

Bias Crimes

319.1 PURPOSE AND SCOPE

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

319.1.1 DEFINITIONS

Definitions related to this policy include:

Bias crime - A crime perpetrated because of the color, creed, identity, national origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation. (I.C. § 10-13-3-1).

319.2 POLICY

The Monroe County Sheriff's Office will rely upon the criteria set by FBI Uniform Crime Reporting to determine if an event is a bias crime.

319.3 INVESTIGATIONS

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

- (a) Assigned deputies should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned deputies should take reasonable steps to preserve evidence that establishes a possible bias crime.
- (d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned deputies or supervisor may request assistance from investigators or other resources.
- (f) The assigned deputies should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias crime.
- (g) The assigned deputies should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned deputies should include all available evidence indicating the likelihood of a bias crime in the relevant reports. All related reports should be clearly marked "bias Crime" to enable identification for federal hate crime reporting. Prior to making this determination, the deputy shall confer with the records division NIBRS coordinators

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to determine if a bias crime exists. Bias crimes are determined based on the demonstrated motivation of the perpetrator, not the perception of the victim.

- (i) The assigned deputies 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 Petition for a Temporary Protective Order) through the courts or Prosecuting Attorney's Office.

319.3.1 DETECTIVE DIVISION RESPONSIBILITIES

If a bias crime case is assigned to the Detective Division, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the Prosecuting attorney's Office and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.

319.4 TRAINING

All members of this agency should receive training on bias crime recognition and investigation.