

**309.00 – BIAS-MOTIVATED CRIMES****309.01 Overview**

- (1) It is the policy of the Denver Police Department to protect the rights of all individuals regardless of their race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon these rights are considered to be very serious and will be given high priority by the department.
- (2) A person commits a bias-motivated crime if, when the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he/she:
  - a. Knowingly causes bodily injury to another person; or
  - b. By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property and such words or conduct are likely to produce bodily injury to that person or damage to that person's property; or
  - c. Knowingly causes damage to or destruction of the property of another person. See C.R.S. §18-9-121(2).
- (3) General Offense reports, DPD 250
  - a. All incidents of bias-motivated crimes are to be documented using General Offense report, DPD 250.
  - b. Title the report with the primary offense listed first, followed by "Bias-Motivated Crime" as the second category. An example would read:
    1. Aggravated Assault
    2. Bias-Motivated Crime
  - c. Check the appropriate box indicating whether the offense was attempted or completed.
  - d. Check the box marked "Hate Crime"
  - e. In the narrative, describe specific factors that led to the determination of a possible hate crime. Use exact language when noting either oral statements or written expressions made by the offender. Be specific when citing or describing the motivation for bias.
- (4) Officers responding to bias-motivated crimes should be aware that these crimes are unique. Victims are targeted solely because of their identity or individual characteristics and often feel humiliated or fear having their privacy compromised. Officers shall complete the following steps when responding to bias-motivated crimes:
  - a. Look for signs, symbols, or other evidence that may indicate a bias-motivated crime.
  - b. Request that a supervisor respond to the scene.
  - c. Preserve the crime scene; collect and photograph physical evidence.
  - d. Obtain thorough written statements from the victim(s) and or witnesses.
  - e. Request the services of the Victim Assistance Unit.
- (5) The Assault Unit of the Crimes Against Person Bureau will investigate all reported instances of bias-motivated crimes. The following shall be completed in conjunction with the investigation:
  - a. The assigned detective will ensure a complete and thorough investigation into every reported incident of bias-motivated crime.
  - b. The Division Chief of Investigations will receive a copy of every completed bias-motivated case through the Chain of Command.
  - c. For purposes of quality control, the Commander of the Crimes Against Persons Bureau or his/her designee will record relevant data associated with NIBRS Reporting. Comparisons will be made with the Date Bureau to ensure the accuracy of annual statistical reporting.

- d. In accordance with the Colorado Victim Rights Amendment (VRA), individuals victimized by bias-motivated crime have specific rights afforded to them under this Constitutional Amendment. Among them are:
1. Any person who is a victim of a criminal act, or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. All terminology, including the term "critical stages," shall be defined by the general assembly.
  2. The decision not to file charges is now a "critical stage." Victims have the right to be informed (but not present) of decisions not to file charges in a VRA case. The investigating detective will be responsible for notifying victims of filing decisions and documenting the details of the notification in the supplementary report.