INTRADEPARTMENTAL CORRESPONDENCE

December 19, 2023
1.14

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE; COMMUNITY ONLINE REPORTING SERVICE AND TELEPHONIC REPORTING SERVICE; AND, HATE CRIME/INCIDENT GUIDELINES FIELD NOTEBOOK DIVIDER, FORM 18.44.00 – REVISED

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE:

I. The revised policy Department Manual Section 4/203.25, *Reporting Incidents Motivated by Hatred or Prejudice*

II. The revised policy Department Manual Section 4/274.20, *Community Online Reporting Service and Telephonic Reports*

III. The revised Form 18.44.00, *The Hate Crime/Incident Guidelines Field Notebook Divider*

DISCUSSION

The documentation and investigation of hate incidents is of tremendous importance to the Department. The purpose of this Order is to revise the Department policy and procedure in order to facilitate greater ease for community members to report incidents of apparent hatred, **wherein a crime is not involved**. To this end, the Department has included the option of reporting a hate incident within its external facing website Community Online Reporting Service (CORS) portal.

Should you have additional questions regarding this matter, please contact, the Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,

MICHEL R. MOORE
Chief of Police

Enclosures

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON

SUBJECT: REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE; COMMUNITY ONLINE REPORTING SERVICE AND TELEPHONIC REPORTING SERVICE; AND, HATE CRIME/INCIDENT GUIDELINES FIELD NOTEBOOK DIVIDER, FORM 18.44.00 – REVISED

PURPOSE: The documentation and investigation of hate incidents is of tremendous importance to the Department. The purpose of this Order is to revise the Department policy and procedure in order to facilitate greater ease for community members to report incidents of apparent hatred, **wherein a crime is not involved**. To this end, the Department has included the option of reporting a hate incident within its external facing website Community Online Reporting Service (CORS) portal.

PROCEDURE:

I. **REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE – REVISED.** Department Manual Section 4/203.25, *Reporting Incidents Motivated by Hatred or Prejudice,* has been revised. Attached is the Department Manual Section with the revisions indicated in italics.

II. **COMMUNITY ONLINE REPORTING SERVICE AND TELEPHONIC REPORTING SERVICE – REVISED**. Department Manual Section 4/274.20, *Community Online Reporting Service and Telephonic Reports,* has been revised. Attached is the Department Manual Section with the revisions indicated in italics.

III. **HATE CRIME/INCIDENT GUIDELINES FIELD NOTEBOOK DIVIDER, FORM 18.44.00 – REVISED.** The Hate Crime/Incident Guidelines Field Notebook Divider, Form 18.44.00, has been revised. Attached is the form with the revisions indicated in italics.

FORM AVAILABILITY: The revised Field Notebook Divider is available in E-Forms on the Department's LAN and is attached for immediate use and duplication. All other versions of the form shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENTS: This Order amends Sections 4/203.25 and 4/274.20 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. , 2023

203.25 REPORTING INCIDENTS MOTIVATED BY HATRED OR PREJUDICE. It is the policy of the Department to safeguard the rights of all individuals irrespective of their race or ethnicity, nationality, immigration status, religion, sexual orientation, gender, gender identity or gender expression, disability (whether temporary, permanent, congenital and no matter how it is acquired), and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence motivated by hate or bias, including property damage, harassment, intimidation, or other crimes shall be viewed very seriously and given high priority.

Hate Crime-Defined. Pursuant to Penal Code Sections 422.55 and 422.56, a hate crime is any criminal act or attempted criminal act directed against a person(s), public agency, or private institution based in whole or in part on the victim's actual or perceived race or ethnicity, nationality, religion, sexual orientation, disability, or gender; or, because the victim is associated with a person or group with one of those actual or perceived protected characteristics.

As stated in Penal Code Section 422.87, a **"bias motivation"** is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code Section 422.55 (see characteristics from Hate Crime Definition above). Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, discriminatory selection of victims (i.e., targeting), resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, 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's actual or perceived protected characteristic, or association with a person with an actual or perceived protected characteristic, including – but not limited to – disability or gender.

A hate crime includes the following types of conduct motivated by bias:

- Any willful act that by force or threat of force injures, intimidates, threatens, or oppresses any other person, or interferes with the person's free exercise or enjoyment of any legal right(s) or privilege(s);
- Any willful act that defaces, damages, or destroys the real or personal property of any other person or entity for the purpose of intimidating or interfering with the free exercise or enjoyment of any legal right(s) or privilege(s); or,
- Hanging a noose, placing or displaying a sign or symbol (such as a Nazi swastika), or burning or desecrating a religious symbol (such as a cross) on the private property of another without authorization, or at a school, for the purpose of terrorizing a person, as provided in Penal Code Section 11411.

Statutory Definitions. California Penal Code Section 422.56 defines the following terms and phrases:

"Association with a person or group with [the] actual or perceived characteristics," includes advocacy for, identification with, or being on the property owned, rented by, or adjacent to the individual, family, community center, educational facility, office, meeting hall, place of

worship, private institution, public agency, library, or other entity, group, or person which has, or is identified with the person who has the characteristic targeted.

"Disability" includes mental and/or physical disability, as defined in Government Code Section 12926, regardless of whether said disability is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

"Gender" means 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.

"**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 the crime would not have been committed but for the actual or perceived characteristic. This subdivision does not constitute a change in, but is declaratory of, existing law under In re M.S. (1995) 10 Cal. 698 and People v. Superior Court (Aishman) (1995) 10 Cal. 4th 735.

"Nationality" includes country of origin, immigration status, including citizenship, and national origin.

