



General Order 82.4 - Records

PURPOSE: Establish procedures for the identification and reporting of hate and bias motivated crimes as required by the "Hate Crimes Statistics Act" enacted by Congress in 1990.

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ISSUED BY: Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

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DEFINITIONS:

- A. Hate Crime: A crime that manifests evidence of prejudice based on race, religion, sexual orientation, ethnicity, or handicap.
- B. Bias: A preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity, national origin, or sexual orientation.
- C. Bias Crime: A criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Note: Even if the offender is mistaken in his/her perception that the victim was a member of the group acted against, the offense is still a bias crime because the offender was motivated by bias.
- D. Target or Victim Group: A group of persons that have same or similar race, religion, sexual orientation, ethnicity, or handicap in common.
- E. U.C.R.: Uniform crime reports.

82.4.1 HATE AND BIAS CRIMES

- A. The Sedgwick County Sheriff's Office recognizes the constitutional guarantees of all persons as well as the natural right of all persons to equality of concern and respect.
- B. Victims of hate crimes suffer serious and long-lasting traumatic stress that could be increased by an inappropriate law enforcement response.
- C. Proper identification and reporting of hate and bias crimes is essential to investigating and combating hate and bias crimes.

82.4.2 HATE AND BIAS CRIMES, IDENTIFICATION OF

- A. The collection of data regarding hate crimes is an adjunct to the U.C.R. collection and reporting procedure. Hate crimes are not separate, distinct crimes but are traditional offenses motivated by offender's bias. Hate crime data is merely captured and added to the traditional offenses reported on the U.C.R.
- B. **(R)** The types of bias crimes to be reported is limited to those of race, religion, sexual orientation, ethnicity, and disability.
- C. The object of collection is to indicate whether the offender was motivated to commit the offense because of his/her bias. Because of the difficulty in ascertaining the offender's subjective motivation, bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable person to conclude that the offender's actions were motivated, in whole or in part, by bias.
- D. The specific types of bias to be reported are:
 - 1. Racial bias:
 - a. Anti-white;
 - b. Anti-black;
 - c. Anti-American Indian/Alaskan Native;
 - d. Anti-Asian/Pacific Islander; and
 - e. Anti-multi-racial group.
 - 2. Religious bias:
 - a. Anti-Jewish;
 - b. Anti-Catholic;
 - c. Anti-Protestant;
 - d. Anti-Islamic (Moslem);
 - e. Anti-other religion (Buddhism, Hinduism, etc.);
 - f. Anti-multi-religious groups; and
 - g. Anti-atheist, agnostic, etc.

3. Ethnicity/national origin bias:
 - a. Anti-Arab;
 - b. Anti-Hispanic; and
 - c. Anti-other ethnicity/national origin.
 4. Sexual orientation bias;
 - a. Anti-male homosexual;
 - b. Anti-female homosexual;
 - c. Anti-heterosexual; and
 - d. Anti-bisexual.
 5. **(R)** Disability bias:
 - a. Anti-mental; and
 - b. Anti-physical.
- E. The mere fact that the offender is biased against the victim's racial, religious, ethnic/national origin, and/or sexual orientation group does not mean that a hate crime was involved. The offender's criminal act must have been motivated, in whole or in part, by his/her bias.
- F. Motivation is subjective. Therefore, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:
1. The offender and the victim were of different racial, religious, ethnic/national origin, or sexual orientation groups. For example: The victim was black and the offender(s) were white.
 2. Bias-related oral comments, written statements, or gestures were made by the offender indicating his/her bias. For example: The offender shouted a racial epithet at the victim.
 3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example: A swastika was painted on the door of a synagogue.
 4. Certain objects, items, or things that indicate bias were used. Examples: The offenders wore white sheets or a burning cross was left in the victim's yard.
 5. The victim is a member of a target group that is overwhelmingly outnumbered by members of another group in the neighborhood where the victim lives and the incident took place. This factor loses significance when the victim first moved into the neighborhood and becomes less and less significant as time passes without incident.

6. The victim was visiting a neighborhood where previous hate crimes had been committed against other members of their target group and where tensions remain high against their target.
7. Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same target group.
8. A substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.
9. The victim was engaged in activities promoting his/her racial, religious, ethnic/national origin, or sexual orientation group.
10. The incident coincided with a holiday relating to or a date of particular significance to the victim group.
11. The offender was involved in a previous hate crime or is a member of a hate group.
12. There are indications that a hate group is involved.
13. A historically established animosity exists between the victim's group and the offender's group.
14. The victim, although not a member of the target group, is a member of an advocacy group supporting the precepts of the target group.

82.4.3 HATE AND BIAS CRIMES, REPORTING OF

- A. Any deputy reporting or investigating a case who becomes aware that a particular crime may be hate or bias motivated will make the appropriate notation on the K.S.O.R..
- B. Any deputy who becomes aware of a crime already reported but which has not previously been classified as a hate/ bias crime, will notify the Investigations Division lieutenant.
- C. The records section will forward copies of all hate crime incident reports to the Investigations Division lieutenant for final classification.