

**Event 1- Police Sciences  
Session 32– Hate Crimes  
LD #42 Cultural Diversity/Discrimination**

**Date Revised: 12/9/19**

**Course Goal:** To teach recruit officers the lawful basis for recognizing criminal acts as hate crimes, non-criminal acts hate incidents and understand the impact of such crimes on victims and communities.

**Learning Objectives:**

- State the legal definition of a hate crime based on the Penal Code **[42.V.A]**
- Discuss the indicators of hate crimes **[42.V.E]**

**Session Time: 1 hour**

<p><b>Resources:</b></p> <ul style="list-style-type: none"> <li>• Classroom with tables</li> <li>• Training Needs: POST LD 42 Workbook</li> <li>• Handouts: Hate Crimes Resource Pamphlet, Hate Crime Notebook Divider, Hate Incident/Hate Crime I/R Exemplar</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Session Summary:</b> The recruit officer will be aware of criminal acts that are hate crimes, Legal requirements, LAPD Policy and Procedures and the officers role as a first responder for providing the most effective response to hate incidents and hate crimes.</li> </ul>	
Outline	Instructor Notes
<p>I.</p> <p>A. Hate Crimes/Incident Elements</p> <p>1. <b>[Note]</b> Instruct a member of the class to read aloud the definition of a hate crime from Hate Crime/Incident Notebook Divider</p> <p>2. <b>Hate Crime definition: [42.V.A]</b></p> <p>a. “A hate crime is any criminal act or attempt directed against a person(s), public agency or private institution based on the victim’s actual or perceived race, nationality, religion, sexual orientation, disability, or gender or because the agency or institution is identified or associated with a person or group of an identifiable race, nationality, religion, 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 another criminal act(s) directed against a public or private agency.</p>	<p><b>[Note]</b> INSTRUCT a member of the class to read aloud the definition of a hate crime from Hate Crime/Incident Notebook Divider</p> <p><b>[Note]</b> INSTRUCT a member of</p>

