

Geneva Police Department GENERAL ORDERS		BIAS RELATED INCIDENTS	
<input checked="" type="checkbox"/> new: <input type="checkbox"/> rescinds: <input type="checkbox"/> amends:		cross-reference Accreditation/Recognition standards: C.A.L.E.A.: NYS L.E.A.P.: 44.2	
effective date: 9.30.11	issue/amend date: 9.28.11 / 5.15.20		

I. PURPOSE	The purpose of this General Order is to establish and describe policies and procedures for investigation of bias related incidents. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim’s recovery.
II. POLICY	It is the policy of the Geneva Police Department to protect the rights of all individuals, regardless of one’s race, religion, ethnicity, national origin, or sexual orientation. These rights are guaranteed by New York State Law and by the United States Constitution. This agency shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.
III. DEFINITIONS	<p>A. <u>New York State Penal Law §485.05 Hate crimes</u></p> <ol style="list-style-type: none"> 1. A person commits a hate crime when he or she commits a specified offense and either: <ol style="list-style-type: none"> a. Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or b. Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct. 2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people’s burden under paragraph (a) or (b) of subdivision one of this section. 3. The crimes that can be charged under the Hate Crime statute are listed in the NYS Penal Law §485.05. (<i>see Attachment A</i>) 4. For purposes of this section: <ol style="list-style-type: none"> a. The term “age” means sixty years old or more; b. The term “disability” means a physical or mental impairment that substantially limits a major life activity.

IV. PROCEDURE

A. Initial Response Procedures

1. Officers shall conduct a thorough and complete investigation in all suspected and confirmed bias related incidents and assist the local prosecutor.
2. Officers assigned to investigate bias related incidents must be mindful that their response to and handling of the incident is the single most important factor in the investigatory process. Victims of these types of crimes are often traumatized, and an indifferent or casual attitude towards the crime by the police exacerbates the victim's pain and diminishes the victim's, and possibly the community's, confidence in the Police Department.
3. Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:
 - a. Notify the on duty supervisor.
 - b. Notify a member of the District Attorney's Office.
 - c. Follow standard crime scene and investigative procedures.
(See GO 405 Post Assignments & Procedures / GO 705 Crime Scene & Evidence Procedures)
4. During your investigation, look for possible signs that the incident may be a hate crime:
 - a. The motivation of the perpetrator or lack of motive.
 - b. Statements made by the perpetrator.
 - c. The presence of multiple perpetrators.
 - d. The display of offensive symbols, words or acts.
 - e. Was any hate literature found in the possession of the suspect?
 - f. Is the victim the only person of a particular group at a park or facility?
 - g. Is the victim from a different racial, ethnic, religious group than the perpetrator?
 - h. The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim don't know each other.
 - i. The perpetrator's perception of the victim, whether accurate or not.
 - j. The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
 - k. Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
 - l. Were the real intentions of the perpetrator racial, color, religious or ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?
 - m. Incident occurred in proximity to an establishment that could be associated with one of the protected classes.
 - n. The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victims forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.
 - o. The victim's perception that he/she was selected because they are a member of an identifiable group.
 - p. The mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias. Even the mere perception that the incident may be motivated by bias shall necessitate a notification to a patrol supervisor.
 - q. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.
 - r. Note that an attack against a transgender victim could be covered under sexual orientation or gender.

**IV. PROCEDURE
(CONT.)**

B. Supervisor Responsibilities

1. The supervisor shall confer with the initial responding officer(s) and take measures to ensure that necessary preliminary actions have been taken.
2. Make notifications to Department Lieutenants.
3. The supervisor shall request any appropriate additional personnel necessary and consult with the Assistant District Attorney for proper crime classification.

C. Records Management

The person designated to complete the monthly UCR for the department will also be responsible for reporting Bias Related Incidents/Hate Crimes to DCJS on a monthly basis.

Approved By

MICHAEL J. PASSALACQUA
CHIEF OF POLICE