

# Hate Crimes

## **319.1 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.

### **319.1.1 DEFINITIONS**

Definitions related to this policy include:

**Hate crime -**

A hate crime is generally defined as: a crime motivated by bias against a person or group of people. Definitions vary between state and federal laws.

**Federal:** A crime motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. (18 USC 249)

**State:** Offenses committed because of victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities.(45-5-222 MCA). Montana does not have a stand-alone law regarding hate crimes, it is instead a sentence enhancement for other crimes.

## **319.2 POLICY**

The Missoula Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

## **319.3 PREVENTION AND PREPARATION**

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

## **319.4 INVESTIGATIONS**

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) Assigned officers 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.

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- (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 officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators, the Missoula City or County Attorneys Office, or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers 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 officers should include all available evidence indicating the likelihood of a bias based crime in the relevant reports. All related reports should be clearly marked as such and routed appropriately
- (i) 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 (Temporary Order of Protection) through the courts or prosecuting attorney.

#### **319.4.1 DETECTIVE DIVISION RESPONSIBILITIES**

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

- (a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

#### **319.5 TRAINING**

All members of this department should receive training on hate crime recognition and investigation.