Hate Crimes

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

320.2 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

Bias Incident - Offensive derogatory comments directed at a person's sexual orientation, race, or other protected status which cause fear and/or concern in the targeted community during a non-criminal incident.

Crime with bias elements - An event in which a crime is committed that is not based on bias and during the crime the suspect does or says something directed at the victim's protected status or group. (For example, a Robbery where the perpetrator uses a racial slur. The primary motivation for the crime is the Robbery, the racial slur is secondary).

320.3 CRIMINAL STATUTE

320.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, ethnicity, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

(a) Assaults another person:

(b) Causes physical damage to or destruction of the property of the victim or another person.

(c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in (RCW 9A.36.080)

320.4 PREVENTION AND PREPARATION FOR LIKELY HATE 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 crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

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(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

320.5 PROCEDURE FOR INVESTIGATING HATE CRIMES AND BIASED INCIDENTS

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

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor shall 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, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

(d) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

(e) Depending on the situation, the assigned officer(s) or supervisor shall notify investigations of the incident and may request additional assistance from detectives or other resources to further the investigation.

(f) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) If Officers are able to develop probable cause for a hate crime or a crime with bias, an arrest should be made.

(h) If there is no crime, but the reported event appears to have a bias element, the event shall be documented.

(i) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All reports will be completed and submitted by the assigned officer(s) before the end of the shift.

(j) Any report that is determined to be a hate crime, a crime with bias, or a Bias Incident should have the SBI box marked in Longarm and the Investigations Unit Supervisors and DSO shall be notified via e-mail.

(k) The DSO shall notify the Chief through their chain of command for all reports determined to be a hate crime, crime with bias, or a bias incident.

320.5.1 INVESTIGATION UNIT RESPONSIBILITY

All cases marked with the SBI flag will then be reviewed by the Investigations Unit Supervisors. The Investigations Supervisor will then:

(a) Assign the case to a Detective for review and completion of the hate crime worksheet confirming the disposition of the case.

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

(a) Complete the hate crime worksheet.

(b) Coordinate further investigation and work with other agencies, as appropriate.

(c) Maintain contact with the victim(s) and other involved individuals as needed.

320.5.2 HATE/BIAS CRIMES COORDINATOR

The Deputy Chief of Operations shall be designated as the Bellingham Police Departments Hate/ Bias Crimes Coordinator.

In his/her absence, the Chief of Police will assign this function.

The Hate/Bias Crimes Coordinator is responsible for the following:

- Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).
- The Coordinator will maintain a liaison with community groups and City and County departments regarding hate/bias crimes.
- The Coordinator will maintain a complete file of all hate/bias crimes.

320.6 TRAINING

All members of this department shall receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

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