

## PARKER POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

3.13	EFFECTIVE: August 3, 2012	James Tsurapas, Chief of Police
	REVISED: October 1, 2017	
SUBJECT: HATE CRIMES		
CALEA: 42.1.4, 55.2.2		PAGE: 1 of 2

### 3.13.1 PURPOSE

The purpose of this policy is to establish guidelines for the proper investigation and handling of incidents of hate crimes.

### 3.13.2 POLICY

It is the policy of the Department to quickly and thoroughly investigate all reported or observed crimes based on bias towards race/color, religion, ethnicity/national origin, sexual orientation and mental or physical disabilities. These acts are extremely serious, and the investigations shall receive priority attention. Also, such acts may generate fear and concern among victims and the public and have the potential of recurring, thus escalating and possibly causing counter violence. Each Department member must be sensitive to the feelings, needs and fears that may be present in the community due to incidents of this nature.

### 3.13.3 DEFINITIONS

*Bias* - a pre-formed negative opinion or attitude toward a group of persons, based on their actual or perceived race, ethnicity, color, religion, ancestry, national origin, physical or mental disability or sexual orientation.

*Color* - the natural appearance of the skin, especially of the face, complexion.

*Disability bias* - a pre-formed negative opinion or attitude toward a person or group of persons having mental or physical impairments which substantially limit a major life activity, as further clarified and defined by the Americans with Disabilities Act.

*Ethnic group* - a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

*Hate (bias) crime* - any (1) action which knowingly causes bodily injury to another person or (2) damage or destruction to the property of another person or (3) any words or conduct, which knowingly places another person in fear of imminent lawless action directed at that person or that person's property and which involves such words or conduct that are likely to produce bodily injury to that person or damage to that person's property. Additionally, the action, words or conduct must occur, in whole or in part, because of a bias motivation against the actual or perceived race, ethnicity, color, religion, ancestry, national origin, physical or mental disability or sexual orientation of the victim, as further defined in C.R.S. § 18-9-121, as amended. Hate crimes are not separate, distinct crimes, but rather traditional offenses motivated by the offender's bias.

*National Origin* - a person of a nation or sovereign state, usually determined by their citizenship, but sometimes by ethnicity or place of residence, or based on their sense of national identity.

*Race* - a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

*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.

*Sexual orientation* - a person's actual or perceived orientation in regards to heterosexuality, homosexuality, bisexuality or transgender status.

### 3.13.4 PROCEDURE

#### A. Hate Crimes

1. A crime shall not be deemed to be a hate crime unless the criminal act is motivated by such prejudice. For example, an assault committed against a homosexual person is not a hate crime merely because the victim is homosexual. The evidence must consist of more than simply the race, religion, sexual preference, disability or other characteristics of the victim alone. The distinguishing point is a hate crime reflects a judgment about a societal group in conjunction with a criminal act. See C.R.S. §18-9-21, as amended.
2. Once the investigation is completed and the offense fits the criteria of a hate crime, the report will be documented as such. Additionally, if any investigation results in the charging of a bias-motivated crime under C.R.S. § 18-9-121, as amended, such offense will automatically be classified as a hate crime. See C.R.S. §18-9-121(3) and (3.5), as amended.
3. The responding commissioned officer will ensure the victim receives a copy of the Victim's Rights Brochure and is informed of his or her rights. <55.2.2>
4. If additional investigation and follow up is needed, the report will be forwarded to the Investigations Division and assigned to a detective. The detective will make a follow-up visit to assure the victim that the Department is doing everything possible to eliminate any further danger and apprehend the suspect(s). <42.1.4> <55.2.2>

#### B. Supervisor Responsibilities

Upon review and approval of the report, the Patrol Sergeant should notify a Patrol Commander of the incident.

#### C. Reporting Required

The Uniform Crime Reporting (UCR) Program of the FBI has been charged with establishing the guidelines for such collection and reporting. Hate crime data will be collected using the NIBRS on all such incidents reported to the Department. The Records Section will be responsible for completing the federal hate crime incident report and submitting it to the FBI UCR Program.