"Race or ethnicity" includes ancestry, color, and ethnic background.

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

"Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

"Terrorize" means to cause a person of ordinary emotions and sensibilities to fear for their personal safety.

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

Hate Incident-Defined. A hate incident is any non-criminal act, including words, directed against a person(s) based on that person's actual or perceived protected characteristics. Hate incidents are differentiated from hate crimes because they do not violate and are not punishable under criminal law statutes. Rather, such incidents are generally protected free speech under the First Amendment of the U.S. Constitution.
Hate incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material on public property that does not result in property damage, and the display of hate material on one's own property. However, if over an extended period of time

a person directs numerous bigoted, biased, or prejudiced statements to the same person, such a pattern of conduct could rise to the level of unlawful criminal harassment or stalking under certain state laws, including but not limited to California Penal Code Section 646.9 – Stalking.

In compliance with California Penal Code Section 422.87, officers shall specifically evaluate the following when investigating **a crime or incident of suspected disability-bias**:

- Whether there is any indication that the suspect 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;
    - Resentment of those who need, demand, or receive alternative educational, physical, or social accommodations; and,
- Whether there is any indication that the suspect 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 suspect 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 suspect's motivations included bias against persons with the perceived disability of the victim and that the crime shall therefore be reported as a suspected hate crime and not a mere crime of opportunity.

In compliance with California Penal Code Section 422.87, when investigating **a crime or incident of suspected religious-bias**, officers shall specifically evaluate whether there were targeted attacks on, or biased references to, symbols of importance or articles considered of spiritual significance in a particular religion. Examples of religions and such symbols and articles include, but are not limited to:

- In Buddhism, statutes 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; and,
- In Sikhism, turbans, head coverings, and unshorn hair, including beards.

The general underreporting of hate crimes, especially anti-disability and anti-gender crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. The Department recognizes the prevalence of underreporting of hate crimes in the City, and its commitment to vigilantly identify, document, investigate, and pursue prosecution of hate crimes is one of its strategic enforcement goals.

The bias motivation, or "**Hatred or Prejudice**" need not be the main, sole, or a major factor when classifying a crime or incident to be motivated by hatred or prejudice. Department personnel will classify reports as motivated by hatred or prejudice when evidence of such motivation, whether direct or circumstantial, is present.

*As a result of community engagement efforts, the Department has developed an additional reporting option for **Hate Incidents,** through its Community Online Reporting Service (CORS) within the public facing website.*

***Note:** Online reporting of hate incidents does not require the completion of supplemental forms at the time of reporting. A hate incident/crime resource pamphlet will be automatically sent to the individual filing the report via e-mail upon submission of an online hate incident report.*

The following delineates Department personnel's specific responsibilities for at scene/in person and CORS online reporting.

Employee's Responsibilities. A Department employee (either civilian or sworn) who becomes aware of a crime or incident motivated by hatred or prejudice shall:

- Investigate the crime or incident in a timely manner directly, or by way of notification to the appropriate personnel, entity, and/or agency if:
- The employee is personally involved in the incident; or,
- The employee is made aware of the incident while off-duty.
- Notify the watch commander of the Area of occurrence;
- Notify the Department Operations Center (DOC), Communications Division, and document the notification in the related report;
- Complete the appropriate incident, crime, or arrest report(s) and check the "MOTIVATED BY HATRED/PREJUDICE" box. If the incident does not constitute a specific crime, the Investigative Report (IR), Form 03.01.00, shall be titled "Hate Incident;"
- Enter the protected characteristic, along with the specific hate crime/incident facts into the Modus Operandi (MO) box for coding purposes;
- Complete the Hate Crime Supplemental Report, Form 03.01.05;
- Complete the Request for Confidentiality of Information, Form 03.02.00 (not required for **Hate Incidents or if the victim is a business**);
- Provide the victim with a Hate Crime Resource Pamphlet, Form 15.91.00, and a Marsy's Law pamphlet; and,
- Ensure that every available resource, including but not limited to, language interpreters, Crisis Response Teams, information on local advocacy groups, etc., is provided to victims of Hate Crimes and Hate Incidents. Department employees shall also be guided by Training Bulletin Volume XLIX, Issue 12, dated November 2020, and titled, "Foreign Language Interpreters and Resources," when an individual speaks a foreign language.

Investigation by Field Units. Field units assigned to calls or discovering crimes or incidents motivated by hatred or prejudice shall:

- Investigate the crime or incident and take appropriate action;
- Telephonically notify the watch commander of the crime or incident;
- Request a field supervisor to their location;
- Complete an IR and/or Arrest Report, Form 05.02.00, on all crimes or incidents motivated by hatred or prejudice and check the "MOTIVATED BY HATRED/PREJUDICE" box;

  Note: An IR shall be completed whenever an officer becomes aware of any incident, whether criminal or non-criminal which meets the criteria of an incident motivated by hatred or prejudice. *Officers shall not direct a reporting person to the CORS platform to make a report.* The unwillingness of the victim related to an incident motivated by hatred or prejudice to sign a report, or the absence of a victim to the incident, does not exempt officers from the requirement to complete an IR regarding the incident.

- Enter the protected characteristic along with the specific hate crime/incident facts into the Modus Operandi (MO) box for coding purposes;
- Complete the Hate Crime Supplemental Report and attach it as the last two pages of the IR and/or Arrest Report;
- Complete the Request for Confidentiality of Information (not required for **Hate Incidents or if the victim is a business**); and,
- Provide the victim with a Hate Crime Resource Pamphlet and a Marsy's Law Resource Pamphlet.

