



Approved:
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Subject:

540. Hate Crimes

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540.1: PURPOSE AND SCOPE

This policy provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

540.1.1: DEFINITIONS

Bias Crime - Means the commission, attempted commission, or alleged commission of an offense described in [ORS 166.155](#) and [ORS 166.165](#). These criminal offenses are committed against a person or property, because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin.

Bias Incident – Means any hostile expression that may be motivated by another person's race, color, religion, gender identity, sexual orientation, disability, or national origin. The act does not need to be a federal, state, tribal, or local crime.

Gender Identity - An individual's gender-related identity, appearance, expression, or behavior, regardless of whether the identity, appearance, expression, or behavior differs from that associated with the gender assigned to the individual at birth.

Oregon Department of Justice (ODOJ) Bias Liaison – Department member assigned to liaison between the Albany Police Department and the ODOJ Hate Crimes Response Unit.

540.2: POLICY

It is the policy of the Albany Police Department to place a high priority on the rights of all individuals guaranteed under the United States Constitution and the laws of the State of Oregon, and to use available resources to identify and thoroughly investigate bias crimes and bias incidents.

540.3: CRIMINAL STATUTES

The following state laws are bias crimes and shall be investigated accordingly:

- a. Bias crime in the first degree ([ORS 166.165](#))
- b. Bias crime in the second degree ([ORS 166.155](#))

The following state laws may be bias crimes and should be investigated to determine if a bias crime has occurred:

- a. Harassment ([ORS 166.065](#))
- b. Menacing ([ORS 163.190](#))
- c. Any degree of Assault ([ORS 163.160 to ORS 163.185](#))
- d. Reckless Endangerment ([ORS 163.195](#))
- e. Hazing ([ORS 163.197](#))
- f. Unlawful use of a stun gun, tear gas, or mace ([ORS 163.212 and ORS 163.213](#))
- g. Kidnapping First Degree and Second Degree ([ORS 163.225 to ORS 163.235](#))
- h. Coercion ([ORS 163.275](#))
- i. Any sex offense ([ORS 163.355 to ORS 163.427](#))
- j. Stalking ([ORS 163.732](#))
- k. Any degree of Robbery ([ORS 164.395 to ORS 164.415](#))
- l. Any degree of Arson ([ORS 164.315 to ORS 164.325](#))
- m. Any degree of Criminal Mischief ([ORS 164.345 to ORS 164.365](#))
- n. Intimidation by display of a noose ([ORS 163.191](#))

Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances ([18 USC 245](#)).

540.4: PREVENTING AND PREPARING FOR BIAS CRIMES & BIAS INCIDENTS

While it is recognized that not all crimes can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias crimes and bias incidents by, among other things:

- a. Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias crimes to form and cooperate with prevention and response networks.

- b. Coordinating a collaborative response to bias crimes and bias incidents in a timely manner, from initial contact through prosecution.
- c. Providing victim assistance and follow-up as outlined below, including community follow-up.

540.5: INVESTIGATION PROCEDURE

Whenever any member of this department receives a report of a suspected bias crime, bias incident, or other activity that reasonably appears to involve a potential bias crime or bias incident, the following shall occur:

- a. A call for service shall be initiated and officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate;
- b. A supervisor shall be notified of the circumstances as soon as practical;
- c. Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a bias crime or bias incident was involved;
- d. The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias crime or bias incident;
- e. Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation;
- f. The assigned officer(s) shall write a report and include all available evidence indicating the likelihood of a bias crime or bias incident. All related reports will be designated as “Bias Motivated” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift;
- g. The assigned officer(s) shall assist the victim(s) by providing available information regarding local assistance programs and organizations by providing the victim with a [Bias Victim Referral Pocket Card](#), which is a resource card with scannable QR code to provide to victims to help them report to the Oregon Bias Incident and Hate Crimes Hotline at 1-844-924-BIAS. The officer will document in their report that the victim was provided with the referral information.
- h. The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.
- i. The officer will forward a copy of the report to the ODOJ Bias Liaison.
- j. The supervisor will forward the report of the bias crime or bias incident through the chain of command and provide prompt notification.
- k. The officer will complete the required reporting to the ODOJ, through the [Law Enforcement Bias Incident Documentation Portal](#), which is an easy-access web portal for law enforcement personnel only to document bias incidents.

540.5.1: DETECTIVE UNIT RESPONSIBILITY

If a bias crime case is assigned to the Detective Unit, the assigned detective will be responsible for following up on the reported bias crime as follows:

- a. Coordinate further investigation with the District Attorney and other law enforcement agencies, as appropriate; and
- b. Maintain contact with the victim(s) and other involved individuals as needed.

540.6: ODOJ BIAS LIAISON

The ODOJ Bias Liaison is appointed by the Chief of Police and should be a member of departmental community outreach efforts. The liaison will be responsible for the following:

- a. Reviewing all bias crime and bias incidents reports.
- b. Ensuring the required reporting occurred.
- c. Contacting victims of bias incidents and conducting follow up.
- d. Provide information through the chain of command to departmental outreach efforts.

540.7: TRAINING

All members of this Department will receive periodic Department of Public Safety Standards and Training approved training on bias crime and bias incident recognition and investigation.