



CALIFORNIA DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

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Attorney General

The Attorney General's Hate Crime Rapid Response Protocol for Deployment of Department of Justice Resources

Statement of Purpose

The Attorney General is the chief law officer of the State. It is his duty to see that the laws of the State are uniformly and adequately enforced. (Cal Const., art. V, § 13.) Crimes motivated by hate impact both the individual victim of the crime and the community targeted. They also cause an injury to the State as a whole because of the pernicious impact of hate on all members of society. Because of this broad impact and the need for a coordinated and strong response, the California Department of Justice (Department) has developed a protocol for prioritizing the needs of local jurisdictions when faced with a significant hate crime event. When invoked, the protocol requires the deployment of the resources of the Department to aid and assist local and federal law enforcement authorities in the investigation of and response to possible hate crimes, and in the identification, arrest, prosecution, and conviction of the perpetrators of those crimes.

In order to ensure that the perpetrators of hate crimes are quickly identified and apprehended, Attorney General Rob Bonta reaffirms this protocol and directs that members of his senior staff carry out the delineated obligations when the protocol is invoked.

This protocol does not supplant the Department's ongoing and active partnership with local and federal law enforcement authorities with respect to the investigation and prosecution of crimes, whether hate crimes or other forms of crime or victim's services. Rather, it is the Attorney General's intent that those agencies have access to the full resources of the Department of Justice at their disposal following a major hate crime incident.

DOJ Senior Staff Responsibilities

When invoked, the Rapid Response Protocol requires that numerous members of the Attorney General's senior staff prioritize addressing the triggering hate crime event above any other work they may have ongoing. These senior staff shall include the Chief Deputy Attorney General, the Chief of Staff to the Attorney General, the Chief of the Division of Law Enforcement, the Director of the Bureau of Investigation, the Chief of the Division of Criminal Justice Information Services, the Chief Assistant Attorney General of the Division of Criminal Law, the Senior Assistant Attorney General of the Civil Rights Enforcement Section within the Division of Public Rights and the Manager of the Victims' Services Unit within the Division of Criminal Law.

Events Qualifying for Invocation of Attorney General's Rapid Response Protocol

While all hate crimes should be investigated and prosecuted to the fullest extent by the local law enforcement agencies with jurisdiction, the Rapid Response Protocol is designed to be invoked in response to the most complex and significant hate crime incidents, such as the following:

- a) Hate crimes resulting in a death, especially in jurisdictions with fewer resources available to address the investigation and prosecution of a homicide or a hate crime;
- b) acts of arson resulting in significant damage;
- c) use of explosives; and/or
- d) a mass casualty incident.

The occurrence of such a crime may qualify as a "triggering event."

Individuals Authorized to Declare Occurrence of Triggering Event

The Attorney General or the Chief Deputy Attorney General, if the Attorney General is not available, shall have authority to declare that a triggering event has occurred.

Action to be Taken in Response to the Occurrence of a Triggering Event

Once a declaration is made that a triggering event has occurred, the Chief of Staff, the Chief of the Division of Law Enforcement, the Director of the Bureau of Investigation, the Chief Assistant Attorney General of the Division of Criminal Law, the Chief of the Division of Criminal Justice Information Services, and the Senior Assistant Attorney General of the Civil Rights Enforcement Section within the Division of Public Rights shall immediately coordinate and without delay take the following actions:

- I. **The Division of Law Enforcement** – the Chief of the Division of Law Enforcement shall:
 - A. Contact the local police chief and/or county sheriff and the head of the local office of the Federal Bureau of Investigation that has responsibility for investigating hate crimes in the jurisdiction in which the triggering event has occurred, and shall advise them that the full resources of the Department of Justice will be made available to them on the highest of priorities basis.
 - B. Notify the Director of the Bureau of Investigation that a triggering event has occurred and direct the deployment of as many special agents and other relevant staff as necessary to the scene of the triggering event to assist local and federal authorities, to observe and evaluate the scene of the triggering event, and to prepare and deliver, within 24 hours of the occurrence of the triggering event, a report to the Attorney General on the facts and circumstances that are known as of that time. The special agent(s) and other Department staff shall also take whatever steps are necessary to assist local and federal authorities in transporting any physical evidence to the Department of Justice laboratories for analysis if those authorities determine such action is appropriate. The Chief shall further command the Director to immediately, and not later than 24 hours following a triggering event, deliver to relevant local and federal law enforcement any and all intelligence information that might assist those authorities in identifying the perpetrator(s).

- C. Notify the Director of the Bureau of Forensic Services that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
- D. Notify the Criminalist Laboratories closest to the location of the triggering event that a triggering event has occurred and instruct the Director(s) to give the highest priority to any request for services that is related to the triggering event.
- E. Notify the Commissioner of the California Highway Patrol that a triggering event has occurred and request that the Commissioner give the highest priority to any request for services that is related to the triggering event.

II. **The Division of Criminal Justice Information Services** – The Chief of the Division of Criminal Justice Information Services shall:

- A. Notify the Director of the Bureau of Criminal Identification and Investigative Services that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.
- B. Notify the Director of the Bureau of Criminal Information and Analysis that a triggering event has occurred and instruct the Director to give the highest priority to any request for services that is related to the triggering event.

III. **The Division of Criminal Law** – The Chief Assistant Attorney General of the Division of Criminal Law shall:

- A. Contact the County District Attorney, City Attorney, and the United States Attorney having jurisdiction for the locale in which the triggering event occurred and offer them the full assistance of the Department of Justice.
- B. Notify the Manager of the Victims' Services Unit that a triggering event has occurred. The Manager shall make immediate contact with the District Attorney's Victim Services Center of the county in which the triggering event occurred (or any appropriate representative from the District Attorney's Office, if the county does not have a Victim Services Center), and shall offer the full services of the Department's Victims' Services Unit. The Senior Assistant Attorney General of the Civil Rights Enforcement Section shall assist the Manager in responding to this directive.
- C. Notify a Senior Assistant Attorney General within the Division that a triggering event has occurred and direct them to assign one or more Deputy Attorney(s) General, as needed, to coordinate with the assigned Deputy Attorney(s) General from the Civil Rights Enforcement Section to provide legal and technical assistance to the other sections of the Department of Justice with responsibility for carrying out the Protocol, and to the local law enforcement agencies in which the triggering event occurred.

IV. **The Civil Rights Enforcement Section** – The Senior Assistant Attorney General of the Civil Rights Enforcement Section in the Public Rights Division shall:

- A. Assign one or more Deputy Attorney(s) General, as needed, to coordinate with the assigned Deputy Attorney(s) General from the Division of Criminal Law to provide legal and technical assistance to the other sections of the Department of Justice with responsibility for carrying out the Protocol, and to the local law enforcement agencies in which the triggering event occurred.
- B. Provide support to local human relations commission or similar city, county, or independent body, as necessary, to support community response to the triggering event.
- C. Provide relevant support to the Victims' Services Unit in the Division of Criminal Law, and to the local law enforcement agencies in which the triggering event occurred.

V. **The Chief of Staff to the Attorney General** – The Chief of Staff shall:

- A. Notify all executive staff directors of the invocation of the Rapid Response Protocol and direct them to make all resources available to those in the Department working with local and federal law enforcement to address the triggering event.