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<p>b. Remind Class: A hate crime can be committed regardless of the victim’s actual inclusion in the protected group.</p> <p>3. <b>[Note]</b> Instruct a member of the class to read aloud the definition of a hatred incident (non-criminal) definition.</p> <p>4. <b>Hate Incident</b> (Non-Criminal) definition:</p> <p>a. A hatred 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, or gender. Hatred incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one’s own property.</p> <p>b. Explain difference between “hate crime” and “hate incident”</p> <p>c. Note to class that Hatred Incident is to LAPD and allows us to track all hate incidents in the City</p> <p>1) No info will be found in workbook – refer to Notebook divider</p> <p>5. To ensure the recruits understand the presented definitions GIVE the following three examples of situations that may or may not rise to the level of a hate crime. HAVE the class identify the proper classification.</p> <p>a. EXAMPLE: Mary is a teacher at a local high school. While walking to her car after school, a carload of males pulls alongside of her and shout, “You teachers suck! We hate you”, and then speed away. Mary is afraid and calls the police. You arrive.</p> <p>b. By a show of hands, how many believe this rises to the level of a hate crime? How many believe this meets the criteria for a hatred incident, raise your hand? How many thinks this is neither a hate crime or hatred incident?</p> <p>1) Expected Responses:</p> <p>2) Does not meet the criteria for a hate crime or hatred incident.</p> <p>3) ENSURE the class points out that “teachers” are not a protected class. REFER them back to the elements in the definitions.</p> <p>c. EXAMPLE: A woman exits a store and finds a flier on her vehicle parked in a public parking lot that</p>	<p>the class to read aloud the definition of a hatred incident (non-criminal) definition</p> <p><b>Ask: What are some impacts experienced by direct victims of hate crimes?</b></p> <p><b>Ask: What are some of the impacts experienced by other clients?</b></p> <p><b>Ask: How many believe this rises to the level of a hate crime?</b></p> <p><b>Ask: How many believe this meets the criteria for a hatred incident, raise your hand?</b></p> <p><b>How many thinks this is neither a hate crime or hatred incident?</b></p>
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<p>states, “LESBIANS NOT WANTED IN THIS TOWN”. She calls the police. You arrive.</p> <ol style="list-style-type: none"><li>1) How many believe this is a hate crime? How many think it meets the criteria for a hatred incident?</li><li>2) Expected Responses:<ol style="list-style-type: none"><li>a) This situation meets the criteria of a hatred incident. It is hate based, however, does not rise to the level of a crime.</li><li>b) Does it matter if the woman is a lesbian or not?</li></ol></li></ol> <p>d. EXAMPLE: A man exits a gay bar and is struck in the face by another man walking down the sidewalk. When the victim falls to the ground the suspect states, “I knew you (derogatory slur used against gays) couldn’t take a punch”. He calls the police. When you arrive, the victim tells you he is not gay, but went to the bar to find his brother. What do you have?</p> <ol style="list-style-type: none"><li>1) How many believe this is a hate crime? How many think it meets the criteria for a hatred incident?</li><li>2) Expected Responses:<ol style="list-style-type: none"><li>a) This situation meets the criteria of a hate crime regardless of the victim’s actual inclusion in the protected group. The fact that the suspect believed him to be a member satisfies the elements.</li><li>b) NOTE: When completing the hate crime, I/R report we must capture the actual words used by the suspect and not use the phrase, “A derogatory slur used against gays)</li></ol></li></ol> <p>6. Discuss indicators of Hate Crimes <b>[42.V.E]</b></p> <ol style="list-style-type: none"><li>a. Did the crime involve a specific target?<ol style="list-style-type: none"><li>1) Individual</li><li>2) Residence</li><li>3) House of worship/religious or ethnic organization</li><li>4) Business</li></ol></li><li>b. If graffiti is involved the indicators would be if it was:<ol style="list-style-type: none"><li>1) Racial</li><li>2) Ethnic</li><li>3) Religious</li></ol></li></ol>	<p><b>Ask: How many believe this is a hate crime?</b></p> <p><b>Ask: How many think it meets the criteria for a hatred incident?</b></p> <p><b>Ask: Does it matter if the woman is a lesbian or not?</b></p>
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<ul style="list-style-type: none"><li>4) Homophobic</li><li>5) Denigrating to a protected group</li><li>c. Indicators that the crime is motivated in whole, or in part, based on bias, hatred, bigotry or prejudice are:<ul style="list-style-type: none"><li>1) Does the act appear to be a random act of violence (no obvious criminal motive present)?</li><li>2) Hate language is used<ul style="list-style-type: none"><li>a) At times hate language can be incidental to (by accident, non-essential) and result from anger, rather than bias or prejudice against the victim's group, and therefore, not an indicator of a hate crime.</li><li>(1) EXAMPLE: A Caucasian and Asian family are neighbors. Both have lived in their adjoining houses for three years without any problems. One Saturday, the father of the Asian family cut down an oak tree located on the property of the Caucasian neighbor's house mistakenly believing it is on his side of the property line. Having observed this, the father of the Caucasian family ran out, yelled racial epithets at the Asian neighbor, and pushed him.</li><li>(a) Expected Response:<ul style="list-style-type: none"><li>i This incident was motivated by anger not by hatred or prejudice and does not rise to the level of a hate crime. The indicator would be the amount of time they have lived side-by-side without incident.</li></ul></li></ul></li><li>3) Did obscene or threatening phone calls occur and involve:<ul style="list-style-type: none"><li>a) Racial slurs</li><li>b) Ethnic slurs</li><li>c) Religious slurs</li><li>d) Homophonic slurs</li><li>e) Disability slurs</li><li>f) Gender based slurs</li></ul></li></ul></li><li>7. Additional indicators to assist in determining motivation:<ul style="list-style-type: none"><li>a. Does the victim perceive the action of the offender to be motivated by bias or bigotry (regardless of the victim's actual inclusion in that protected group)?</li></ul></li></ul>	
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- b. Is there a lack of clear or apparent motive for the incident?
  - c. Were there any racial, ethnic, religious, sexual orientation, disability, or gender bias remarks made by the offender?
  - d. Were there any offensive symbols, words or acts that are associated with a hate group used?
  - e. Did the incident occur on a holiday or day of significance to the victims or the offender group?
  - f. What do the demographics of the area reveal about the incident?
  - g. Officers shall complete an I.R. or arrest report and include the motive of the suspect(s). Penal code sections **422.6** and **422.7** are intended to be identified as additional offenses, the underlying crime (i.e. battery, vandalism, etc.) will generally be listed as the main offense. However, certain hate crimes identified within the Penal Code can stand alone (i.e. 11411 PC Felony, Desecrating Religious Symbols, 11412 PC Felony, Interfering with Religious Freedom, 11413 PC Felony, **Terrorizing Another**). **[Note] [MOT]**
  - h. Officers shall check the “motivated by hatred or prejudice” box in the MO section.
  - i. Notify the watch commander, area of occurrence, and request a field supervisor to respond to the scene.
  - j. Notify RACR Division (213)484-6700 for inclusion of the hate crime in the Chief of Police 24-Hour Occurrence Log and document the notification in the related report.
  - k. Complete a Request for Confidentiality of Information for the victim per Special Order No.5 dated January 2000.
8. Non-criminal Investigations
- a. REFER to Hate Crime Notebook Divider
  - b. Officers shall complete an I.R. entitled HATE INCIDENT and include the motivation of the suspect (s) and list them in the “Involved Persons” box as a “wit”.
  - c. Notify the watch commander, area of occurrence.
  - d. Officers shall check the motivated by hatred or prejudice box in the MO section.
  - e. Complete a Request for Confidentiality of

**[Note] [MOT]**

**11411 PC Felony, Desecrating Religious Symbols, 11412 PC Felony, Interfering with Religious Freedom, 11413 PC Felony, Terrorizing Another.**

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Information for the victim per Special Order No.5  
dated January 2000.

- B. Legal Rights for the Victim(s) of Hate Crimes
  - 1. **DISTRIBUTE** Handout: “Los Angeles Police Department Hate Crimes Resource Pamphlet” (Form 15.91.00 (04/14))
  - 2. Officers shall distribute one to each victim of a hate crime/incident per 13873 PC.
  - 3. Officer shall provide Victim of any criminal act with Marsy’s Law Pamphlet Confidentiality shall be completed (regardless if victim requests it or not) (covered during sex assault)
  - 4. Indemnification of victims (if applicable)
- C. Handout: Distribute Hate Crime and Hate Incident Exemplars
- D. REINFORCE KEY LEARNING POINTS
  - 1. Hate Crimes impact communities as well as individuals.
  - 2. While Hate Crimes are specific to protected groups the incident is a crime regardless of the victim’s actual inclusion in the protected group
  - 3. Thoroughly document Hate Crime elements.
  - 4. Assure that Victim is given proper resources and notifications are made as required.
- E. ADVISED OF THE MUSEUM OF TOLERANCE Activity and how you will cover the second part of Hate crimes.