
	<b><u>SUBJECT</u></b> <b>HATE/BIAS CRIMES</b>		<b><u>NUMBER</u></b> <b>408/27</b>
	<b>EFFECTIVE DATE:</b> <b>08-25-09</b>	<b>AMENDS:</b> <b>07-31-08</b>	<b>RESCINDS:</b>
<b>DISTRIBUTION: Administration, CID, Patrol, Communications, Clerical</b>		<b>REFERENCES:</b> <b>CALEA Chpt. 42 / IACLEA Chpt 42</b> <b>TPCFA 7.09.1, 7.10.1</b>	

**RELEVANT STATUTES:**


[Texas Penal Code 12.47](#), [25.071](#), [Texas C.C.P. 6.08](#), [42.014](#), [42.015](#)

- .10 PURPOSE:** This policy is designed to assist members in identifying crimes motivated by bias or prejudice toward an individual's race, religion, ethnic background and/or sexual preference and to define appropriate steps for assisting victims and apprehending suspects.
- .20 POLICY:** It is the policy of this law enforcement agency to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background or sexual preference. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. This agency will use every necessary resource rapidly and decisively to identify the perpetrators, arrest them and take vigorous enforcement action. Recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the community and the agency, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.
- .30 DEFINITIONS**
- A. Hate Crime: Any unlawful action designed to frighten, harm, injure, intimidate or harass an individual in whole or in part, because of a bias/prejudice motivation against the actual or perceived race, religion, ethnic background or sexual preference of the victim.

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- B. Race: A group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair, facial features; etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.).
- C. Ethnic Group: A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics, etc.).
- D. Religious Group: Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).
- E. Sexual Preference: A preference for heterosexuality, homosexuality, or bisexuality.

- .40 INITIAL RESPONSE PROCEDURES:** When an officer at the scene of an incident believes that it may have been motivated by racial, religious, ethnic or sexual preference bias or prejudice, the officer shall take all preliminary actions necessary, such as:
- A. Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures;
  - B. Restoring order to the crime scene and taking any necessary actions to gain control of the situation.
  - C. Identifying any injured parties and taking steps to provide medical assistance;
  - D. Identifying any witnesses or others who have knowledge of the crime;

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E. Protecting the crime scene; and

F. Notifying a supervisor.

**.50 SUPERVISOR'S RESPONSIBILITIES:** The on duty shift supervisor will respond to the scene and shall confer with the initial responding officer and take measures to ensure that all necessary preliminary actions have been taken. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

A. Provide immediate assistance to the crime victim, such as

1. Expressing empathy for the victim and showing a sincere interest in his/her well-being;
2. Expressing the law enforcement agency's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrators, and the officers' and department's interest in the victim's well-being;
3. Allowing the victim a period in which to vent his immediate concerns and express his feelings;
4. Assisting the victim in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergyman or community service agencies that provide shelter, food, clothing, child care or other related services; and

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5. Providing security and precautionary advice to the victim and assisting the victim in arranging for any additional security that may be required for protection of the victim.

B. Conduct a standard preliminary investigation to include preliminary interviews of the victim and any witnesses to the incident.


C. Ensure that all relevant facts are documented on an incident and/or offense report and make an initial determination as to whether the incident should be classified as a Bias/Prejudice offense.

**.60 FOLLOW-UP OFFICER'S RESPONSIBILITIES:** Investigative follow up personnel assigned to alleged Bias/Prejudice incidents shall be responsible for the following:


A. If responding to the scene of an alleged Bias/Prejudice incident, Criminal Investigations personnel shall assume control of the follow – up investigation. This includes:

1. Assuring the scene is properly protected, preserved and processed and all physical evidence of the incident is removed as soon as possible. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall) arrangement shall be made to remove such material as soon as possible and the officer shall follow – up to ensure that this is accomplished in a timely manner.

2. Conducting a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvassing the area for additional personal sources of information;

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3. Notifying other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense, and its potential inflammatory and related impact on the community;
  4. Working closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution;
  5. Coordinating the investigation with other appropriate agencies and state or regional intelligence operations. These sources shall provide the investigative officer with an analysis of any patterns, organized groups and suspects potentially involved in the offense;
  6. Coordinating the investigation with other units of the agency and with outside agencies where appropriate,
  7. Maintaining contact with the initial responding officer and keeping him apprised of the status of the case;
  8. Making a final determination as to whether the incident should be classified as an Bias/Prejudice crime; and
  9. Completing any reports necessary to comply with statistical reporting requirements for hate crimes.
- B. Criminal Investigations Division officers shall also take the lead role in providing ongoing assistance to the crime victim to include:
1. Contacting the victim periodically to determine whether he/she is receiving adequate and appropriate assistance; and

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2. Providing ongoing information to the victim about the status of the criminal investigation.

**.70 COMMUNITY RELATIONS/CRIME PREVENTION**

A. Bias/Prejudice crimes are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim’s racial, religious, ethnic or sexual preference group as a whole. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional Bias/Prejudice incidents and encourage any other previously victimized individuals to step forward and report those crimes. Towards this end, this agency’s community relations function, or officers so assigned, shall:

1. Meet with campus groups, residents in target communities and other identified groups to allay fears, relay this agency’s concern over and response to this and related incidents, reduce the potential for counter – violence and provide safety, security and crime prevention information;
2. Provide direct and referral assistance to the victim and his/her family;
3. Conduct public meetings on Bias/Predjudice threats and violence in general and as it relates to specific incidents;
4. Establish liaison with formal organizations and leaders; and
5. Expand, where appropriate, existing preventive programs such as anti – hate seminars.
6. Correctly record on Clery Act report.