




Clayton County Police Department

PROCEDURES

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| Subject HATE CRIMES | | Procedure # D14 | |
| Authorizing Signature  | Effective 12-17-2025 | <input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds | Total Pages 5 |

I. PURPOSE

To establish procedures for identifying and investigating hate crimes and hate incidents and assisting victimized individuals and communities.

II. POLICY

The policy of the Clayton County Police Department (CCPD) is to bring the investigative and enforcement elements of the Department into quick action following any and all reported or observed incidents that may be a hate crime. There shall be special emphasis placed on victim assistance and community cooperation. The actions taken by this Department in dealing with said incidents are visible signs of commitment to the community by the County government and the Department. The proper investigation of a possible hate crime is the responsibility of all sworn personnel.

III. DEFINITIONS

Bias: Prejudice in favor of or against a person or group compared to another.

Hate Crime: A crime in which the defendant intentionally selected any victim or group of victims or any property as the object of the offense because of such victim's or group of victims' actual or perceived race, color, religion, national origin, sex, sexual orientation, gender, mental disability, or physical disability.

Hate Incident: Acts or prejudice that are not crimes and do not involve violence, threats, or property damage.

IV. PROCEDURES

While it is recognized that not all crime can be prevented, the Department is committed to taking a proactive approach to addressing and preventing likely hate crimes, which includes responding to and documenting all bias-motivated incidents, conducting thorough investigations, networking with likely target groups, providing victim assistance and educating the community.

- A. Hate crime investigations will be completed thoroughly and in an effective manner by coordinating the efforts of the Uniform Patrol Division (UPD) and Criminal Investigation Division (CID), or other relevant units as necessary. Information gathered during the initial response significantly impacts the likelihood of solving the case.

- B. The UPD is primarily responsible for conducting preliminary investigations of all hate crimes and hate incidents. Officers will follow standard operating procedures as outlined in CCPD SOP: *D4: Criminal Investigations*, when conducting preliminary investigations.
1. The first officer to arrive at a crime scene is generally responsible for the preliminary investigation, which includes assessing the situation, securing the scene, rendering aid if needed, gathering information from individuals at the scene, and preserving any evidence.
 2. The primary reporting officer will conduct the preliminary investigation for most hate crimes and hate incidents.

Depending on the nature and severity of the crime and complexity of the crime scene, a follow-up investigation conducted by the primary reporting officer or personnel assigned to a specialized investigative unit, such as CID, may be initiated.

- C. Whenever an incident is determined to be a hate crime, as defined by this procedure, the first responding officer/primary reporting officer will notify their supervisor, as soon as practicably possible, to provide details of the preliminary investigation.
- D. The supervisor will use the information provided by the first responding/primary reporting officer to determine if further action, additional resources, or specialized investigative units are necessary.

The concerned, on-duty supervisor shall:

1. Notify the on-duty/on-call CID supervisor, the on-duty/on-call Public Information Officer (PIO), the concerned Precinct Commander, and any other “need to know” personnel of the following:
 - a. The details and circumstances of the incident;
 - b. Arrests, if applicable;
 - c. Any ongoing situation demanding the immediate attention of the Department; and
 - d. Any other information that may be deemed pertinent.
 2. Complete a *Command Notification Incident Detail Sheet* and send it, via County email, to the Command Staff, CID, PIO, and any other involved or “need to know” personnel.
 3. Ensure all necessary preliminary actions have been taken by coordinating with the primary reporting officer and/or assisting personnel/units to conduct a thorough follow-up.
- E. When a preliminary investigation is turned over to another officer/CID or other investigative unit, all pertinent information obtained up to that point, including the identities of those involved and location of any physical evidence discovered, will be relayed to the incoming personnel. However, until an investigation is officially turned over to such personnel, the primary reporting officer is responsible for the preliminary investigation and any follow-up, unless a supervisor deems otherwise.
- F. Once the scene is secured, the primary reporting officer shall make initial observations, taking detailed notes of all relevant details (e.g., environmental conditions, key events, significant conversations with each victim, complainant, witness, suspect and first responder), identify potential evidence, and develop a plan for processing the scene.
- G. The primary reporting officer, or designee, shall conduct recorded interviews with each complainant, victim, witness, and suspect separately.

When conducting such interviews, the primary reporting officer, or designee, shall:

1. Obtain the full name, date of birth, physical address, telephone number(s), work information, as well as any other identifying information available, of each person interviewed.
2. Interview the victim in a safe environment and inform the victim of the investigative process and available support services.

3. Thoroughly document the condition and injuries of all parties involved.
4. Encourage complainants, victims, and witnesses to complete a *CCPD Witness Statement Form*.
5. Determine if a relationship exists between the suspect, victim, or any other involved parties.
6. If the suspect(s) is/are not on scene, obtain and document as much identifying information and/or detailed description(s) as available on each suspect.

If a suspect's identity is determined or confirmed and probable cause exists, notify a supervisor before attempting to arrest the suspect at another location. If the suspect is not located, conduct a pre-warrant review with a supervisor for approval, before applying for an *Arrest Warrant*.

See also CCPD SOP: *A8: Criminal Process & Arrest Procedures*.

- H. The primary reporting officer, or designee, must provide the *Miranda Rights Warning* and obtain a waiver before interrogating a suspect in custody. Officers shall make every effort to record the administration of the *Miranda Rights Warning* and the suspect's waiver using a recording device and/or utilizing the *CCPD's Statement of Miranda Rights Form*. If no recording device is available, officers must have a law enforcement witness present for the administration of the *Miranda Rights Warning* and the suspect's subsequent waiver, if applicable.

See also CCPD SOP: *D36: Interviews & Interrogations*.

- I. The primary reporting officer, or designee, shall document, collect, and/or arrange for the collection of evidence by taking the following actions.

