

218. BIAS MOTIVATED CRIMES: REPORTING AND INVESTIGATING



RICHFIELD POLICE DEPARTMENT POLICY

Effective Date: 02/17/90
No. of Pages: 2
Serial Number: 10-118
Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The Richfield Police Department acknowledges its responsibility to ensure that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their race, religion, national origin, sex, age, disability and sexual orientation.

II. POLICY

It is the policy of this Department to comply with Minnesota State Statute 626.5531 (Reporting of Crimes Motivated by Bias), which is described further within this Policy.

When such rights are infringed upon by violence, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them, and bring them before the court.

Bias motivated crimes, acts of violence, threats, or other harassment will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public, and have the potential of recurring, escalating, and possibly causing counter-violence. When there is reason to believe that the offender was motivated by any of the following:

- 1) Race;
- 2) Religion;
- 3) National origin;
- 4) Sex;
- 5) Age;
- 6) Disability;
- 7) Sexual orientation.

Such incidents are to be reported and investigated as bias motivated crimes.

III. DEFINITIONS

Bias Motivated Crime: A violation of any Minnesota Chapter 609 Statutes or City ordinance if the officer has reason to believe, or if the victim alleges, that the offender was motivated to commit the act by the victim's race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation. These acts include threatening phone calls, hate mail, physical assaults, and vandalism, cross burnings, fire bombings, and the like.

Bureau of Criminal Apprehension Bias Offense Report: The official BCA./CJIS form used to report any violation of Chapter 609 or local criminal ordinance that a police officer believes was motivated by bias. This report is to be completed by the Police Chief or designee, and forwarded to the BCA/CJIS Section within 30 days.

IV. PROCEDURE

Normal investigative procedures should be followed by patrol officers and detectives when encountering bias motivated crimes. In addition, some special procedures are required.

Patrol Officer

When a patrol officer arrives on the scene and believes that an incident may have been motivated by bias, the officer should:

- 1) Provide necessary assistance and referral to an appropriate legal or service agency.
- 2) Prepare a Uniform Crime Report and a Special Incident Report.
- 3) Give the victim a Crime Victim's Notification Sheet.
- 4) Refer victim to the Minnesota Department of Human Rights.
- 5) Complete a Richfield Police Department *Bias Crime Information/Referral* form with the victim's signature.

Investigative Section Lieutenant

The Investigative Section Lieutenant should:

- 1) Assign all bias motivated cases to investigations for case follow-up.
- 2) Ensure that investigations visits the victim (or the surviving family) within one week of the incident.
- 3) Assure that a complete follow-up investigation is conducted.

Investigation(s)


The investigations officer assigned the bias motivated crime should:

- 1) Personally visit the victim (or the surviving family) within one week of the incident.
- 2) Coordinate victim assistance with available resources.
- 3) Keep the victim informed of the status of the case.
- 4) Ensure that the prosecuting attorney is aware of the bias motivation when presenting the case for prosecution.

Records Section

Bias motivated crimes will be reported to the Minnesota Department of Public Safety, Bureau of Criminal Apprehension by the administrative aide utilizing the department's supplemental reporting system in accordance with Minnesota Statute 626.5531, Subd. 2 (Use of Information Collected).

By Order Of:



Chief of Police

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