

## Hate or Prejudice Crimes

### 327.1 PURPOSE AND SCOPE

The Washington County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this office 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 office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 327.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with 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, gender, sexual orientation, gender identity or disability ([18 USC § 245](#)).

### 327.2 DEFINITIONS

**Hate or Prejudice Crime** - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

### 327.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

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

- (a) Deputies should make 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 relating to hate crime laws.

### 327.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

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

- (a) Deputies will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

## *Hate or Prejudice Crimes*

---

- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as “Hate or Prejudice Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.
- (g) The assigned deputies will provide the victims of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Office. Such brochures will also be available to members of the public upon request. The assigned deputies should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.
- (h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or County Attorney.

### **327.5 INVESTIGATION DIVISION RESPONSIBILITIES**

If a case is assigned to the Investigation Division, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

- (a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintaining contact with the victims and other involved individuals as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

## *Hate or Prejudice Crimes*

---

### **327.5.1 STATE HATE CRIME REPORTING**

This office shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Administrative Technician or assigned to the Investigation Division (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

- (a) The date of the offense.
- (b) The location of the offense.
- (c) Whether the target of the incident was a person, private property or public property.
- (d) The crime committed.
- (e) The type of bias and information about the offender and the victim that is relevant to that bias.
- (f) Any organized group involved in the incident.
- (g) The disposition of the case.
- (h) Whether the determination that the offense was motivated by bias was based on the deputy's reasonable belief or on the victim's allegation.
- (i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

### **327.5.2 FEDERAL HATE CRIME REPORTING**

The Administrative Technician should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Division procedures and in compliance with (28 USC § 534(a)).

### **327.6 TRAINING**

All members of this office will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

### **327.7 CONFRONTING HATE CRIMES BROCHURE**

See attachment: [Confronting Hate Crimes.pdf](#)

## Attachments

## Confronting Hate Crimes.pdf



# CONFRONTING Hate Crimes



**Kevin Magnuson**  
County Attorney

## Information you need to know

### What is a crime motivated by bias?

Crimes motivated by bias, or “hate crimes,” are certain crimes that are committed against others because of the victim’s actual or perceived race, color, religion, sex, sexual orientation, disability, age or national origin.

### What types of crimes are included in this definition?

Crimes motivated by bias include assaults, criminal damage to property or vandalism, and harassment or stalking crimes.

### How does the law treat crimes motivated by bias differently from other crimes?

Crimes motivated by bias carry more severe penalties than the underlying crimes. For example, a misdemeanor 5th Degree Assault carries the maximum penalty of a \$700 fine, or 90 days in jail, or both. That same crime, if motivated by bias, becomes a gross misdemeanor 4th Degree Assault, with a maximum penalty of a \$3000 fine or a year in jail, or both.

### Who investigates and prosecutes crimes motivated by bias?

Most crimes in Minnesota are investigated by the local police department if they occurred within a city, or by the County Sheriff’s Office if they occurred outside the city limits, but within the County. A Sheriff’s Office may also assist with an investigation in a city upon request.

Bias crimes and other crimes are prosecuted by the County Attorney or the city attorney, depending on the severity level of the crime, and where the crime occurred. The County Attorney prosecutes all felonies, that is, crimes for which the offender could be sentenced to more than one year in jail or more than a \$3000 fine. The County Attorney also prosecutes all offenses that occur outside of city limits. Gross misdemeanors and misdemeanors that occur within city limits are prosecuted by city attorneys.

### What should you do if you are the victim of a crime motivated by bias?

Immediately report the crime to the local police or Sheriff’s Office. Report all information about the crime, including all facts showing that the offender was motivated by bias, and the identity of any witnesses to the offense. Be prepared to give as many details as possible, and report the information while the facts are fresh in your mind.



## What are the specific bias crimes and their maximum penalties?

**Felony Aggravated Violations: Harassment/Stalking**, occurs when a person, because of bias, harasses another, that is, engages in intentional conduct in a manner that would cause a reasonable person under the circumstances to feel oppressed, persecuted or intimidated, and causes this reaction on the part of the victim by committing any of the following acts:

- (1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property or rights of another by commission of an unlawful act;

- (2) follows, monitors, or pursues another, whether in person or through any available technological or other means;
- (3) returns to the property of another if the suspect is without claim of right to the property or consent of one with authority to consent;
- (4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
- (5) makes or causes the telephone of another repeatedly or continuously to ring;
- (6) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

**Gross Misdemeanor Assault in the Fourth Degree**, occurs when a person assaults another because of bias.

**Felony Assault in the Fourth Degree**, occurs when a person assaults another because of bias within five years of a previous conviction for assault motivated by bias.

**Gross Misdemeanor Criminal Damages to Property in the Third Degree**, occurs when a person intentionally causes damage to another person's physical property without consent because of bias and the damage reduces the value of the property by \$250 or less.

**Felony Criminal Damage to Property in the Second Degree**, occurs when a person causes damage to another's physical property without the owner's consent because of bias and the damage reduces the value of the property by more than \$250 but less than \$500.

The United States Attorney's Office and the United States Department of Justice prosecute criminal violations of federal civil rights laws. The Federal Bureau of Investigation (FBI) investigates these criminal violations and sends its report to these two prosecuting agencies. The FBI has offices in both Minneapolis and St. Paul.

## Where can I go for additional information and help?

The Washington County Attorney's Office has developed a Victim/Witness Program which can make referrals and provide further information.

**Washington County Attorney**

Law Enforcement center - 15015 62nd Street North - P.O. Box 6, Stillwater, MN 55082-0006  
Phone: 651-430-6115 | Criminal Fax: 651-430-6117 | TTY: 651-430-6246  
[www.co.washington.mn.us](http://www.co.washington.mn.us)

Other agencies that can provide information or assistance are:

**Minnesota Department of Human Rights**

Bremer Tower, St. Paul, MN  
651-296-5663

**Federal Bureau of Investigation (FBI)**

111 South Washington Avenue, Suite #1100, Minneapolis, MN 55401  
612-376-3200

If you are the victim of a hate crime or know someone who has been the victim of a hate crime, please report it to your local police department, or **Dan Starry, Washington County Sheriff 651-439-9381**