



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 711 – Hate Crimes

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Forms Referenced in Procedure:	SAPD Form #2-2	Related Procedures:	None

.01 INTRODUCTION

This procedure establishes a process that guides officers in identifying and investigating hate crimes and ensuring the accurate reporting of hate crimes to the UCR program.

.02 POLICY

- A. It is the policy of the San Antonio Police Department to ensure the rights guaranteed by state law and the U. S. Constitution is protected for all persons, regardless of race, religion, ethnicity/national origin, gender expression, gender identity, or sexual orientation.
- B. Officer’s authority for identifying and reporting hate crimes can be found in the Penal Code, Article 12.47 and the Code of Criminal Procedure, Article 42.014.

.03 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

BiasHate Crime

.04 IDENTIFYING HATE CRIMES

- A. Officers assigned to calls involving criminal offenses shall determine if bias motivated the crime.
- B. Some of the major criminal offenses which may be motivated by bias or hate include, but are not limited to the following offenses:
 - 1. Murder;
 - 2. Kidnapping;
 - 3. Sexual Assault;
 - 4. Robbery;
 - 5. Graffiti;
 - 6. Arson;
 - 7. Assault; and
 - 8. Criminal Mischief
- C. In determining if bias was a motivating factor in a criminal offense, officers shall use the following criteria to identify hate crimes.
 - 1. Motive; or lack of an apparent motive;
 - 2. Display of any offensive symbols, words, or acts;



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 711 – Hate Crimes

3. Prior history of similar offenses in the same area or against the same victim group;
4. Victim(s) and offenders(s) are members of different racial, religious, ethnic or national groups and have a history of antagonism and that antagonism appears to be based for the offender(s) actions against the victims(s);
5. Statements made by suspects, victims, or witnesses;
6. Date and time of occurrence corresponding to a particular holiday or other significant event;
7. A common sense review by the officer of all circumstances and elements involved in the offense.
8. Victim is a member of a group which is often a target of bias. They include but are not limited to:
 - a. Blacks;
 - b. Jews;
 - c. Members of the Lesbian, Gay, Bisexual, Transgender and Queer/Questioning (LGBTQ) Community;
 - d. Muslims; and
 - e. Asian Americans.
9. Identifiable bias related objects were used by the perpetrator (i.e., KKK hoods, etc.);
10. Victim has received bias related threats or harassment prior to the crime's occurrence;
11. Perpetrator has a history of bias related offenses; and
12. Perpetrator has made oral or written statements against the victim(s) or victim's group that express bias.

.05 INITIAL REPORTING OF HATE CRIMES

- A. Officers assigned to calls involving criminal offenses which have been identified as hate crimes by the criteria listed in Section .04 shall report the offense as a hate crime by checking the box titled "Suspected Hate Crime" on SAPD Form #2-2, *Offense/Incident Report*.
- B. All elements of the offense or criteria used by the officer to identify the offense as a hate crime will be listed in the "Details" section of the offense report.
- C. Officers receiving any information on any criminal offense identified as a hate crime shall report the information to the applicable follow-up investigative unit on SAPD Form #2-2, *Offense/Incident Report*. The information shall be titled "Information on Hate Crime" on the incident report.

.06 INVESTIGATING HATE CRIMES

- A. The preliminary investigation of criminal offenses involving bias or hate is conducted by the officer with primary report responsibility.
- B. The follow-up investigation of criminal offenses involving bias or hate is conducted by the follow-up unit with initial case responsibility.
 1. This follow-up unit shall make the final determination as to the crime being a hate crime; and



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 711 – Hate Crimes

2. Shall forward a copy of the offense or incident report to the Southwest Texas Fusion Center (SWTFC) for tracking purposes.

.07 STATISTICAL REPORTING OF HATE CRIMES

- A. The follow-up investigative unit has responsibility for reporting all hate crimes in the UCR statistics provided to the Records Office.
- B. The Records Office has responsibility for forwarding UCR statistics on hate crimes to the Department of Public Safety.

.08 VICTIMS ASSISTANCE

- A. Officers assigned to calls involving hate crimes or where a hate crime is suspected shall notify the victim of the availability of assistance from the Victims Advocacy Office.
- B. Officer shall forward a copy of all reports involving hate crimes to the Crisis Response Team at the appropriate Service Area substation for crisis intervention and/or social services follow-up.