

Article 2: Police — Police Regulations — Offenses Against Government

Division 97: Hate Crimes Training and Tracking

(“Hate Crimes Training and Tracking”

added 5-26-1992 by O-17771 N.S.)

§52.9701 Purpose and Intent

It is the purpose and intent of this Division to ensure that the City Manager provides adequate resources for the Police Department to: 1) train all officers on current criminal law relating to hate crimes; and 2) create and implement a standardized system for collecting data on and timely reporting such data to the City Council and the Human Relations Commission on any hate crimes which occur in the City of San Diego. The purpose of requiring the training of all police officers on current criminal law relating to hate crimes is to assure that officers can properly identify and charge hate crimes when they occur. The purposes of collecting this data and providing timely reports of it to the City Council and Human Relations Commission are to assist in accurately tracking and determining the level of crimes committed against persons, groups, or property because of real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability; to assist in apprehending the perpetrators of hate crimes; and to permit the City to develop effective responses to hate crimes. For purposes of this Division, “hate crimes” shall mean any act of intimidation, harassment, physical force, or threat of physical force directed against any person, group, or their property or advocate, or any act of vandalism (including graffiti), damage or destruction of their property, motivated either in whole or in part by hostility to their real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability, with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or laws of the United States or the State of California whether or not performed under color of law.

(“Purpose and Intent” added 5-26-1992 by O-17771 N.S.)

§52.9702 Findings

The San Diego City Council finds:

- (a) Hate crimes directed against persons, groups or property because of real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability are an especially pernicious and reprehensible form

of conduct which damages the fundamental beliefs that support and make effective our democratic, pluralistic society.

- (b) Hate crimes require the immediate, swift, and sensitive attention of law enforcement officers because such acts instill fear for personal and family security in the affected groups, provoke counter-measures that may lead to further violence, and create an environment of hostility and division that is dangerous and counter-productive.
- (c) Reports issued by the Governor’s Task Force on Civil Rights (1980), the Attorney General’s Commission on Racial, Ethnic, Religious, and Minority Violence (1986), the Attorney General’s Asian Pacific Islander Advisory Committee (1988), and the United States Civil Rights Commission on Recent Activities Against Citizens and Residents of Asian Descent (1992) indicate that violence motivated by real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, and disability is rising within California.
- (d) In order for officers to properly identify and charge such crimes, police officers require ongoing training on current criminal law relating to hate crimes.
- (e) A standardized reporting system and follow-up procedure for collecting data on hate crimes will allow local agencies to more accurately determine the level and trends of hate crimes and will permit the City to develop effective responses.

(“Findings” added 5-26-1992 by O-17771 N.S.)

§52.9703 Collection and Reporting of Data Regarding Hate Crimes: Training and Creating Standardized System

The City Manager shall ensure that adequate resources are available for all police officers to receive ongoing training regarding current criminal law and Police Department policy and protocol relating to hate crimes. The City Manager shall ensure that adequate resources are available for the Police Department to: 1) collect and analyze data relating to crimes motivated all or in part by prejudice based on real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability; and 2) provide such data and analysis to the City Council and the Human Relations Commission on a quarterly basis. The quarterly report shall include data concerning: 1) the area of the City in which any such crime occurred; 2) the date and time of any such crime; 3) the characteristics of the perpetrator(s) and the victim(s) (e.g., race, gender, religion, etc.) and 4) the nature of the crime. The City Manager

shall ensure that adequate resources are available for the Police Department to develop and implement a standardized system to collect such data from police reports involving crimes motivated all or in part by hostility based on real or perceived race, color, gender, religion, ancestry, national origin, sexual orientation, or disability.

The City Manager shall ensure that adequate resources are available for the Police Chief, or the Chief's designee, to report the occurrence of any hate crime to the City Manager and the Executive Director of the Human Relations Commission within three business days after the report of any such crime to the Police Department or the Police Department's awareness of any such crime. This report shall include: 1) the area of the City in which any such crime occurred; 2) the date and time of any such crime; 3) the characteristics of the perpetrator(s) and the victim(s) (e.g., race, gender, religion, etc.) and 4) the nature of the crime.

("Collection and Reporting of Data Regarding Hate Crimes: Training and Creating Standardized System" added 5-26-1992 by O-17771 N.S.)