If the circumstances of an incident do not provide the corpus delicti of a specific crime, officers shall complete a short form IR titled "Hate Incident." In cases where there is no specific crime, officers shall not list persons possibly responsible for the incident as suspects, rather such persons shall be listed in the "Involved Persons" section of the IR.

> **Note:** Absent reasonable suspicion of a crime, officers do not have the legal authority to detain persons involved in a Hate Incident, where the individual is exercising their constitutional right to free speech.

When investigating a crime, officers should remain mindful that there are, at times, individuals who call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against (e.g., ethnic and religious minorities, immigrants, disabled individuals, homeless people). California Assembly Bill 1775 (enacted on September 30, 2020), reiterates the Ralph Civil Rights Act of 1976, whereby it not only prohibits, but also assesses civil and criminal penalties for instances when an individual knowingly and willfully threatens to notify, contacts, or files a false claim with law enforcement personnel in furtherance of their bias(es) against another.
Therefore, Department personnel must be vigilant in their investigations with presumptive victims and witnesses, so as not to engage in bias-motivated detentions, interrogations, or

arrests. As in all situations, officers are reminded to act professionally and accurately evaluate the facts and risks of each individual case. A biased individual who makes a report to the police can generate accusatory claims by police and outraged denials of wrongdoing by the accused all of which can lead to unjust outcomes.

Supervisor's Responsibilities. A supervisor assigned to the scene of an incident motivated by hatred or prejudice shall document their response and actions on a Sergeants Daily Report, Form 15.48.00. The supervisor shall:

- Immediately respond to the scene;
- Ensure that an IR, and/or Arrest Report, along with the Hate Crime Supplemental Report, and Request for Confidentiality of Information (where appropriate) are completed for crimes or incidents motivated by hatred or prejudice; and,
- Ensure the victim was provided a Hate Crime Resource Pamphlet and a Marsy's Law Resource Pamphlet.

Watch Commander's Responsibilities. Upon notification that a crime or incident motivated by hatred or prejudice has occurred, the watch commander shall:

- Direct a supervisor to immediately respond to the scene of a crime or incident motivated by hatred such as where there is major property damage involved, injury to a victim, or vandalism to a house of worship;
- Notify the DOC, for inclusion of the crime or incident in the Chief of Police 24-Hour Occurrence Log;
- Notify Criminal Conspiracy Section (CCS), Major Crimes Division (MCD), of any incident involving a place of worship;
- Review all reports for completeness and accuracy (e.g., hate crime vs. hate incident):
- Ensure that the "MOTIVATED BY HATRED/PREJUDICE" box is checked;
- Ensure that the Hate Crime Supplemental Report is completed;
- Ensure that the reporting officers have completed the Request for Confidentiality of Information where appropriate;
- Ensure that the victim has been provided a Hate Crime Resource Pamphlet and a Marsy's Law Resource pamphlet;
- Make an entry regarding the matter in the Watch Commander's Daily Report, Form 15.80.00;
- Forward a copy of the Watch Commander's Daily Report entry along with a copy of the Sergeant's Daily Report, Form 15.48.00, documenting the contact with the victim to the Area Hate Crime Coordinator;
- Cause the reports to be distributed as soon as possible via the Records Unit, but no later than the end of watch;
- Forward a copy of the report to the DOC; and,
- Notify the Community Relations Officer (CRO) to liaise with the affected community in the Area and document the notification on the Watch Commander's Daily Report.

Records Unit's Responsibilities. Upon receipt of a crime or incident report in which the suspect's actions were motivated by a hatred or prejudice, Area Records Unit personnel shall:

- Enter the information into the Consolidated Crime Analysis Database (CCAD);
- Ensure that the appropriate crime code for a hate crime report/arrest, or hate incident has been correctly denoted;
- *Process and Approve the CORS Hate Incident report, by assigning a DR number;*
- *Ensure that the appropriate crime code (999) for an online hate incident has been correctly denoted;*
- Denote the appropriate corresponding Modus Operandi (MO) code of 0903 in CCAD for hate crime reports and arrests;
- Denote the Uniform Crime Reporting (UCR) crime code of 999 with an MO code of 0921 for Hate Incident reports;
- Denote the appropriate corresponding Bias and Sub Bias MO codes; and,
- Distribute the report(s) as soon as possible, but no later than 24 hours after the report is taken. In addition to the established distribution, an extra copy of the IR and Arrest report shall be distributed to:

  1 – Detective Bureau;
  1 – CCS, MCD;
  1 – Public Engagement Section (PES), Office of Operations;
  1 – Hate Crimes Coordinator's investigative designee, Robbery-Homicide Division (RHD); and,
  1 – DOC.

Area Crime and Community Intelligence Center Responsibilities. Area Crime and Community Intelligence Center personnel shall:

- Review all area crime, arrest, and follow-up reports to determine whether any incidents were motivated by hatred or prejudice;
- Verify that the information entered into CCAD for any incident motivated by hatred or prejudice is accurate;
- Ensure the appropriate crime code as well as the corresponding MO code for a hate crime report/arrest, or a hate incident has been correctly denoted in CCAD;
- Ensure the appropriate enhancement MO codes for Victim Targeted and bias have been correctly denoted in CCAD;
- Notify the assigned investigator to complete a Follow-Up Report, reclassifying the case as a Hate Crime or Hate Incident if needed;
- Provide Crime Analysis Mapping System (CAMS) browser on hate crime report/arrest or a hate incident to the Area Hate Crime Coordinator.

