

Hate or Prejudice Crimes

316.1 PURPOSE AND SCOPE

The Minnetonka Police Department recognizes and places a high priority on 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. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

316.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence 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).

316.2 DEFINITIONS

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, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

316.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

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 likely hate or prejudice crimes by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups relating to hate crime laws.

316.4 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.

Minnetonka Police Department

Policy Manual

Hate or Prejudice Crimes

- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (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 available 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 officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. Absent prior approval of a supervisor, the report will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts.
- (h) All reported incidents that are non-criminal, but motivated all or in part by race, ethnicity, religion and/or sexual orientation must be documented by a police report.

316.5 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene of a bias crime or incident, the supervisor must:

- (a) Determine if additional personnel are necessary and ensure that evidence collection occurs
- (b) Take steps to ensure the situation does not escalate
- (c) Supervise preliminary investigation
- (d) Ensure that all physical remains of the crime or incident are removed after processing is completed. If the remains cannot be removed, the supervisor will attempt to impress upon the building and property owners the need for completed restoration as soon as possible.
- (e) Verify that an immediate follow-up investigation is assigned and conducted
- (f) Notify and keep the on call captain informed of the status of the current investigation
- (g) Evaluate and advise management on the need to conduct public meetings, meet with the neighborhood groups, residents and target areas, and other groups to allay fears, reduce potential for counter-violence, and to provide safety and protection information

316.6 DETECTIVE UNIT RESPONSIBILITIES

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

Minnetonka Police Department

Policy Manual

Hate or Prejudice Crimes

- (a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintaining contact with the victims and other involved individuals as needed.

316.6.1 STATE HATE CRIME REPORTING

This department shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Supervisor or assigned to the Detective Unit (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

- (a) The date of the offense.
- (b) The location of the offense.
- (c) Whether the target of the incident was a person, private property or public property.
- (d) The crime committed.
- (e) The type of bias and information about the offender and the victim that is relevant to that bias.
- (f) Any organized group involved in the incident.
- (g) The disposition of the case.
- (h) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.
- (i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

316.6.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Unit procedures and in compliance with (28 USC § 534(a)).

316.7 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).