

423.01 Reporting Crimes Motivated by Bias or Hate

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I. Purpose and Scope

Providing trusted service with respect means protecting the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats, or other harassment, this department will utilize all available resources to see that justice is served under the law. As part of the department's commitment to serving everyone in our community, every staff member is responsible to ensure that bias crimes are properly investigated.

II. Federal Jurisdiction

The federal government also has the power to investigate and prosecute bias-motivated crimes of violence through the U.S. Department of Justice where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

III. Definitions

- a. **Hate or Prejudice Crime** - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, disability or age (see generally Minn. Stat. § 611A.79, Subd. 1).
- b. **Victim** - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

IV. Preventing and Preparing for Hate or Prejudice Crimes

- a. While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for hate or prejudice crimes by among other things:
 - i. Making affirmative efforts to establish, support, and connect with community prevention and response networks.
 - ii. Providing victim assistance and follow-up as outlined below, including community follow-up.
 - iii. Educating community and civic groups relating to hate crime laws.
 - iv. Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

- b. Sworn employees shall be aware of the following criteria, which may also be used to determine whether a criminal act falls within the mandatory bias/prejudice crime reporting requirements:
 - i. The victim's account of the incident.
 - ii. The motivation of the perpetrator, as expressed in statements made to the victim, (i.e., slurs, epithets).
 - iii. Whether the nature of the symbols used to deface public or private property indicates bias or prejudice.
 - iv. The date and time of the occurrence corresponds to a holiday of significance.
 - v. Observations made by the sworn employee(s) of the circumstances of the incident indicate bias or prejudice. Such observations may include the group or groups involved the manner and means of the crime committed, and recurring patterns of similar incidents in the same area or against the same victim.

V. Procedure for Investigating Hate or Prejudice Crimes

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- a. Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- b. A supervisor should be notified of the circumstances as soon as practical.
- c. Once "in progress" aspects of any such situation have been stabilized (e.g. treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve evidence that may tend to establish that a hate or prejudice crime was involved.
- d. The assigned officers will interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- e. Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- f. The assigned officer will work with their supervisor to provide appropriate accommodations for those with disabilities or communication barriers when applicable.
- g. The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as having bias involved and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of their shift. Each bias crime report will document the below information:
 - i. The date of the offense.
 - ii. The location of the offense.
 - iii. Whether the target of the incident was a person, private property or public property.
 - iv. The crime committed.
 - v. The type of bias and information about the offender and the victim that is relevant to that bias.
 - vi. Any organized group involved in the incident.

- vii. Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.

VI. Supervisor Responsibilities

Upon notification of a bias crime incident, the supervisor will direct:

- a. Photographing the scene and/or victim(s), and recovery of evidence.
- b. Notifications to other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential impact on the community.
- c. Evaluation of the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increasing neighborhood surveillance.
- d. Assuring appropriate accommodations for those with disabilities or communication barriers has been provided when applicable.
- e. Reviewing related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

VII. Investigative Unit's Responsibilities

If a case is assigned for investigation, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

- a. Ensuring a thorough investigation, including interviews of all victims, witnesses and suspects.
- b. Engaging the appropriate prosecuting attorney early in the investigation, as needed.
- c. Maintaining contact with the victim(s) and other involved individuals as needed.

VIII. Training

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd.1 and Subd.4) in the investigation of these matters.

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