

	KENOSHA POLICE DEPARTMENT			
	POLICY AND PROCEDURE			
	44.9 Investigation of Hate Crimes			
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I. Purpose

The purpose of this policy is to establish guidelines for identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim’s recovery.

II. Policy

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. Recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.

This agency shall develop a standard system for collecting, analyzing, and reporting incidents of crime that are, in whole or in part, directed against individuals because of race, religion, ethnicity, gender, sexual orientation, gender identity, or disability.

III. Definitions

Bias: A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Hate Crime: A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person.

Hate Incident: Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.

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Hate Group: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, ethnicity, national origin, religion, disability, sexual orientation, gender, and/or gender identity.

Race: A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair: facial features, and so forth, which are genetically transmitted by descent and heredity and that distinguish them as a distinct division of humankind. Examples include Asians, blacks or African Americans, and whites.

Ethnic Group: A group of persons whose members identify with each other through a common heritage, often consisting of a shared language, culture and /or ideology that stresses common ancestry.

Religious Group: A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples include Catholic, Jewish, Protestant, Muslim, Sikh, Hindu, and atheist.

Sexual Orientation: A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex. Examples include homosexual, bisexual, and heterosexual.

Gender: Used synonymously with sex to denote whether an individual is male or female.

Gender Identity: A person's internal sense of being male, female, or a combination of both/neither (non-binary or gender non-conforming); this internal sense of gender may be different from physical sex at birth.

Disability: A physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

IV. Procedures

A. Goals

1. Officers shall conduct a thorough, prompt, and complete investigation in all suspected and confirmed hate crimes and assist the local prosecutor. Evidence related to all hate incidents should be thoroughly documented.
2. All officers of this agency shall receive instruction on both hate crime investigation and community-police relations.
3. Investigators shall make every effort to become familiar with organized hate groups operating in the community.

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B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall follow this agency's standard protocol for responding to a crime scene. In particular, officers shall:

1. Collect physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Notify a supervisor and brief him or her on actions taken thus far.
3. Ensure that all statements made by suspects are documented verbatim; exact language is critical.
4. Identify prior bias-motivated occurrences in the immediate area or against the same victim, or by the same alleged offender.
5. Assist investigators in complying with any federal or state hate crime data collection reporting requirements.

C. Supervisory Responsibilities

The supervisor shall do the following:

1. Notify the chief executive or his or her designee and other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
2. Provide updated information on the status of the investigation and the community impact within 48 hours.
3. Prompt the Public Information Officer to communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed hate crime.
4. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergy, or a departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
5. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.

D. Investigator's Responsibilities

The investigator shall follow this agency's standard protocol for responding to a crime scene. In particular, investigators shall do the following:

1. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photographs should be taken and the owner of the property should be encouraged to ensure that the graffiti is removed as soon as possible.

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2. Work closely with the prosecutor's office to ensure that a legally sound case is developed for prosecution.
3. Coordinate the investigation with other units of this agency, as well as other local, state, and regional intelligence operations in order to identify any patterns, organized hate groups, and suspects potentially involved in the offense.
4. Make a final determination based on evidence and facts as to whether the incident should be classified as a hate crime.
5. Determine the primary elements of the crime and obtain the information necessary to complete the federal and state hate crime data collection requirements.
6. Request additional resources from the federal government as necessary and available.
7. Take steps to ensure that appropriate assistance is being provided to hate crime victims.

E. Community Relations and Crime Prevention

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Towards this end, this agency's community relations function, or officers so assigned, shall perform the following:

1. Continue to provide assistance to the victim, including protecting his or her privacy and that of his or her family as much as possible.
2. Follow up with any property owner contacted pursuant to D. 1. in an effort to ensure that efforts are being made to remove the graffiti.
3. Work with segments of the larger community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.
4. Especially in the most serious crimes, meet with neighborhood groups, as soon as possible to allay fears; emphasize the agency's concerns over this and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.
5. Engage the media as soon as possible as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.

F. Hate Crime Data Collection and Reporting

This agency shall do the following:

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1. Submit a monthly report on all hate crime occurrences to the appropriate state and federal repositories as applicable and in accordance with guidelines established pursuant to the federal Hate Crime Statistics Act.
2. Make information, records, and statistics collected available to any appropriate local or state agency and to the public, subject to all confidentiality requirements otherwise imposed by law.