

Subject: **Hate Crimes**Policy #: **402.5**

Effective Since: 8-21-03

Revision Effective: 1-1-19

FTO Training Task: # 20

Reference Material: IACP "Hate Crimes" Research Paper; 720 ILCS 5/12-7.1

ILEAP Standards Covered: NA

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**PURPOSE:** This policy is designed to assist officers in identifying crimes motivated by bias toward an individual's race, religion, ethnic background, and/or sexual orientation and to provide appropriate steps for assisting victims and apprehending suspects.

**POLICY:**

- A. It is the policy of the department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. This agency will take decisive action to identify the perpetrators, arrest them, and take vigorous enforcement action.
- B. Also, recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the community and the agency, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.

**DEFINITIONS:**

**Hate Crime:** "A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene messages, harassment by telephone, or harassment through electronic communications." 720 ILCS 5/12-7.1 (a)

**Race:** A group of persons who possess common physical characteristics (e.g. color of skin, eyes and/or hair, facial features; etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.)

**Ethnic Group:** A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Jews, Hispanics, etc.).

**Religious Group:** Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists, etc.).

**Sexual Orientation:** "means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity." [(O-1) of Section 1-103 of the Illinois Human Rights Act]

**PROCEDURES:**

**I. INITIAL RESPONSE PROCEDURES:**

When an officer at the scene of an incident believes that it may have been motivated by racial, religious, disability, ethnic, or sexual orientation bias, the officer shall take any preliminary actions necessary, such as:

- A. Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures;
- B. Restoring order to the crime scene and taking any necessary actions to gain control of the situation;
- C. Identifying any injured parties and taking steps to provide medical assistance;
- D. Identifying any witnesses or others who have knowledge of the crime;

- E. Protecting evidence and the crime scene; and
- F. Summoning a field supervisor to the scene.

## II. SUPERVISOR'S RESPONSIBILITIES:

The supervisor shall confer with the initial responding officer, and take measures to ensure that all necessary preliminary actions have been taken. In significant hate crime cases, the supervisor should contact the Patrol and/or Investigations Commander. The supervisor shall request any appropriate additional personnel necessary, to include detectives, to accomplish the following:

- A. **Provide immediate assistance to the crime victim** , such as:
  - 1. Expressing empathy for the victim and showing a sincere interest in his well-being;
  - 2. Expressing the law enforcement agency's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrators, and the officers' and department's interest in the victim's well-being;
  - 3. Allowing the victim a period in which to ventilate his immediate concerns and express his feelings;
  - 4. Assisting the victim in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergyman, and community service agencies that provide shelter, food, clothing, child care or other related services; and
  - 5. Providing security and precautionary advice to the victim and arranging for any additional security that may be required for protection of the victim.
- B. **Ensure a standard preliminary investigation** to include preliminary interviews of the victim and any witnesses to the incident.
- C. **Ensure that all relevant facts are documented** on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime.
- D. **Illinois Crime Compensation Act** , 740 ILCS 45:
  - 1. Officers must advise any victim or the victim's family of the Illinois Crime Compensation Act when the victim was injured or killed as a result of a hate crime.
  - 2. Victims may be eligible for compensation for medical and hospital expenses, counseling, loss of earnings, tuition reimbursement, prosthetic appliances and accessibility costs, personal property replacement costs, temporary lodging or relocation, funeral expenses, and crime scene clean-up.
  - 3. In these cases, the officer "shall inform the victim of the offense or his dependents concerning the availability of an award of compensation and advise such persons that any information concerning this Act and the filing of a claim may be obtained from the office of the Attorney General." [740 ILCS 45/5.1(b)]
  - 4. The victim needs to complete an application available through the Attorney's General Office and can be done on-line at [www.ag.state.il.us](http://www.ag.state.il.us) or requested by phone on the Illinois Victims Assistance Line, 800-228-3368.
- E. **Automated Victim Notification (AVN)** . The Illinois Automated Victim Notification System provides victims and concerned citizens with a toll-free number where they can call and get up-to-date information on the custody status and/or case status of an offender. Officers should advise victims about AVN availability. The AVN phone number is 1-866-566-8439. TTY: 1-877-502-2423.

**III. INVESTIGATOR 'S RESPONSIBILITIES:**

Investigative personnel assigned to alleged hate crime incidents shall be responsible for the following:

- A. If responding to the scene of an alleged hate crime incident, investigators shall assume control of the follow-up investigation. This includes:
  - 1. Assuring the scene is properly protected, preserved and processed and all physical evidence of the incident is processed as soon as possible. If evidence of an inflammatory nature cannot be physically removed, (e.g, painted words or signs on a wall) the owner of the property shall be contacted to remove such material as soon as possible and the officer shall follow-up to ensure that this is accomplished in a timely manner;
  - 2. Conducting a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvassing the neighborhood for additional personal sources of information;
  - 3. Notifying other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense, and its potential impact on the neighborhood or community;
  - 4. Working closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution;
  - 5. Coordinating the investigation with agency, state and regional intelligence operations. These sources shall provide the investigative officer with an analysis of any patterns, organized groups and suspects potentially involved in the offense;
  - 6. Coordinating the investigation with the identification and other units of the agency and with outside agencies where appropriate;
  - 7. Maintaining contact with the initial responding officer and keeping him apprised of the status of the case;
  - 8. Making a final determination with prosecutors as to whether the incident should be classified as an hate crime; and
  - 9. Completing any reports necessary to comply with statistical reporting requirements for hate crimes.
- B. Investigative officers shall also take the lead role in providing ongoing assistance to the crime victim to include
  - 1. Contacting the victim periodically to determine whether he is receiving adequate and appropriate assistance; and
  - 2. Providing ongoing information to the victim about the status of the criminal investigation.

**IV. COMMUNITY RELATIONS & CRIME PREVENTION:**

- A. Hate Crimes are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim's racial, religious, ethnic or sexual orientation group as a whole. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional hate crime incidents and encourage any other previously victimized individuals to step forward and report those crimes.
- B. To this end, this agency's community relations function, or officers so assigned, will:
  - 1. Meet with neighborhood groups, residents in target communities and other identified groups to calm fears, relay the department's concern over and response to this and related incidents, reduce the potential for counter-violence and provide safety, security, and crime prevention information;

DEKALB POLICE DEPARTMENT

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2. Provide direct and referral assistance to the victim and his family;
3. Conduct public meetings on hate crime threats and violence in general, and as it relates to specific incidents;
4. Establish liaison with formal organizations and leaders; and
5. Expand, where appropriate, existing preventive programs such as anti-hate seminars for school children.

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.