

# Bias Crime and Incident Response and Investigation

## 318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for responding, identifying, and investigating incidents and crimes that may be motivated by hate and bias. Additionally, this policy identifies legally mandated victim services provided to victims of potential bias incidents and crimes.

### 318.1.1 DEFINITIONS

**Bias Crime** - (reference ORS 166.155 and ORS 166.165) means the commission, attempted commission, or alleged commission of any of the below-described offenses;

1. Because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin;
  - (a) Tampering with or interfering with property, having no right to do so nor reasonable grounds to believe that the person has such right, with the intent to cause substantial inconvenience to another person, or;
  - (b) Intentionally subjects another person to offensive physical contact.
2. Because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin; or perception of a member of the other person's families race, color, religion, gender identity, sexual orientation, disability or national origin, they intentionally;
  - (a) Subject the other person to alarm by threatening to inflict serious physical injury upon them or to commit a felony affecting the other person, or a member of the other person's family, or;
  - (b) Subject the other person to alarm by threatening to cause substantial damage to the other person's property or the property of a member of the other person's family.
3. Because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin;
  - (a) Intentionally, knowingly, or recklessly causes physical injury to another person.
  - (b) Criminally negligently causes physical injury to another person by means of a deadly weapon; or
  - (c) Intentionally places another person in fear of imminent serious physical injury.

**Bias Incident** - (reference ORS 147.380) means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability, or national origin, of which criminal investigation or prosecution is impossible or inappropriate. A biased incident does not include any incident in which the investigating law enforcement officer established probable cause of the commission of a crime.

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**Hate Crimes Hotline** – means the telephone hotline established by the Department of Justice that is dedicated to assisting victims of bias crimes and bias incidents.

**Local Victim's Services** – a service provider located in the same geographic area as the law enforcement agency who provides services to victims of bias crimes or bias incidents

### **318.2 RESPONDING TO REPORTS OF BIAS CRIMES OR INCIDENTS**

While we recognize that not all crimes are preventable, the Bend Police Department is committed to responding to all reported bias crimes and bias incidents. Our members are committed to conducting as thorough an investigation as possible to bring justice to those affected by bias and hate while supporting victims of bias crimes and bias incidents.

Bias crimes and incidents affect entire communities. They can make both individuals and entire sections of a population feel unwelcome or unsafe in their community. Bias crimes and incidents are traumatic for those who experience or witness them and create division and tension among the community. Correctly identifying bias incidents, documenting them in reports, and handling the victims with sensitivity, compassion, and dignity, are essential steps to ensure that bias crimes do not go unreported or uninvestigated. Holding offenders accountable when they commit a bias crime also demonstrates to the victim, the offender, and the community that bias crimes will not be ignored or tolerated.

### **318.3 INVESTIGATIONS REGARDING REPORTED BIAS CRIMES AND BIAS INCIDENTS**

When a sworn member receives a report of a suspected bias crime or bias incident or during an investigation a member develops reasonable suspicion that the motive for a crime was biased (as defined in this policy), the following should occur;

- (a) Assigned officers should promptly contact the victim, witnesses, or reporting party to investigate the matter further, as circumstances may dictate.
- (b) Once the in-progress aspect of any such situation stabilizes (e.g., treatment of victims, arrest of offenders, the scene made safe), the assigned officers should take reasonable steps to preserve evidence that establishes the bias crime or bias incident.
- (c) The assigned officers should investigate the incident to determine if the circumstances meet the definition of a bias crime or bias incident.
- (d) If an officer identifies that a bias crime or a bias incident is suspected, the officer shall notify a supervisor as soon as practicable. The officer will provide a detailed summary to the supervisor.
- (e) The assigned officers should refer to the Bias Crime/Incident Investigative Tool Kit located on the Bend Police Department SharePoint for investigative assistance as needed.
- (f) Dependent upon the situation, the crime involved, resources available, and complexity of the investigation, the assigned officer or supervisor may request assistance from investigators or other resources.

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- (g) The assigned officers shall ensure that any victims of a Bias Crime/Incident is referred to a qualifying local victim's service resource.

### **318.3.1 VICTIMS ASSISTANCE AND REFERRAL FOR BIAS CRIME AND BIAS INCIDENTS (REFERENCE ORS 147.380)**

Any officer who responds to an incident that the officer reasonably believes is a bias crime or bias incident shall refer the victim(s) of the bias crime or bias incident to a qualifying local victim's services resource. This requirement may be satisfied by referring any victim to one of the following resources;

- (a) The Deschutes County District Attorney's Office Victims Assistance Program;
- (b) The Oregon Department of Justice Bias Crimes Response Hotline 1-844-924-BIAS (2427) (for hearing impaired Dial 711 for Oregon Relay; or
- (c) The Oregon Department of Justice Bias Crimes Resource for Victims webpage.

This information may also be found on the City of Bend Police Department website under the tab marked "Bias Crime." Officers may satisfy this requirement by advising victims of the information available on the City of Bend Police Department website.

### **318.4 REPORTING BIAS CRIME AND BIAS INCIDENTS**

Officers responding to and investigating incidents reasonably believed to be a bias crime or bias incident shall document all relevant investigative actions in an appropriate police report. All reports shall identify if the incident is a bias crime or a bias incident.

When an officer completes a police report for a bias crime or bias incident, the officer shall complete the "Bias Crime and Incident Supplemental Form" this is available in the Bend Police Department SharePoint "Bias Crime/Incident Investigative Tool Kit" folder. In addition, this final form shall be included in the electronic case record.

### **318.5 INVESTIGATIVE UNIT RESPONSIBILITIES**

If the Investigative Unit is assigned a bias crime, the assigned investigator will be responsible for;

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies;
- (b) Maintaining contact with the victim and other involved individuals, as needed;
- (c) Ensuring all reports and investigations are appropriately marked with bias crime or bias incidents to ensure that the Bend Police Department can fulfill any reporting requirements.

### **318.6 NOTIFICATION OF BIAS CRIME**

If a member investigates a reported bias crime, that member shall ensure their supervisor is informed of the crime as soon as practicable. The supervisor shall notify their chain of command of the reported crime as soon as reasonable. Notification may be accomplished through an email of the incident to the chain of command.

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### **318.7 TRAINING**

The Bend Police Department Training Unit shall ensure that members are adequately trained on responding to, identifying, investigating, and reporting bias crimes and bias incidents as required by Oregon State Statute and the Department of Public Safety Standards and Training. The Training Unit shall ensure that the training consists of a review of the Oregon Department of Justice Law Enforcement Bias Response Toolkit at minimum.