

**POLICY
304**

**EFFECTIVE
DATE
11-29-21**

**Eugene
Police Department**



Bias Crimes

304.1 PURPOSE AND SCOPE

The Eugene Police Department takes an active role to protect all residents and visitors against intimidation and harassment based upon bias and prejudice. Members of the department will promptly and thoroughly investigate all incidents that are suspected bias crimes.

304.2 DEFINITIONS

Bias Crimes: are incidents where the offender's motivation for committing the offense is based on an offender's perception of the victim's perceived race, color, religion, national origin, sexual orientation, disability, or gender identity. Bias crime is the commission, attempted commission or alleged commission of an offense described in *Oregon Revised Statutes (ORS) 166.155 or ORS 166.165*. The *Eugene City Code 4.731* includes "unhoused status" as a protected class for charging Bias Crime in the Second Degree.

Victim category/status: include race, religion, ethnicity/national origin, sexual orientation, disability, gender identity, or unhoused status (for violation of *City Code 4.731*.) Gender Identity means an individual's appearance, expression, or behavior, regardless of whether their appearance, expression, or behavior differs from that associated with the gender assigned to the individual at birth.

Bias Incident: A person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability, national origin, or unhoused status (for violation of *City Code 4.731*.) Bias incident does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer.

304.3 BIAS CRIMES

304.3.1 BIAS CRIME REPORTING

- a. The key criterion is the motivation, actual or perceived, behind the act. The crucial point is that a bias crime reflects a judgement about a *societal group*, whereas other crimes generally indicate a judgement about an individual. If the motivation is ambiguous and the victim believes the act is based on bias, label the case as a Bias Crime.

- b. Factors to consider in making the determination whether an incident is a bias crime are:
1. The motivation of the perpetrator, expressed in statements to the victim or to the officer (e.g., the use of slurs, statements such as "We don't want people like that around here.")
 2. A reasonable belief by the victim that the act was based on bias or prejudice.
 3. Physical evidence, such as display of a noose, swastikas, burning crosses, and the initials KKK, gang terms, symbols, slang terms, initials, and names which indicate bias or prejudice.
 4. The date and time of the occurrence (e.g., incidents connected to a holiday such Martin Luther King Day, Chinese New Year, Christmas, Hanukkah.)
 5. Observations at the scene of the incident (and common-sense review of the incident), including:
 - groups involved in the incident
 - manner and means of the attack
 - recurring pattern of similar incidents in the same area or against the same victim (or group of victims.)

304.3.2 OFFICER RESPONSIBILITY

- a. Respond to all incidents involving bias crimes and pursue investigative and enforcement action, including a neighborhood canvas to locate witnesses and learn additional information.
- b. Respond with professional sensitivity to the feelings, fears, and needs of the victim and witnesses, to help determine if this is a bias crime.
- c. Refrain from language that tends to denigrate any victim of a bias crime. Officers may have to use a particularly hateful term (e.g., a name the victim was called) in their report and may have to say the word to confirm it for inclusion in their report, but this must be done with great sensitivity. As with victims of sexual assault, officers should remember the emotional cost for the victim: the officer's interest can only be, and must only be perceived as, professional.
- d. Preserve the scene and gather evidence. Photograph (when appropriate) injury to persons, property damage, and any item(s) significant to the case.
- e. Notify the supervisor of the Special Investigations Unit via their direct supervisor.
- f. Prepare an incident report.
 1. Write the appropriate title of the crime in the Incident Title and mark the

BIAS CRIME category box located in the Offense Module.

2. In the body of the report, write “Bias Crime” as a marginal heading, followed by one or more of the following modifiers:

- race
- color
- religion
- national origin
- disability
- gender identity
- sexual orientation
- unhoused status (for violation of *City Code 4.731*)

g. Reports involving bias crimes must be completed prior to an officer’s end of shift.

h. Victims should be advised of options available for victim assistance (refer section 304.4.1 below.)

304.3.3 FOLLOW-UP

- a. The Special Investigations Unit will investigate all bias crimes.
- b. Detectives from the Special Investigations Unit will actively pursue the case toward successful conclusion, or until all leads have been exhausted.
- c. Detectives from the Special Investigations Unit will offer victim’s assistance through the City of Eugene Human Rights and Neighborhood Involvement office.

304.3.4 RECORDS RESPONSIBILITY

- a. Routing staff will make one additional copy of the report for the department LEDS representative.
- b. Coding staff will ensure coding includes bias crime modifier for statistical entry.
- c. The LEDS representative will complete the mandatory LEDS synopsis of the incident on State of Oregon bias crime form and forward to Salem.

304.4 BIAS INCIDENTS

- a. A bias incident is a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability, or national origin. Bias incident does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer.

- b. If a bias incident is captured in a report, the report routing is the same as section 304.3.4(a) and 304.4.2 above.
- c. Investigating officers are required to refer all victims of a Bias Incident to a designated victim's assistance program as is indicated in section 304.4.1.

304.4.1 VICTIM ASSISTANCE

- a. All victims of a Bias Crime or Bias Incident will be referred to the Human Rights and Neighborhood Involvement office (HRNI). Refer to the City of Eugene's web page for current contact information. (<https://www.eugene-or.gov/3913/HRNI>)
- b. The City's HRNI office will provide victim assistance to individuals who are the victim of either a Bias Crime or a Bias Incident. If after-hours contact is needed, personnel can be reached via a call-out list or by contacting the HRNI Manager.

304.4.2 REPORT APPROVAL

- a. The supervisor approving the report will ensure that copies are routed to:
 - the Chief of Police
 - Patrol Captain
 - Investigations Captain
 - Investigations Lieutenant, and
 - Special Investigations Unit supervisor.
- b. When applicable, the Special Investigations Unit supervisor will notify the Human Rights Coordinator of a bias crime or incident.

Chris Skinner
Chief of Police