

## What can I expect from the Police?

We take hate crimes seriously. We will investigate an alleged hate crime in a manner consistent with the offense.

- ◆ An officer will be dispatched to the scene. If he or she believes that a hate crime has likely occurred, the officer will protect the crime scene and request a supervisor to respond to it.
- ◆ If the supervisor concurs in the officer's assessment, the Watch Commander will be notified.
- ◆ The supervisor at the scene will also direct the preliminary investigation and request the immediate assignment of follow-up investigators, if appropriate.
- ◆ If the police find probable cause to believe it was a hate crime, we will report it to the State Department of Justice and, if there is a suspect, to the District Attorney for possible prosecution.

## Available Services for Hate Crime Victims

You may be entitled to information about the prosecution of the perpetrator, and have the right to present a victim impact statement at the time of sentencing under the California Constitution's Victim's Bill of Rights.

- ◆ You may be entitled to restitution for any loss, damage or injury to you. A court may also award money to you under the Ralph Act and the Bane Act. The court may require the person who has violated your rights to pay a civil penalty (\$25,000) to you, money to compensate you for the actual harm you have suffered, and/or an additional amount of money designed to punish that person and to deter future violations of these laws.
- ◆ The court also may issue a restraining order or other type of injunctive order to protect you from further harm, and may order the person who has harmed you to pay your attorney's fees if you have hired an attorney.
- ◆ Federal law also covers hate crimes committed under specified circumstances.
- ◆ For additional assistance, you can also contact the FBI at (202) 324-3000.

## What should I do if I am the victim of a Hate Crime?

### Call the Police

- ◆ If you are being attacked or it is an emergency, call 911 (by cell phone, call 327-7111).
- ◆ To report a hate crime that has already occurred, call our non-emergency line at 327-7111. *Please be patient* if you must wait to make your report. By calling on this line, you ensure that your report is handled professionally.
- ◆ Write down exactly what was said to you by the offender. Taunts and slurs reveal motive.
- ◆ Save any evidence – phone calls, graffiti – that may assist in prosecuting the person responsible. Take photos. Preserve phone, email and text messages.
- ◆ Note details about the assailant's car: make, model, color, license plate number, etc.

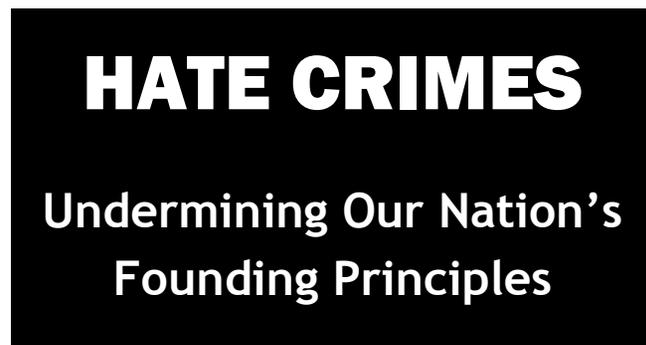
Detailed and accurate information will help law enforcement with their investigation. The police will want to know what was said, done or thrown, etc.; when and where the incident occurred; and what the assailant(s) looked and sounded like.

### Community Referral List

GOVERNMENT ASSISTANCE	PHONE
Greater Bakersfield Legal Assistance	(661) 325-5943
Kern County District Attorney's Office	(661) 868-2340
Kern County Bar Association Lawyer Referral	(661) 334-4700
Kern County Victim / Witness Assistance	(661) 868-4100
Kern County District Attorney Victim Services	(661) 868-2400
CA Fair Employment & Housing Commission	(800) 884-1684
Anti-Violence Project	(800) 373-2227
Attorney General Victims' Services Unit	(877) 433-9069
FBI – Hate Crimes And Civil Rights	(202) 324-3000
National Center for Victims of Crimes	(202) 467-8700

COMMUNITY ASSISTANCE	PHONE
American Civil Liberties Union of CA (ACLU)	(213) 977-9500
Anti-Defamation League (ADL)	(310) 446-8000
Kern Regional Center	(661) 327-8531
National Association for the Advancement of Colored People (NAACP)	(661) 665-9281
Council on American-Islamic Relations (CAIR)	(714) 776-1177
The Sikh Coalition	(212) 655-3095
Japanese American Citizens League (JAACL)	(213) 626-4471
League of United Latin American Citizens (LULAC)	(916) 551-1330
Asian Americans Advancing Justice	(888) 349-9695
Equality California	(323) 848-9801



## BAKERSFIELD POLICE DEPARTMENT

1601 Truxtun Avenue  
Bakersfield CA 93301  
(661) 327-7111

## What is a Hate Crime?

Hate crime is defined under California law as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- ◆ Disability
- ◆ Gender (including gender identity)
- ◆ Nationality
- ◆ Race or ethnicity
- ◆ Religion
- ◆ Sexual orientation
- ◆ Association with a person or group with one or more of these actual or perceived characteristics.