Detective's Responsibilities. A detective assigned to investigate a crime or incident motivated by hatred or prejudice shall:

- Contact the victim within 10 *days of a hate crime and 30* business days (not including MOU holidays) *of a hate incident* and, assure the victim of the Department's commitment to identifying the suspect, and obtain and/or provide follow-up information and resources;
- Provide the Department's Hate Crime Coordinator or their designee with a copy of all reports related to the incident within, 10 *business days for a hate crime and 30* business *days for a hate incident,* of completion;
- Enter the report information including the victim, suspect, and location information into the Department of Justice database;
- If the crime/incident being investigated is determined to not have been motivated by hatred and/or prejudice, complete a Follow-up Investigation, Form 03.14.00, correcting/removing the CCAD MO code related to the hate crime or hate incident;
- Document any additional information and complete the follow-up within 10 *days of the hate crime or 30* business days (not including MOU holidays) *of the hate incident; and,*
- Present all felony and misdemeanor hate crime investigations in which the suspect is identified to the Los Angeles County District Attorney's (DA) Organized Crime Division, Hate Crime Section and, as appropriate, to the Civil Rights Division, Department of Justice (DOJ), for filing consideration

Area Hate Crime Coordinator's Responsibilities. The Commanding Officer, Area Detective Division, is the Hate Crime Coordinator (HCC) for their command and shall:

- Assign a specific detective supervisor to coordinate the investigation of all hate crimes and incidents for the Area;
- Ensure that a specific detective is assigned to investigate each crime or incident and that an appropriate response is provided to each victim including, but not limited to, compliance with the mandated follow up *within* 10 *days of the hate crime or 30* business day *of the hate incident*;
- Ensure that each crime or incident is entered into the CCAD properly;
- Ensure that all hate crimes are entered into the Hate Crime Analysis Evaluation System DOJ database (i.e., HATE database) at the end of the month;
- Ensure that all hate crime and hate incident data are inputted on the detective profile page and reported to Detective Bureau;
- Prepare a detailed monthly summary of all hate crimes or incidents on an Intradepartmental Correspondence, Form 15.02.00, and forward the report to the commanding officer, RHD, via the Area commanding officer, within 10 calendar days of the following month. The Intradepartmental Correspondence shall include the number of hate crimes and/or hate incidents for the month, CCAD print outs for the hate crimes and hate incidents, and a DOJ Bias Motivation (Table 1) printout for the current month. Unredacted and redacted copies of each hate crime and hate incidents shall be attached to the Intradepartmental Correspondence, including investigative reports, arrest reports, follow-up reports, confidentiality reports, Detective Case Tracking System (DCTS) notes, and Watch Commander's Daily Reports. These reports shall be delivered, faxed, and/or emailed to the RHD Hate Crimes Coordinator (HCC); and,
- Ensure the case has been entered into the DOJ database for each case in their command.

Note: The Area HCC shall be responsible for entering all incidents which occur in their Area into the DOJ system regardless of the investigating entity for the incident.
Note: Upon receipt of a Follow-Up Investigation or investigative determination, indicating that a previously reported incident has been determined to not, in fact have been motivated by hatred or prejudice, that incident **shall not** be included in the Area's reporting statistics. The MO code 0921 and 0903 shall be removed from the CCAD.

Area Community Relations Office and Senior Lead Office. All Area Community Relations Officers (CRO) and Senior Lead Officers (SLO) shall:

- Liaise with each Area's hate crime affected community/victim to affirm the Department's conviction to deter hate crimes and encourage hate crime reporting;
- Meet with the public to build and strengthen relationships with the community;
- Liaise and engage with each Area's most vulnerable individuals to hate crimes (especially anti-disability and anti-gender hate crimes) and the groups representing those communities, and in turn inform the Department about the issues and concerns specific to those communities;
- Provide the community members in their Area with information regarding Department policy and enforcement efforts;
- Provide the community members in their Area with information regarding safety, security, and crime prevention; and,
- Document all contacts and actions regarding the Area's hate crime community policing efforts on an approved Department form.

Note: In the aftermath of a hate crime or hate incident, the Area CRO shall work constructively with segments of the larger targeted community, who also were impacted. Their focus in those circumstances shall be to: reduce fear, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to come forward and report such incidents.

Area Detective Commanding Officer Responsibilities. Area Detective Commanding Officers (CO) shall ensure that misdemeanor and felony Hate Crime arrests and IRs are assigned to the appropriate table for investigation, follow-up, and filing. Area Filing Teams shall not route misdemeanor Hate Crime arrests directly to the CAO; misdemeanor arrests shall be assigned to an investigator for follow-up investigation and filing. Area Detective CO's shall also ensure:

- All Hate Crime investigations and arrests (misdemeanor and felony) are assigned to and handled by the corresponding table detectives;
- All Hate Crime investigations (misdemeanor and felony) are presented to the DA's Office, Hate Crimes Section, for filing consideration.
- Ensure the Area Hate Crime Coordinator has been notified and provided with copies should a report be reclassified to, or from, a Hate Crime; and,
- Verify that all hate crimes and hate incidents are accurately reflected on the Area COMPSTAT report based on date of occurrence.

Area Commanding Officer's Responsibilities. The Area commanding officer shall:

- Use all available resources in responding to community needs in combating hate crimes and incidents; and,
- Review and forward the monthly summary of hate crimes or incidents to the bureau commanding officer within two business days of receiving the monthly summary.

Bureau Commanding Officer's Responsibilities. The bureau commanding officer shall:

- Review each subordinate command's monthly summary of hate crimes or incidents;
- Forward a copy of the monthly summaries to Detective Bureau (DB), CCS, MCD and RHD within two business days of receiving the reports; and,
- Initiate a semi-annual inspection to verify the accuracy of each monthly hate crime summary submitted by subordinate commands and forward a copy of the audit to DB.

