

**POLICY  
304**

**EFFECTIVE  
DATE  
10-10-99**

**Eugene  
Police Department**



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## Bias Crimes

We will take an active role to protect all citizens against intimidation and harassment based upon bias and prejudice. We will promptly and thoroughly investigate all incidents that we suspect are bias crimes.

### PART I - Responsibilities and Procedures for All Personnel

- A. Definition
- B. Bias crime reporting
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- A. Report routing

### **PART I - Responsibilities and Procedures for All Personnel**

#### **A. Definition**

*Bias crimes* are crimes motivated by bias or prejudice related to actual or perceived race, color, religion, national origin, sexual orientation, 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 status, social status, or citizenship of the victim.

#### **B. Bias crime reporting**

1. The key criterion is the motivation, actual or perceived, behind the act. The crucial point is that a bias crime reflects a judgement about a *societal group*, whereas other crimes generally indicate a judgement about an individual. If the motivation is ambiguous and the victim believes the act is based on bias, label the case as a Bias Crime.
2. Factors to consider in making the determination whether an incident is a bias crime are:

- a. The motivation of the perpetrator, expressed in statements to the victim or to you (e.g., the use of slurs, statements such as "We don't want people like that around here.")
- b. A reasonable belief by the victim that the act is based on bias.
- c. Physical evidence, such as swastikas, burning crosses, and the initials KKK, gang terms, symbols, slang terms, initials, and names which demonstrate motive.
- d. The date and time of the occurrence (e.g., incidents connected to a holiday such Martin Luther King Day, Chinese New Year, Christmas, Hanukkah.)
- e. Observations at the scene of the incident (and common-sense review of the incident), including:
  - Groups involved in the incident
  - Manner and means of the attack
  - Recurring pattern of similar incidents in the same area or against the same victim (or group of victims.)

**C. Officer Responsibility**

1. Respond to all incidents involving bias crimes and pursue investigative and enforcement action, including a neighborhood canvas to locate witnesses and learn additional information.
2. Respond with professional sensitivity to the feelings, fears, and needs of the victim and witnesses, to help determine if this is a bias crime.
3. Refrain from language that tends to denigrate any victim of a bias crime. You may have to use a particularly hateful term (e.g., a name the victim was called) in your report and you may have to say the word to confirm it for inclusion in your report, but this must be done with great sensitivity. As with victims of sexual assault, remember the emotional cost for the victim: your interest can only be, and must only be perceived as, professional.
4. Preserve the scene and gather evidence. Photograph (when appropriate) injury to persons, property damage, and any item(s) significant to the case.
5. Notify the supervisor of the Violent Crimes Unit.
6. Prepare an incident report.
  - a. Write "BIAS" following the incident title, as in "ASSAULT IV: BIAS."
  - b. In the body of the report, write "BC" (Bias Crime) as a marginal heading, followed by one or more of the following modifiers:

- Race /color
- Religion
- National origin
- Sexual orientation
- Marital status
- Age
- Citizenship
- Political affiliation or beliefs
- Economic status
- Physical or mental handicap
- Membership in (or activity for or against) a labor organization

7. Reports involving bias crimes will not be held.
8. Victims should be advised of options available for victim assistance (refer paragraph I-F below).

**D. Follow-up**

1. Follow-up by Investigations Division will be done on every bias crime incident. The follow-up will include contact with the victim(s.)
2. The investigating officer will actively pursue the case toward successful conclusion, or until all leads have been exhausted.
3. The case disposition report will be completed no later than 30 days from the date of assignment.

**E. Records responsibility**

1. Routing staff will make one additional copy of the report for the department LEDS representative.
2. Coding staff will ensure coding includes bias crime modifier for AIRS statistical entry.
3. The LEDS representative will complete the mandatory LEDS synopsis of the incident on State of Oregon bias crime form and forward to Salem.

**F. Victim assistance**

1. The Crime Victim and Survivor Services unit of the District Attorney's office is available to assist victims, especially for crimes involving injury or threat of injury. When appropriate, persons from that unit are available for after-hours call-out.
2. The City's Human Rights Program can also provide some level of victim

assistance. Business hours contact is via 541-682-5177. If after-hours contact is needed, personnel can be contacted via a call-out list or by contacting the Human Rights Program Manager.

3. If a situation is encountered where a person has been the subject of hate activity which does not rise to the level of a crime, that person can be referred to the Human Rights Program at 541-682-5177.

## **PART II - Responsibilities and Procedures for Supervisors and Command Personnel**

### **A. Report routing**

1. The supervisor approving the report will ensure that copies are routed to the Chief and the Patrol Captain.
2. The Violent Crimes Unit supervisor will normally send a copy of the report to the Human Rights Program Coordinator.

JAMES R. HILL  
Chief of Police