

PSF-2.09 - Mandatory Bias/ Prejudice Crime Reporting

MANDATORY BIAS/PREJUDICE CRIME REPORTING

Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority

ARB-PSF-2.09

Section 1- Procedure

Directive Specific Definitions

A bias/prejudice crime is a crime motivated by prejudice based on the perceived race, color, religion, national origin, sexual orientation, gender identity, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status, or citizenship of the victim.

A hate crime is any criminal act that appears to have been primarily motivated by prejudice based on race, color, religion, national origin or sexual orientation. This is a subcategory of bias/prejudice crimes that requires a specific response by members of the Bureau.

Victim category/status is defined as race, color, religion, national origin, sexual orientation, gender identity, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status or citizenship.

Member Responsibilities

Members responding to criminal offenses need to be aware of the criteria used to determine whether a criminal act falls within the mandatory bias/prejudice crime reporting requirements. The following information will assist members in making such determinations:

- a. The motivation of the perpetrator, as expressed in statements made to the victim or to the member, i. e., slurs, epithets.
- b. The belief of the victim that the intent of the act was based on bias or prejudice.
- c. The nature of the symbols used to deface public or private property indicate bias or prejudice.
- d. The date and time of the occurrence corresponds to a holiday of significance.
- e. Observations made by the member and the common sense review of the circumstances surrounding the incident which indicate bias or prejudice. Such observations may include the group or groups involved, the manner and means of the crime committed, and recurring patterns of similar incidents in

the same area or against the same victim.

Members responding to crime scenes determined to be motivated by bias or prejudice will:

- a. Ensure that victims are handled in a sensitive and caring fashion.
- b. Place the notation “Bias Crime” across the top of the Investigation Report.
- c. Include a statement in the Summary section of the Investigation Report which describes how the crime appeared to have been motivated by bias or prejudice, based on the category or status of the victim as perceived by the offender.
- d. Ensure the victim receives victim assistance information.
- e. Notify a supervisor, if the criminal offense is determined to be a hate crime.
- f. Request that a supervisor respond to the scene, if the hate crime is a felony.

Supervisor Responsibilities

Supervisors will:

- a. Notify a Detective Division (Detectives) supervisor to determine if investigators will be dispatched to the scene of any hate crime.
- b. Contact ID to ensure that any available evidence is collected and preserved.
- c. Ensure that a complete and detailed investigation is conducted.
- d. Ensure that copies of hate crime reports are left for the precinct commander.
- e. Personally notify the precinct commander when a felony is involved.

Detective Division

Detectives supervisors will:

- a. Assign all felony hate crimes for follow-up investigation.
- b. Review all misdemeanor hate crime reports for possible assignment.
- c. Ensure that follow-up is conducted on assigned cases.

d. Work with the DA to coordinate prosecution.

Precinct Commanders

Precinct commanders becoming aware of a hate crime will ensure that the following individuals receive a copy of the report on the next workday. When those cases involved a felony, the same individuals will be personally notified by the precinct commander:

- a. The Public Information Officer
- b. The Operations Branch Manager
- c. The Chief

In cases involving felonies or in cases where the victim would benefit, the precinct commander will ensure that community leaders of the negatively impacted group are briefed on the situation and encouraged to provide support to the victim.

Records Division

At the beginning of each month, Records will forward a letter of transmittal and copies of the previous month's bias/prejudice reports to LEDS for their review. LEDS will determine if the incident is a bias/prejudice crime for OUCR reporting purposes.

Section 2 - Responsibility, Accountability and Control

Supervisors will ensure all members have the ability to identify bias crimes, and ensure members are aware of the investigation and reporting requirements. Detectives will have procedures in place to monitor bias crimes to the fullest extent possible.

Section 3- References

ORS 181.550 Bias/Prejudice Crime Reporting
City Ord. # 175158, Sec. 23.01.030 Gender Identity, defined

HISTORY

Submitted for inclusion in PPD March 6, 2002.

Originally published as Directive 640.80 of the Portland Police Bureau Manual of Policy and Procedure, August 2001.