Department Hate Crime Coordinator. The Department HCC is the Commanding Officer of Detective Bureau, or their designee.

Department Hate Crime Coordinator's Responsibilities. The Chief of Police has directed the Department HCC to ensure the Department produces and disseminates a Hate Crime Brochure as required by California Penal Code Section 422.87(a)(8), and to ensure that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons. In addition, the Department HCC or their designee shall:

- Provide a quarterly hate crime report to the CO, DB, and the Department Diversity, Equity, and Inclusion Officer (DEIO);
- Provide copies of reports and documents to any agencies working in partnership with the Department via a Memorandum of Understanding (MOU);
- Provide quarterly training for all Area HCCs;
- Ensure all hate crime cases are entered into the DOJ hate crime database;
- Ensure that copies of all hate crime reports are forwarded to DOJ; and,
- Liaise between Department training entities to ensure hate crime training accuracy and uniformity.

Public Engagement Section, Office of Operations Responsibilities. Public Engagement Section shall:

- Continually meet with the public to build and strengthen relationships with the community;
- Liaise with the DEIO;
- Liaise and engage with each communities' most vulnerable individuals to hate crimes (especially anti-disability and anti-gender hate crimes) and the groups representing those communities, and in-turn inform the Department about the issues and concerns specific to those communities;

- Provide the public with information regarding Department policy and enforcement efforts;
- Provide the public with information regarding safety, security, and crime prevention;
- Provide the public with cultural diversity education; and,
- Document all contacts and actions regarding the Area's hate crime community policing efforts on an approved Department form.

In the aftermath of a hate crime or hate incident, PES shall work constructively with segments of the larger community, who have also been impacted. Their focus in those circumstances shall be to: reduce fear, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to come forward and report such incidents.

Department Operations Center's Responsibilities. The DOC shall:

- Ensure notification has been made to MCD for all hate crimes or incidents involving a place of worship;
- Document all hate crimes and hate incidents in the Chief of Police 24-Hour Occurrence Log;
- Notify the Department HCC or their designee and forward a copy of the report to the HCC or designee; and,
- Notify the DEIO or their designee and forward a copy of the report to the DEIO or designee.

*For **CORS-initiated** hate incident reporting, the DOC shall:*

- *Process each hate incident report through the first and second CORS preapproval process;*
- *During the review process, should a hate incident report be identified as a hate crime report, the DOC shall implement the following response procedure:*
    - *During the review process, if DOC personnel identify the need for immediate response, the DOC shall dispatch a unit immediately;*
    - *Absent immediate response, DOC personnel shall contact the victim, create a call for service, and responding officer(s) shall take the hate crime report.*
    - *If the DOC cannot make contact with the victim (at least three phone calls attempted), the DOC shall generate a CORS report rejection email message, indicating the following: As a result of multiple attempts to contact you via phone, the Los Angeles Police Department advises to contact your local Area police station or call 1(877) ASK-LAPD for police response; and,*
- *Once the CORS hate incident report returns from Area records with a Division of Records (DR) No., the DOC shall add it to their notifications to the Chief of Police 24-hour occurrence log.*

Professional Standards Bureau's Responsibilities. Professional Standards Bureau shall:

- Assume primary investigative responsibility of all criminal complaints against sworn personnel alleging a hate crime under Color of Authority while on-duty, or occurring within the City limits - on or off duty;
- Audit complaints made against Department personnel for instances of alleged biased policing and/or alleged criminal misconduct under Color of Authority pursuant to California Penal Code Sections 149 and 422.6, or Title 18 United States Code Section 242; and,
- Notify the Chief of Police, Inspector General's Office, and the CAO or DA's Office of all complaints of alleged hate crimes under Color of Authority by sworn personnel.

Training Bureau's Responsibilities. Training Bureau is responsible for providing Department personnel with training pertaining to the distribution of Hate Crimes Resource Pamphlet. Through the Department's Learning Management System (LMS) and in conjunction with the Commission on Peace Officer Standards and Training's (POST) continuing education requirements, personnel are also regularly provided training on state, federal, and Department policy as they relate to hate crime investigations.

Application Development and Support Division's Responsibilities. Application Development and Support Division (ADSD) will create a weekly autorun program, that pulls data from the CCAD system and is sorted by crime type and MO code. This program will create a chart displaying a weekly year-to-date (YTD) total of hate crimes by crime type and bias motivation. The automated reports will include the following:

- The two automated reports will collate YTD hate crime information compared to the previous year and corresponding change.
- The reports will update the current YTD numbers and will not compare weekly totals;
    - Report No. 1 displays hate crimes by crime category.
    - Report No. 2 displays hate crimes by bias and sub-bias. Each protected characteristic has independent sub-biases that are categorized.
- Application Development and Support Division will forward the data to COMPSTAT Division on a weekly basis for review.

COMPSTAT Division's Responsibilities. COMPSTAT Division will compare CCAD hate crime data received from ADSD and CAMS, for accuracy on a weekly basis.

- COMPSTAT Division will format the ADSD charts in a .pdf type document; and,
- COMPSTAT Division will upload the two reports into a Media Relations Division (MRD) shared network drive with the approval to display the information.

Media Relations Division Responsibilities. Media Relations Division (MRD) manages the Department's public facing website. Upon receipt of the weekly hate crime charts from COMPSTAT Division, MRD will post the document on the Department's public facing website on a weekly basis.

