



DEPARTMENTAL  
GENERAL  
ORDER

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42.2.1-3

Bias Crime  
Hate Crime  
Hate Incidents  
Reporting and Investigating  
Hate or Bias Crime

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## REPORTING AND INVESTIGATING HATE OR BIAS CRIME

The purpose of this order is to set forth Departmental policy and procedures pertaining to the investigation and reporting of hate or bias crimes and hate or bias incidents.

### I. DEFINITION – 13519.6 PC

As used in this order, “Hate Crime” or “Bias Crime” is defined as: any criminal act or attempted criminal act directed against a person(s), public agency or private institution based on the victim’s actual or perceived race, nationality, religion, sexual orientation group, disability or gender or because the agency or institution is identified or associated with a person or group of an identifiable race, religion, nationality, sexual orientation, disability or gender. 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; and, property damage or other criminal act(s) directed against a public place or private agency.

“Hate Incidents” or “Bias Incidents” are defined as non-criminal conduct which is motivated by hatred, prejudice, or bigotry and directed at any individual, residence or house of worship, institution or business expressly because of the victim’s (person or institution) real or perceived race, religion, nationality, sexual orientation, disability, or gender. Hate incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate materials that does not result in property damage, and the display of offensive material on one’s own property.

The victim does not have to be an actual member of a protected group to establish a hate crime or incident. It is based upon the perception of the perpetrator.

## **II. POLICY**

It is the policy of the Oakland Police Department to ensure that the rights of all people, as guaranteed by the Constitutions and Laws of the United States and the State of California, are protected, regardless of their race, nationality, religion, sexual orientation, gender, mental disability, or physical disability. Hate or bias crimes deserve special attention because they are likely to deter victims from exercising and enjoying lawfully guaranteed rights through fear, intimidation, threats or violence. Such acts frequently recur and escalate, and they may lead to counter violence. For these reasons, it is the policy of the Department that any incident believed to be a hate or bias crime shall be regarded as serious and given priority attention.

## **III. PROCEDURES**

- A. The preliminary investigation of hate or bias crimes, and hate or bias incidents, shall be conducted in a manner that is consistent with the original offense and in accordance with the provisions of Departmental General Order M-4, COORDINATION OF CRIMINAL INVESTIGATIONS. However, the following additional measures shall be taken:
1. An officer shall be dispatched to the scene of a reported or suspected hate or bias crime. Mail and telephone reports shall not be utilized to record such incidents. An attempt shall be made to take statements from victims and witnesses. A police report shall be completed even if the victim(s) are unwilling to cooperate in the investigation or in the absence of victim(s).
  2. If the assigned officer has reasonable cause to believe that an offense was bias-motivated, he/she shall protect the crime scene and request that a supervisor respond to the scene. The supervisor shall notify the Patrol Division Area Commander and/or Watch Commander if he/she concurs with the officer's assessment.
  3. The assigned supervisor shall personally direct the preliminary investigation, review all reports for completeness, and shall request the immediate assignment of follow-up investigators if appropriate.

4. The suspected type of bias (i.e., race, religion, etc.) shall be noted in the appropriate space on the first page of the Crime Report (536-933) and the basis of the suspicion shall be explained in detail in the narrative portion of the report. A copy of the report shall be directed to the Office of Chief of Police, the Bureau of Investigation Commander, the appropriate Patrol Area Commander, the appropriate Community Policing Unit and to the Intelligence Division.
  5. If the offense occurred on Oakland Housing Authority (OHA) property, an extra copy of the original report shall be directed to the OHA Commander's office.
- B. The Records Division shall ensure that bias-motivated offenses are assigned to the Bureau of Field Operations Criminal Investigation Areas I, II, or III for investigation, with the following exceptions:
1. Bias-motivated homicides shall be assigned to the Homicide Section for proper investigation. An extra copy of the original report shall be directed to the Area I Hate Crimes Investigator for information purposes.
  2. Bias-motivated arsons shall be assigned to the Arson Unit for proper investigation. An extra copy of the original report shall be directed to the Area I Hate Crimes Investigator for information purposes.
  3. Bias-motivated offenses involving juveniles shall be assigned to the Youth & Community Services Division (YCSD) for proper investigation. An extra copy of the original report shall be directed to the Area I Hate Crimes Investigator for information purposes.
  4. If, during the course of his/her investigation, the regularly-assigned investigator determines that an offense was bias-motivated, he/she shall ensure that the case is transferred to the Hate Crimes Investigator in his/her Area/Section.

- C. In addition to the normal criminal investigation, investigators shall each investigate the bias aspect of all cases referred to them, and the Area I Hate Crimes Investigator shall maintain the Bias Crime Log (TF-3006) for these reports. Updated Bias Crime Logs and a Bias Crime Summary Report (TF-3007) shall be provided to the Crime Analysis Section on a monthly basis.
1. The Bias Crime Log shall include: the report number, the original offense, the type of bias motivating the original offense, the status of the investigation, and whether or not the bias aspect was substantiated by the investigation.
  2. The Bias Crime Log shall also include known bias-motivated offenses occurring within the limits of the City of Oakland as documented by other agencies (e.g. Oakland Housing Authority, Oakland Public Schools Security, Alameda County Sheriff's Department, etc.).
- D. The Crime Analysis Section shall disseminate bias crime information, and shall forward copies of the Hate Crimes statistical reports to the California Department of Justice, as required.

By order of

Richard L. Word  
Chief of Police