

REVISED DATE	EFFECTIVE DATE	DISTRIBUTION	NUMBER
August 8, 2000	September 15, 2000	All Personnel	136
CROSS REFERENCE:		TITLE: RACIAL, RELIGIOUS AND ETHNIC VIOLENCE	

136.001	Policy
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136.001 Policy - The Clearwater Police Department will take a proactive role in promoting peace and harmony within the community, and in ensuring that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their race, color, ethnic background, religion, advanced age, mental/physical disability or sexual orientation. When such rights are infringed upon by violence, intimidation, threats or other harassment, the department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

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 department and will be given high priority. 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.

136.002 It shall be the policy of this department to bring the investigative and enforcement elements of the police department into quick action following any and all reported or observed incidents of racial, religious, ethnic, advanced age, mental/physical disability or sexual orientation hatred. Special emphasis shall be placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear. It must be remembered that the actions taken by this agency in dealing with incidents of racial, religious, ethnic, advanced age, mental/physical disability and sexual orientation bias are visible signs of concern and commitment to the community on the part of the City of Clearwater and its police department.

The proper investigation of racial, religious, ethnic, advanced age, mental/physical disability or sexual orientation incidents is the responsibility of all Clearwater police officers. Each officer must be sensitive to the feelings, needs and fears that may be present in the community as a result of incidents of this nature.

136.10 Definition - A committed or attempted criminal act by any person or group of persons against a person or the property of another person or group, which in any way constitutes an expression of hatred toward the victim because of his/her personal characteristics. Personal characteristics include race/color, religion, ethnicity/ancestry/national origin, advanced age, mental/physical disability or sexual orientation.

The motivation behind the act is the key element in determining whether an incident is hate-related.

The mention of a prejudiced remark does not necessarily mark a criminal incident hate-motivated, any more than the absence of such a remark makes the criminal incident a non-hate one. Law enforcement officers must rely on their investigative judgment, as well as use probable cause standards, to assist them in determining whether a specific incident constitutes a hate-motivated crime. Statements of victims or witnesses, as well as physical evidence, may be used to make this determination.

136.11 Officers must recognize that single incidents such as vandalism or threats may initially appear as less serious when viewed in the larger context of all crime. Incident reports should be reviewed for patterns of incidents occurring at

either the same location or directed at a particular individual or group. Very often what may begin as a minor incident escalates into a more serious crime.

136.20 Investigating Officer Responsibilities - When an officer on the scene makes a determination that an incident is of racial, religious, advanced age, mental/physical disability, sexual orientation or ethnic bias, the following procedures are activated to achieve a thorough investigation and a sensitive response to the victims and community.

136.21 Whenever any incident as described above comes to the attention of a department member, the incident will be immediately reported to the field supervisor.

136.22 Investigating officers shall:

- (1) Ensure that the victim receives prompt medical attention as necessary.
- (2) Respond in a sensitive way to the feelings and needs of the victim(s), including keeping the number of on-scene police units to a minimum to avoid generating the curiosity of neighbors and passers by.
- (3) Preserve the crime scene and evidence by preventing unauthorized persons from entering the scene and delaying the obliteration of any writings until the scene can be properly photographed, processed, and documented.
- (4) Immediately take all appropriate investigative and enforcement action.
- (5) Prepare a detailed report containing full data on the materials used (cross, literature, paint, etc.), including size, construction, wrappings, messages, plus the method of removal and the disposition of remains.
- (6) Assure the victim that the police are doing everything possible to eliminate the fear factor and apprehend the suspect(s).
- (7) Provide extra patrol to the area of the occurrence and make a follow-up visit to the victim if at all possible during the immediate tour of duty and on subsequent shifts.

136.30 Field Supervisor Responsibilities - Upon being informed of an incident of racial, religious, ethnic, advanced age, mental/physical disability or sexual orientation violence, the field supervisor, normally the team sergeant, shall:

- (1) Respond immediately to the scene of the incident.
- (2) Ensure that the crime scene is protected.
- (3) Ensure that Criminal Investigations Division personnel have been notified if there has been serious injury to any person or if a cross burning or any other racially motivated destruction of property takes place.
- (4) Notify the district commander of the facts of the incident. The district commander shall in turn notify the staff duty officer and public information officer if the incident is serious.
- (5) Notify the Communications Center of confirmed cases in the event additional related calls are received.
- (6) Ensure that the scene is properly processed and evidence gathered.
- (7) Make contact with the victim(s) and assure them that the investigation will be actively pursued.
- (8) Arrange for an immediate increase of patrols throughout the affected areas. If, in the judgment of the patrol supervisor, there still exists the potential for further acts of violence, a unit should be specifically assigned to the location in a fixed post position.

- (9) Ensure that all physical remains of the incidents are removed after processing is completed. If the remains cannot be removed, (example: paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
- (10) Ensure that the victims and other concerned parties are informed of any case clearance, which occurs during the tour of duty. (If CID responds and takes charge of the investigation, detectives will handle the release of any investigative information.)

136.40 Criminal Investigations Division Responsibilities -In the investigation of all incidents of racial, religious, ethnic or sexual orientation violence, Criminal Investigations Division personnel shall:

- (1) Respond to the scene if there has been serious injury to any person. In all other cases, the C.I.D. supervisor will decide if a detective needs to respond to assist the investigating officer in conducting victim and witness interviews, collecting evidence, and conducting the necessary follow-up investigation.
- (2) Contact appropriate federal, state, and/or local law enforcement agencies for assistance as circumstances indicate.
- (3) Work with the Intelligence Unit in maintaining liaison with federal, state, and local agencies for information exchange.
- (4) Keep the District Commander informed of the status of the case.
- (5) Ensure that victims and community leaders are informed of the progress of the investigation and any case clearance, to the extent that proper investigative procedure and applicable public records laws permit.

END.