Media Relations Division will liaise with the Department Hate Crime Coordinator to ensure the monthly reporting of hate crimes and hate incidents on the Department's external publishing website.

Note: In accordance with Assembly Bill 485 (2022), local law enforcement agencies shall post information relative to hate crimes sent to the California Department of Justice, on their internet website on a monthly basis.

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. , 2023

274.20 COMMUNITY ONLINE REPORTING SERVICE AND TELEPHONIC REPORTS. The following crimes/incidents shall utilize the Community Online Reporting Service (CORS) as the primary reporting system if the appropriate criteria are met.

Identity Theft, when:

- The incident involved the use of a credit card, or debit card to purchase items (e.g., gasoline, hotel room, electronics, or withdraw cash).

Lost Property, when:

- Property was unintentionally left by its true owner.

Harassing/Annoying Phone Calls/Electronic mail, when:

- Any person who repeatedly, with the intent to annoy, telephones, or makes contact by means of an electronic communication.

Hit and Run Crashes, when:

- No injury; and,
- Does not involve City property.

Traffic Crashes that involve:

- Complained of pain and/or other visible injuries; and,
- Minor damage.

Burglary/Theft from Vehicle, or Plain Theft, when:

- The property taken is valued at less than $5,000;
- Theft was not a result of a forged or counterfeit check, credit card fraud, a financial scam, or extortion;
- The property taken was not a gun; and,
- The person reporting is the owner of the property taken (e.g., individual, or employee of a business).

Grand Theft-Pickpocket when:

- The suspect is not at the scene;
- There is no possibility of locating the suspect through a limited follow-up investigation by field personnel; and,
- The property taken is valued at less than $5,000.

Vandalism, when:

- Damage is less than $5, 000;
- Does not involve a Hate Crime;
- Does not involve Domestic Violence;
- Vandalism is not the result of gun shots;
- Does not involve a Restraining Order; or,
- Does not involve a labor dispute.

Note: If any of the following exist in the reported incident, they are not eligible for CORS or telephonic reporting:

- Hate Crime;
- Suspect at scene;
- A gun is involved (as the reported stolen item or is used in the crime);
- Possibility of immediate violence;
- Crime involves a labor dispute; or,
- Amount of property loss or vandalized $5, 000 or higher.

When preferred by the person reporting, a Hate ***Incident*** *may be reported via CORS. The below analysis and procedure shall be followed regarding such reporting:*

- *A Hate Incident is any non-criminal act, including words directed against a person(s), based on that person's actual or perceived race, nationality, religion, sexual orientation, disability, gender, gender expression, or gender identity that is not punishable under the California Penal Code or federal law. Hate Incidents differ from hate crimes in that they do not violate criminal or civil law. Instead, such incidents are generally protected free speech under the First Amendment to the U.S. Constitution;*
- *Hate incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material on public property that does not result in property damage, and the display of hate material on one's own property. However, if over an extended period of time, a person directs numerous bigoted, biased, or prejudiced statements to the same person, such a pattern of conduct could rise to the level of unlawful criminal harassment or stalking under certain state laws;*
- *Online reporting of hate Incidents does not require the completion of supplemental forms at the time of reporting; and,*
- *Reference Department Manual Section 4/203.25, Reporting Incidents Motivated by Hatred or Prejudice.*

  Note: *Hate incidents may also be reported directly to Department personnel – sworn or civilian, in person or via 911.*

Department Operations Center (DOC) Responsibilities. *The DOC shall:*

- *Process each hate incident report through the first and second CORS preapproval process;*
- *During the review process, if a hate incident report is determined to involve a hate crime, the DOC shall implement the following response procedure:*

- *Dispatch a unit immediately or as appropriate based on the reported information;*
- *Absent immediate response, DOC personnel shall contact the victim, create a call for service, and responding officer(s) shall take the hate crime report.*
- *If the DOC cannot make contact with the victim (at least three phone calls attempted), the DOC shall generate a CORS report rejection email message, indicating the following: "As a result of multiple attempts to contact you via phone, the Los Angeles Police Department advises to contact your local Area police station or call 1(877) ASK-LAPD for police response;" and,*

- *Once the CORS hate incident report returns from Area records with a Division of Records (DR) No., the DOC shall add it to their notifications to the Chief of Police 24-hour occurrence log.*

Area Records Units Responsibilities. *Upon receipt of a hate incident report in which the suspect's actions were motivated by hatred or prejudice, Area Records Unit personnel shall:*

- *Process and Approve the CORS Hate Incident report, by assigning a DR number;*
- *Ensure that the appropriate crime code (999) for a hate incident has been correctly denoted;*
- *Denote the Uniform Crime Reporting (UCR) crime code of 999 with an MO code of 0921 for Hate Incident reports;*
- *Denote the appropriate corresponding Bias and Sub Bias Modus Operandi (MO) codes; and,*
- *Distribute the report(s) as soon as possible. In addition to the established distribution list below, records units shall send a copy with the assigned DR number to the DOC.*

  - *One copy – Detective Bureau;*
  - *One copy – Criminal Conspiracy Section (CCS), Major Crimes Division (MCD);*
  - *One copy – Public Engagement Section (PES), Office of Operations;*
  - *One copy – Hate Crimes Coordinator's investigative designee, Robbery-Homicide Division (RHD); and,*
  - *One copy – DOC (New procedure).*

The following are not eligible for CO~~B~~*R*S, but are eligible for telephonic reports:

Assault or Battery, when:

- No additional battery is likely to occur; and,
- The injury, if any, does not require immediate medical attention.

