

Hate or Prejudice Crimes

338.1 PURPOSE AND SCOPE

The Peoria 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.

338.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (DOJ) 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).

338.2 DEFINITIONS

Definitions related to this policy include:

Hate or Prejudice Crime - Willfully committing a crime against another because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.

338.3 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:

- Making 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.
- Providing victim assistance and follow-up as outlined below, including community follow-up.
- Educating community and civic groups relating to hate crime laws.

338.4 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:

- Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
 - A supervisor should be notified of the circumstances as soon as practicable.
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Peoria Police Department

Policy Manual

Hate or Prejudice Crimes

- Responding Supervisor Responsibilities:
 - Determine if a hate crime occurred.
 - Determine if additional personnel are required to stabilize the incident.
 - Request specialized units, if necessary.
 - Direct the initial investigation.
 - Annotate the incident in the Exceptional Incident Log and notify a watch/duty commander.
- If an investigator is not called out, the on duty patrol supervisor will make a copy of the IR and forward it to the Major Crimes Unit (MCU) Sergeant so that the report can be distributed to the Hate Crime Investigator for further action.
- 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.
- 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.
- Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- 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 Hate or Prejudice Crimes and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.
- The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or County Attorney or City Attorney.

338.5 CRIMINAL INVESTIGATION SECTION RESPONSIBILITIES

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

- Reviewing the IR to ensure that it meets the definition of a hate crime and that it conforms to criteria established for Uniform Crime Report (UCR) Hate Crime reporting.
- Coordinating further investigation with the County Attorney and other appropriate law enforcement agencies.
- Maintaining contact with the victim and other involved individuals as needed.
- Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

338.5.1 STATE HATE CRIME REPORTING

This department shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Arizona Department of

Peoria Police Department

Policy Manual

Hate or Prejudice Crimes

Public Safety (DPS). This shall be conducted by the Records Supervisor or assigned to the Criminal Investigation Section (AAC § R13-1-301(A)).

338.5.2 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 Section procedures and in compliance with (28 USC § 534 (a)).

338.6 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.