

SOUTH PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Subject:	Hate / Bias Crimes	Policy #:	4-41-I
Effective Date:	January 6, 2020	Review:	Annually
Distribution:	All Personnel	# of pages:	3

I. PURPOSE:

To assist employees in identifying, investigating and handling hate crimes and bias motivated incidents, to include taking appropriate steps for assisting victims, apprehending suspects and / or ceasing the conduct.

II. POLICY:

It is the policy of the South Portland Police Department to safeguard the State and Federal rights of all individuals irrespective of race, ethnicity, age, religion, gender, gender identity, color, ancestry, national origin, physical or mental disability, socioeconomic status or sexual orientation. This agency considers acts or threats of violence, property damage, trespass or other crimes designed to infringe upon these rights to be serious crimes and will give them high priority. This agency's goal is to vigorously investigate all such reports, identifying the perpetrators and making referrals to the prosecutor's office for appropriate action. One or more officers will be designated as the agency's civil rights officer, but it will be the responsibility of each officer to be familiar with the "Maine Civil Rights Act,"¹ "Interference with Constitutional and Civil Rights"² and other applicable statutes. Given this is a statutorily mandated policy, officers must abide by this SOP as it applies to all standards of the MCJA Board of Trustees.³

III. DEFINITIONS:

- A. **Bias Motivated Incident:** Any incident motivated in whole or in part by bias-motivated conduct, to include bias or prejudice based upon race, ethnicity, age, religion, gender, gender identity, color, ancestry, national origin, physical or mental disability, socioeconomic status or sexual orientation.
- B. **Civil Rights Officer:** A member of the department, designated by the Chief, who has received special training by the Attorney General's Office in identifying and investigating civil rights violations.
- C. **Hate (Bias) Crime:** Any crime motivated, in whole or in part, by bias based upon race, religion, gender, color, ancestry, national origin, physical or mental disability, or sexual orientation of the victim.

IV. PROCEDURES:

- A. **Responding Officer:** An officer who receives a report of an alleged bias motivated incident or hate crime will:
 - 1. Identify any injured parties and take steps to provide necessary medical assistance.
 - 2. Protect the crime scene, restoring order to the scene and taking any necessary actions to gain control of the situation.
 - 3. Determine whether any perpetrators are present and, if so, take appropriate actions to gain control of the situation.
 - 4. Identify any witnesses or others who have knowledge of the crime.
 - 5. Summons a field supervisor to the scene.

¹ 5 M.R.S.A. Chapter 337-B

² 17 M.R.S.A., Chapter 93-C

³ 25 M.R.S.A., § 2803-B

6. Notify the department's Civil Right's Officer¹ prior to the end of that tour of duty.
7. Provide immediate assistance to the crime victim(s), such as:
 - a. Expressing empathy for the victim(s) and showing a sincere interest in their well-being.
 - b. Expressing this agency's official position on the importance of these cases, and informing the victim(s) of the measures that will be taken to apprehend the perpetrators.
 - c. Allowing the victim(s) a period in which to vent their immediate concerns and express their feelings.
 - d. Assisting the victim(s) in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergy or departmental chaplain, and community service agencies that provide shelter, food, clothing, childcare, or other related services.
 - e. Arranging for any additional security that may be required for the protection of the victim(s).
 - f. Complete an incident report, documenting the relevant facts.
8. Whenever an officer has reason to believe that a person has been a victim of harassment, the officer will use all reasonable means to prevent further harassment, to include:²
 - a. remaining on scene as long as there is a danger to the physical safety of that person without police presence;
 - b. assisting the person in obtaining medical treatment necessitate by an assault;
 - c. giving the person written notice of rights regarding the procedures and relief available to victims of harassment; or
 - d. arresting the harassing party with or without a warrant.³

C. Supervisor: When responding to the scene of an alleged bias motivated incident or hate crime, the supervisor will:

1. Ensure that the scene is properly protected, preserved, and processed and that all physical evidence of the incident or crime is secured and / or documented, 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 will be contacted to remove such material, as soon as possible.
2. Review all associated reports, ensuring all relevant facts are documented, and make an initial determination as to whether the incident is a bias motivated incident or civil rights violation.
3. Ensure that the department's Civil Rights Officer¹ is notified.
4. Consistent with SOP #4-48, NOTIFICATION OF ADMINISTRATION AND COMMAND STAFF, notify the Chief of Police in serious or potentially inflammatory cases in which the victim or community may be impacted.

D. Detective Supervisor:

1. Assign investigative personnel to any reported hate crime.
2. Coordinate the follow-up and investigation of the incident with the department's Civil Rights Officer and the District Attorney's Office.

E. Civil Rights Officer:

1. Coordinate a prompt follow-up investigation with the Detective Supervisor:
 - a. assure the scene is properly protected, preserved and processed. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs), contact the owner to have the material removed as soon as possible and in accordance with existing city ordinances;

¹ SOP #9-92, ADMINISTRATIVE ASSIGNMENTS

² 5 M.R.S.A. Chapter 337-A

³ 5 M.R.S.A. § 4659(2)

- b. conducting comprehensive interviews with all victims and witnesses; and
 - c. canvassing the neighborhood for additional personal sources of information.
2. Ensure that the District Attorney's Office and the Investigative Division of the Attorney General's Office (207.626.8520) have been notified of the investigation. Submit associated reports, as requested.
 3. Coordinate the investigation with the prosecutor's office and other agencies, as well as with state and regional intelligence operations, to obtain analysis and identify any patterns, organized groups or suspects that could possibly be involved in the offense.
 4. Make final determination if the incident should be classified as a "Hate / Bias" Crime and complete any reports necessary to comply with the statistical reporting requirements for hate / bias crimes.
 5. If the investigation determines that a crime was committed, regardless of the perpetrator's motivation, submit the completed investigation to the District Attorney's office and work closely with that office to ensure a legally adequate, prosecutable case.
 6. Provide on-going assistance to the crime victim(s) by:
 - a. periodically contacting the victim(s) to ensure adequate and appropriate assistance is being received;
 - b. providing on-going information to the victim(s) about the status of the criminal investigation;
 - c. advising any human trafficking victim of the relief available under the law,¹ or assisting them with an application for assistance from the Maine Coalition Against Sexual Assault's Human Trafficking Survivor's Fund (<http://www.mainesten.org/htfund>).

By Order Of:

Timothy B. Sheehan
Chief of Police

¹ 5 M.R.S.A., Chapter 337-C