Stolen vehicle, when:

- The person reporting is the registered owner or lessee of the vehicle; **and,**
- The employee taking the report has verified through Department of Motor Vehicles files:

- The registration and ownership of the vehicle;
- The identity of the reporting person;
- The vehicle has not been towed by an authorized authority; and,
- The vehicle has not been reported by another responsible party (e.g., stolen, impounded, repossessed).

Note: Stolen vehicle reports shall **not** be taken telephonically for rented vehicles.

Any misdemeanor property crime reportable on an Investigative Report, Form 03.01.00, when:

- The amount of damage is estimated at less than $5,000;
- The offense is not directly related to a labor dispute;
- The offense is not a hate crime; and,
- The offense is not domestic violence.

Note: If the reporting person requests a receipt, he or she shall be advised that a Victim's Report Memo, Form 03.17.00, may be obtained at the station where the report was completed.

Processing. Plain paper reports shall be processed in the same manner (i.e., approval, DR number, distribution, and filing requirements) as the Investigative Report, Form 03.01.00, or the Vehicle Report, CHP Form 180.

HATE CRIME/INCIDENT GUIDELINES
FIELD NOTEBOOK DIVIDER
These guidelines shall be followed for investigations of Hate Crimes and Hate Incidents.

DEFINITIONS:

HATE CRIME

A Hate Crime is any criminal act or attempted criminal act rooted in bias and directed against a person(s), public agency or private institution based in whole or in part on the victim's actual or perceived *race*, ethnicity, nationality, religion, sexual orientation, disability, gender, gender identity, gender expression, or because the agency or institution is identified or associated with a person or group of an identifiable or perceived *race*, nationality, religion, sexual orientation, disability, gender, gender identity, or gender expression.

A Hate Crime includes an act which results in injury, however slight; a verbal threat of violence which apparently can be carried out; an act which results in property damage; other criminal act(s) directed against a public or private agency; and,

the placing or displaying of a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika or noose, or burning a cross or other religious symbol, on the private property of another without authorization, on the property of a school, college campus, public place, place of worship, cemetery, or place of employment for the purpose of terrorizing the owner or occupant, or a person who attends, works at, or is otherwise associated with the school, college campus, public place, place of worship, cemetery, or place of employment.

HATE INCIDENT

A Hate Incident is any non-criminal act including words directed against a person(s) based on that person's actual or perceived race, nationality, religion, sexual orientation, disability, gender, gender expression, or gender identity that is not punishable under the California Penal Code or federal law. Hatred incidents are differentiated from hate crimes because they do not violate criminal or civil law. Rather, such incidents are generally protected free speech under the First Amendment to the U.S. Constitution.

Hate Incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material on public property that does not result in property damage, and the display of hate material on one's own property. However, if over an extended period of time a person directs numerous bigoted, biased or prejudiced statements to the same person, such a pattern of conduct could rise to the level of unlawful criminal harassment or stalking under certain state laws.

I. ARRIVAL AT SCENE

* Determine location/condition of victim;
* Obtain medical treatment as needed;
* Determine if suspect is still at scene;
* Locate and identify witnesses;
* Request witnesses remain for questioning; and,
* Determine if a Hate Crime or Hate Incident has occurred.

II. INVESTIGATIVE REPORT, FORM 03.01.00

* Investigate the crime or incident in a timely manner;
* Interview victims/witnesses separately;
* Notify the watch commander, Area of occurrence;
* Notify the Department Operations Center (DOC), Communications Division at (213) 484-6700 for inclusion of the crime or incident in the Chief of Police 24-hour occurrence log and document the notification in the related report;
* Complete the appropriate crime or arrest report(s) and check the "MOTIVATED BY HATRED/PREJUDICE" box;
* Complete the Request for Confidentiality of Information, Form 03.02.00 (not required for **Hate Incidents or if the victim is a business**);
* Complete the Hate Crime Supplemental Report, Form 03.01.05, and attach it to the IR and/or Arrest Report as the last two pages of the report;
* If the incident does not constitute a specific crime, the IR shall be titled "Hate Incident;"
* Collect all evidence including that which verifies motive; and,
* Provide support/resources for the victim (Marsy's Law pamphlet and Hate Crimes Victim Pamphlet).

III. INTERVIEW VICTIMS/WITNESSES

* Interview victims/witnesses separately;
* Establish the elements of the crime and other details relating to who, what, when, where, why and how; and,
* Questions to consider:
  - ✓ Do you (victim/witness) perceive the action of the offender to be motivated by bias or bigotry (regardless of the victim's actual inclusion in that protected group), why?
  - ✓ Do you think you were targeted, why?
  - ✓ Who do you think is responsible, why?
  - ✓ Were there any offensive symbols, words or acts associated with hate groups used?
  - ✓ Are you the only member (or one of a few) of a protected characteristic who lives in the area?
  - ✓ Have there been any prior incidents?
  - ✓ Has there been any recent public activity that would make you (victim) a target?
  - ✓ Did the suspect carry any literature regarding a particular group?
  - ✓ Did the incident occur on a holiday or day of significance to the victim's or offender's group?

HATE CRIME/INCIDENT GUIDELINES
FIELD NOTEBOOK DIVIDER

These guidelines shall be followed for investigations of Hate Crimes and Hate Incidents.

- ✓ Did the suspect have tattoos or clothing that stand out in your mind?

Note: Victims may be reluctant to be identified with a protected group. Witnesses may fear retaliation and therefore feel fearful or hesitant to get involved.