1. Requesting the Crime Scene Investigation (CSI) Unit to respond, if necessary.

When requested to respond, the investigative unit and/or CSI personnel shall assume responsibility for planning for the collection of evidence; however, this assumption will be clearly stated and relayed to the primary reporting officer and/or the concerned Unit/Shift supervisor. Evidence shall be secured, protected, collected and preserved in accordance with CCPD SOP: *E6: Crime Scene Investigation*.

2. Taking notes and photographing the following:

- a. All evidence in its original location before it is moved or collected;
- b. Any and all alleged property damage caused as a result of the incident; and
- c. Any and all alleged injuries suffered by all involved parties as a result of the incident.
 - 1) The County Photographer should be utilized for incidents involving felony property damage, serious injuries, and/or crime scenes requiring a large number of photographs, when approved by a supervisor.
 - 2) An officer or supervisor's camera should be utilized for incidents involving misdemeanor property damage, minor injuries, and/or crime scenes requiring only a small number of photographs.

3. Collecting evidence that may indicate the commission of a hate crime, such as:

- a. Physical evidence, e.g., hate literature, pamphlets, letters or flyers, spray paint cans, symbolic objects commonly used or associated with hate groups;
- b. Digital evidence (e.g., texts, social media posts, emails) is often used to prove intent/bias;
- c. Language used by the suspect, e.g., slurs, derogatory phrases, biased statements commonly associated with hate crimes; and
- d. Canvassing the vicinity for additional witnesses or evidence related to the incident.

4. Documenting information on all evidence/property that was found, obtained, received, or seized. All items intended to be transferred to the Evidence Custodian shall be entered in the corresponding written report through the Records Management System (RMS) and in accordance with CCPD SOP: *E3: Evidence & Property Control*.
- J. Officer(s) shall document all investigative activity involved in a hate crime investigation, including any bias indicators or exact statements made by suspects.
1. Whenever an officer of this Department investigates an incident of a crime in which it appears that the suspect/offender intentionally selected any victim or group of victims or any property as the object of the offense because of such victim's or group of victims' actual or perceived race, color, religion, national origin, sex, sexual orientation, gender, mental disability, or physical disability, whether or not an arrest is made, the primary reporting officer shall compile all information into a complete and accurate *Incident Report*, and submit such report and any other necessary and related documentation to their supervisor through RMS. The report shall include the following information:
 - a. Name of the parties;
 - b. Relationship of the parties;
 - c. Sex and gender of the parties;
 - d. Race of the parties;
 - e. Religion of the parties;
 - f. Dates of birth of the parties;
 - g. Time, place, and date of the incident;
 - h. Whether there is evidence to indicate that the incident occurred because of a person's actual or perceived attributes as specified in this section (i.e., *IV. J.1.*);
 - i. Type and extent of the alleged violation;
 - j. Existence of any objects or symbols associated with the terrorizing of persons based upon actual or perceived race, religion, or sex;
 - k. Number and types of weapons (detailed descriptions) involved, if any;
 - l. Existence of any prior difficulties between the parties;
 - m. Type of police action taken in disposition of case;
 - n. Whether the victim was apprised of available remedies and services; and
 - o. Any other information the primary reporting officer deems pertinent.
 2. The primary reporting officer shall obtain as much identifying information and/or detailed descriptions as possible on the suspect.
 3. Assisting officers may be required to complete an *Incident Supplemental Report*, using the same case number utilized by the primary reporting officer, to document their actions, efforts or findings in accordance with departmental procedures.
 4. Upon completion and submission, the *Incident Report* and/or *Incident Supplemental Report(s)* shall be reviewed and/or approved by the concerned, on-duty supervisor. The supervisor's review of any report will include the appropriateness of the report content, and to determine if it meets all requirements.
 - a. The approved report(s) will be forwarded to the Central Records Unit via RMS.
 - b. CID shall receive a copy of hate crime reports via RMS.

For additional information regarding the initiation, completion, review, correction and approval of all departmental reports and forms, please refer to CCPD SOP: *D9: Field Reporting*.

5. Supervisors assigned to CID will review incoming hate crime reports submitted by officers to assess and determine the need for additional follow-up investigation and/or case assignment.

K. Criminal Investigation Division (CID) Responsibilities

1. Detectives and/or concerned personnel will follow standard operating procedures as outlined in CCPD SOP: *D4: Criminal Investigations*, when conducting follow-up investigations involving hate crimes.
2. When a case is assigned to CID, the assigned detective will be responsible for following up on the reported hate crime by:
 - a. Maintaining contact with the victim and other involved individuals, as needed;
 - b. Attempting to both identify and charge any persons responsible for the crime;
 - c. Notifying their supervisor of relevant updates and/or concerns;
 - d. Coordinating with surrounding law enforcement agencies to assess patterns of hate crimes and determine if organized hate groups are involved;
 - e. Coordinating further investigation with the Clayton County District Attorney's Office and/or the Clayton County Solicitor's Office.
 - f. Ensuring that appropriate assistance is being provided to the victim, and providing ongoing information to the victim about the status of the criminal investigation;
 - g. Conducting any additional investigation that is required or necessary to close a case; and
 - h. Submitting the CID Case File for supervisory review and/or approval.

L. Data Collection and Analysis

The Targeted Investigations through Analysis of Networks (TITAN) Unit shall collect data on hate crime offenses and submit this information to the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program at regular intervals. The hate crime data is submitted through the National Incident-Based Reporting System (NIBRS).

Hate crime data can be used by the Department to identify and address community issues, provide reliable information to the media and public, and to recognize hate crime trends for prevention.

V. CANCELLATION

This procedure amends and supersedes standard operating procedure *D14: Hate Crimes*, dated November 16, 2021.