim:** Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

## AUTHORITY AND RESPONSIBILITIES

Authority	Responsibilities
<b>Sacramento Deputy Chief of Law Enforcement or designee</b>	<ul style="list-style-type: none"><li>• Report Hate Crimes incidents to the California Department of Justice.</li></ul>
<b>Peace Officer (pursuant to Penal Code 830.2)</b>	<ul style="list-style-type: none"><li>• Receive POST-approved training on hate crime recognition and investigation.</li><li>• Forward Hate Crime incident reports to the Sacramento Deputy Chief of Law Enforcement in the Departments reporting system identified in Handbook 9480. Follow guidelines identified in Procedure 9415-1, Response, Victim Assistance, and Follow-Up to Hate Crimes.</li></ul>

## RELATED FORM(S) / LINK(S)

[Procedure 9415-1, Response, Victim Assistance, and Follow-Up to Hate Crimes](#)



## **AUTHORITY**

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[California Penal Code Section 13519.6](#)  
[California Penal Code Section 13023](#)  
[California Penal Code Section 422.55](#)  
[California Penal Code Section 422.56](#)  
[California Penal Code Section 422.87](#)  
[California Penal Code Section 422.92](#)  
[California Penal Code Section 422.93](#)  
[California Penal Code Section 422.6](#)  
[California Code of Regulations, Title 2, Section 11030](#)  
[California Government Code Section 12926](#)  
[California Government Code Section 7923.615](#)

## **REFERENCE(S)**

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[Peace Officer Standards and Training \(POST\)](#)  
[California Department of Justice – Hate Crimes and Incidents](#)  
[CRD Hate, Violence and Civil Rights Fact Sheet 2022](#)  
[Hate Crimes Checklist](#)

## **SUBJECT MATTER EXPERT(S)**

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[Fire Protection, Law Enforcement](#)

## **REVISION DATE**

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Last Reviewed: August 2025