IV. IF SUSPECT IS TAKEN INTO CUSTODY

- * Prevent communication between suspect and victim/witnesses;
- * Record spontaneous statements made by the suspect (many times hate crime suspects will be proud of their actions and anxious to talk) including statements made prior, during, and after the incident;
- * Administer Admonition of Rights; and,
- * Questions to consider (only after Admonition of Rights):
  - ✓ Why did you pick this person?
  - ✓ How do you feel about this person/group?
  - ✓ Did you go looking for this person or group?
  - ✓ Did you select the victim at random?
  - ✓ Do you belong to a group or organization?
  - ✓ Are any others involved in the crime?
  - ✓ Do they have a mission or agenda directed toward this person or a particular group?

V. EVIDENCE

- * Photograph any evidence that substantiates the motive, e.g., hate graffiti, cross burning, swastikas, suspect's attire, *tattoos,* etc;
- * Recover weapons and book or photograph; and,
- * Identify, retrieve or photograph other evidence, e.g., bloody clothing, destroyed property, hate material, suspect's attire if appropriate.

VI. COMPLETING CRIME REPORT

- * Complete a Request for Confidentiality of Information, Form 03.02.00;
- * Title the report according to the criminal violation and add "HATE CRIME" to the title, e.g., BATTERY/HATE CRIME;
- * Check the "MOTIVATED BY HATRED/ PREJUDICE" box in the MO section;
- * Complete the Hate Crime Supplemental Report, Form 03.01.05, and attach it to the IR and/or Arrest Report as the last two pages of the report;
- * Notify the *DOC* telephone (213) *484-6700* and enter the name of the person contacted in the notification box;
- * Ensure that elements of all involved crimes are included in the report; and,
- * Document the following in the narrative:
  - ✓ Motivation or the lack of motivation;
  - ✓ Any photographs that were taken;
  - ✓ MT obtained;
  - ✓ If the victim and suspect(s) are members or perceived as members of different groups;
  - ✓ Describe the manner and means of attack;
  - ✓ Describe any relevant ongoing neighborhood events; and,
  - ✓ Statements or activities prior to and following incident.

Note: In crime reports, Penal Code Section 422.6 or 422.7 will be identified as additional offenses. The underlying crime (i.e., battery, vandalism, assault) should be listed as the main offense.

VII. COMPLETING INCIDENT REPORT (NON-CRIMINAL INVESTIGATIONS)

- * Officers shall complete an IR titled "HATE INCIDENT";
- * Include the motivation of the suspect;
- * Check the "MOTIVATED BY HATRED/PREJUDICE" box in the MO section;
- * Complete the Hate Crime Supplemental Report, Form 03.01.05, and attach it to the IR and/or Arrest Report *(if Hate Incident is unrelated to arrest)* as the last two pages of the report; and,
- * List persons possibly responsible for the incident in the "INVOLVED PERSONS" section of the IR as "witnesses".

Note: The unwillingness of the victim of an incident motivated by hatred or prejudice to sign a report, or the absence of a victim to an incident, does not exempt officers from the requirement to complete an IR, Form 03.01.00.

VIII. FOLLOW-UP INVESTIGATIONS

Watch Commander

- * Direct a *supervisor* to immediately respond to the scene of a major crime or incident motivated by hatred such as major property damage involved, injury to victim, or vandalism to a house of worship;
- * Review all reports for completeness, including the notification to the DOC and cause the reports to be distributed as soon as possible, but no later than the end of watch;
- * Ensure that the correct crime code as well as MO code 0903 for hate crime and 999 non-crime and MO code 0921 are denoted on the report and placed into the Consolidated Crime Analysis Database (CCAD);
- * Make an entry regarding the matter in the Watch Commander's Daily Report, Form 15.80.00; Forward a copy of the Watch Commander's Daily Report entry along with a copy of the Sergeant's log documenting the contact with the victim to the *Area* Hate Crime Coordinator; and,

* Forward a copy of the report to the DOC.

Area Detectives

* Contact the victim within *10 business* days of a hate crime and within 30 business days of a hate incident and assure the victim of the Department's interest in identifying the suspect and obtaining follow-up information;
* Document any additional information on a Follow-up Investigation, Form 03.14.00;
* Present all felony and *misdemeanor* hate crime investigations in which the suspect is identified to the District Attorney Hate Crime Unit and, as appropriate, to the Office of the United States Attorney, Civil Rights Liaison for filing consideration;
* Contact appropriate Victim Impact Program Coordinator if applicable per Operations Notice No. 2, dated 5/14/2002; and,
* Provide the *Area* Hate Crime Coordinator with a copy of all *hate crime* reports within 10 *business* days *and hate incident reports within 30 days* of completion. This includes all reclassified reports. Ensure that if a case is deemed to not be a Hate Crime then the MO code (0903 Hate Crime) shall be removed from the CCAD.

POLICY STATEMENTS:
The City of Los Angeles values the great diversity of its people and recognizes that a threat against any portion of our community is truly a threat against our diverse way of life. Acts or threats of violence motivated by hatred or prejudice are serious acts, often vicious in nature, which tear at the fabric of our community. These occurrences generate fear and concern among victims as well as the entire community and have the potential of recurring, escalating and possibly causing counter-violence.

It is the policy of the Los Angeles Police Department to ensure that the rights of all people, as guaranteed by the Constitutions of the United States and the State of California, are protected. Among those constitutional guarantees is the right of all people to live without fear of attack by or threat from an individual or group due to hatred or prejudice. An act or a threat of violence motivated by hatred or prejudice threatens this constitutional guarantee and generates fear and concern among victims and the public. When any act motivated by hatred or prejudice occurs, the Department will ensure that it is dealt with on a priority basis and use every necessary legal resource to rapidly and decisively identify the suspects and bring them to justice.