Hate Crimes

319.1 PURPOSE AND SCOPE

The Fargo Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the federal and state Constitutions and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

319.2 DEFINITIONS

Definitions related to this policy include (18 USC § 249):

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

319.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

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

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about hate crime laws and violence in general.

(d) The Intel Unit shall make every effort to become familiar with organized hate groups operating in the community.

319.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

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

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(a) A supervisor and the chain of command should be notified of the circumstances as soon as practicable, depending on the nature, seriousness of the offense, and its potential inflammatory and related impact on the community.

(b) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(c) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be coded with the appropriate bias and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(d) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(e) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible protection order through the courts or District Attorney).

319.5 CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

If a case is assigned to the Criminal Investigation Division, the assigned investigator will be responsible for following up on the reported hate crime by:

(a) Coordinating further investigation with the State's Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) The Intel Unit will be able to maintain and produce statistical data and tracking of suspected hate crimes as indicated or required by state law.

319.5.1 STATE HATE CRIME REPORTING

This department shall report hate crime offenses through North Dakota's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Bureau of Criminal Investigations (BCI). This shall be conducted by the Records Manager.

319.5.2 FEDERAL HATE CRIME REPORTING

The Records Manager should include hate crime data reporting within the Federal Uniform Crime Reporting (UCR) program's National Incident-Based Reporting System (NIBRS), and summary reporting system reports pursuant to Records Division procedures and in compliance with (28 USC § 534(a)).

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319.6 TRAINING

All officers of this department should receive training on hate crime recognition and investigation, and should attend annual training which incorporates a hate crime training component.

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