Hate crimes must include an underlying criminal act against a person (e.g., physical violence or threat of physical violence, including assault and homicide) or against property (i.e. vandalism, destruction, arson). Hate crimes can be committed against private property (such as your home, business, community center or house of worship) and public property (parks, schools, libraries, etc.).

Hate crimes can cause a distinctly harmful emotional impact that expands beyond the individual victim. These crimes intimidate others in the victim's community, making them feel isolated, vulnerable and unprotected. Hate crimes polarize communities and damage the tightly-knit fabric of our society. Because hate crimes present unique dangers and harms, they require unique tools and laws to address, combat, and prevent them.

**The Bakersfield Police Department's policy is to regard any incident believed to be a hate crime as serious and gives it priority attention.**

Hate crimes committed in California have included:

- ◆ Assaults on people with disabilities that attackers found disturbing
- ◆ Vandalism, arson, and shootings at houses of worship including synagogues, mosques, churches and temples
- ◆ A cross burning at the home of an African-American family
- ◆ Death threats including racially abusive mail sent to the homes and offices of politicians and civil rights activists advocating for people of color

- ◆ Smashed windows and anti-Arab and anti-Muslim graffiti at an Arab-American-owned delicatessen
- ◆ Violent assaults against gay men on public transit
- ◆ Anti-Latino slurs painted on the residence Mexican-American family
- ◆ A short-haired woman in a pants suit and tie is beaten by men making negative comments about her appearance.

The key element differentiating a hate crime from other crimes of a similar nature is the perpetrator's  **motive** - why he or she selected the victim for the criminal act.

For example, a brick thrown through a building's window is vandalism. The same act of vandalism may **also** be a hate crime if it can be shown that the perpetrator was **motivated because of bias** against an enumerated characteristic of that property or people associated with it i.e., its religious character, association with a particular ethnic group, etc.

## How do I know if a crime is also a Hate Crime?

Bias motivation may be proven in a number of different ways. The factors listed below, while not exhaustive, are among the most common indicators of hate crimes:

- ◆ Visible symbols of hate (burning cross, swastika, noose, written racial or other slurs, etc.)
- ◆ Speech (epithets, slurs). It is essential that victims and witnesses provide law enforcement with the exact statements used by the perpetrator
- ◆ Victim new to the community
- ◆ Significant day for the victim's group (Martin Luther King Day, religious holiday, Gay Pride parade, etc.)
- ◆ A history of tensions between distinct groups in the community. Suspect involved in similar incidents previously
- ◆ Location of crime (religious institutions, ethnic restaurant, etc.)
- ◆ Excessive and/or symbolic violence (i.e., cuts to genitals, desecration of sacred texts)

## Hate Crime Related California Penal Code Sections

- ◆ PC 190.2(a)(16) – Special Circumstances for Imposition of Death Penalty or Life Without Parole if the victim was intentionally killed because of race, color, religion, nationality or country of origin.
- ◆ PC 190.03(a) – Special Circumstances for Life without Possibility of Parole if the victim was intentionally killed because of victim's disability, gender or sexual orientation or a perception the person has one of those characteristics.
- ◆ PC 302 – Disorderly conduct at Church Service (Misdemeanor)
- ◆ PC 422.6 – Use of Force, Threats or Destruction of Property to Interfere with Another's Exercise of Civil Rights (Misdemeanor)
- ◆ PC 422.7 – Commission of Crime for Purpose of Interfering with Another's Exercise of Civil Rights (Felony)
- ◆ PC 422.9 – Violation of Civil Order (Bane Act) Protecting Exercise of Civil Rights (Misdemeanor)
- ◆ PC 422.75 – Enhance for felony committed because of victim's race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation: 1,2,3 years prison
- ◆ PC 594.3 – Vandalism, Place of Worship or cemetery (Felony)
- ◆ PC 640.2 – Placing Handbill, Notice or Advertisement on Consumer Product or Product or Package without authorization (Misdemeanor)
- ◆ PC 11411 – Terrorizing (e.g., placing a Nazi swastika on private property or burning a cross on private property) (Misdemeanor)
- ◆ PC 11412 – Religious Terrorism (Felony)
- ◆ PC 11413 – Use of Explosives in Acts of Terrorism in Specified Places (e.g., health facility, church, temple) (Felony)
- \* *If the criminal offense was not committed because of a bias, an appropriate criminal charge may nonetheless still be filed.*
- \*\* *No person shall be convicted of a hate crime based on speech alone unless it is a specific threat of violence and the person had the apparent ability to carry out the threat.*