



**HATE CRIMES AND RELATED INCIDENTS MOTIVATED BY BIAS OR HATE**



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<b>INDEX CATEGORY:</b>	Preliminary Investigations		

**I. PURPOSE**

This directive:

- A. outlines the preliminary investigation, reporting, and notification procedures for hate crimes or other incidents motivated by bias or hate.
- B. provides information regarding annual statistical reporting in relation to such incidents.
- C. explains how the Department can use it to inform the public of such incidents.
- D. outlines tactics for proactive hate crimes prevention.

**II. STATUTE AND ORDINANCE**

- A. **720 ILCS 5/12-7.1 (Hate Crime)** – Criminal acts motivated by the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals.

**NOTE:** "Sexual orientation" is defined as actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult (720 ILCS 5/12-7/1(d); 775 ILCS 5/1-103 (O-1)).

- B. **8-4-085 MCC (Hate Crime)** – Criminal acts motivated by any antipathy, animosity, or hostility based upon, the actual or perceived race, color, sex, religion, national origin, age, ancestry, sexual orientation, active or prior military status, or mental or physical disability of another individual or group of individuals.

**III. HATE CRIMES AND OTHER INCIDENTS MOTIVATED BY BIAS or HATE**

- A. Any Department member responding to or investigating an incident which involves an alleged hate crime or other incident motivated by bias or hate will:
  - 1. interact with the victim or person reporting the incident in an fair, unbiased, and respectful manner, including, treating all persons involved with dignity, courtesy, and respect, and, to the extent possible, making reasonable efforts to respect the privacy of the victim.
  - 2. communicate in a professional and respectful manner, focusing on using a respectful tone, conveying a sense of concern, providing the victim a voice, and acknowledging any confusion or uncertainty the victim.
  - 3. provide for the appropriate police services, including a neutral and impartial investigation of the incident, regardless of the allegation or the victim's race, gender, color, creed, religion, ancestry, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals.
  - 4. continue to adhere to the policies for fair, unbiased, and respectful behavior as outlined in other Department directives, including but not limited to:
    - a. **"Human Rights and Human Resources."**

- b. “Interactions with Transgender, Intersex, and Gender Nonconforming (TIGN) Individuals.”
- c. “Limited English Proficiency.”
- d. “People with Disabilities.”
- e. “Responding To Incidents Involving Citizenship Status.”

B. A sworn Department member who encounters or is assigned to conduct a preliminary investigation which involves an alleged hate crime or other incident motivated by bias or hate will:

1. notify:

- a. his or her immediate field supervisor at the beginning of the preliminary investigation.
- b. the watch operations lieutenant in the district of occurrence.
- c. the appropriate Bureau of Detectives Area.
- d. the Civil Rights Unit, Special Activities Section, between 0800 hours to 1700 hours or Crime Prevention and Information Center (CPIC) during all other times.

**NOTE:** When available, the Civil Rights Unit will support the efforts of the preliminary investigation by assisting in the identification of acts that could constitute elements of a hate crime.

2. consistent with the Department directive titled "Preliminary Investigations," conduct a complete and comprehensive preliminary investigation, including but not limited to:

- a. interact with the victim or person reporting the crime consistent with the policies outlined in Item III-A of this directive.

**NOTE:** When necessary, Department members will ensure interpretation services are provided consistent with the Department directive titled "Limited English Proficiency."

- b. immediately request appropriate medical aid for any injured person and may provide appropriate medical care consistent with the member's training.
- c. take appropriate action to stop the crime, if still in progress, including arresting the offender if still on or near the scene and probable cause for an arrest exists.
- d. locate and identify a crime scene or any physical evidence, including any available hate literature, bias-based objects, and sources of electronic evidence (e.g., video, electronic messages). The responding member will:

(1) protect and preserve the crime scene for the collection and processing of evidence as outlined in the Department directive titled "Crime Scene Protection and Processing."

(2) if there is visible injury to the victim or physical evidence of the crime that requires processing (e.g., photographs of graffiti or hate symbols), notify their supervisor of the injury or evidence and request the assignment of an evidence technician.

- e. locate, identify, and interview the victim and available witnesses, obtain a description of the offender(s) and, when appropriate, alert other police units by sending a flash message of the offender's description and offense.

- f. attempt to determine any motive or intent of the act which can be deemed an expression of animosity, contempt, or bias based upon the race, gender, color, creed, religion, ancestry, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals.
    - g. attempt to identify prior hate crimes or other incidents motivated by bias or hate in the same area or against the same victim.
  3. complete the appropriate case report, fully describing the details of the incident and indicate "HATE CRIME RELATED," as appropriate. The report will thoroughly document and establish the elements of the alleged crime, including:
    - a. the actions of the offender that demonstrate motivation for the criminal act based on bias against the victim's actual or perceived legally protected class, including physical acts, statements made, and language used.
    - b. identifying the victim, offender, witnesses, and, when available, the person who called the Office of Emergency Management and Communications (OEMC).
    - c. any injuries to the victim or offender, including if medical attention was offered to the victim (if appropriate) and whether or not the victim accepted medical attention.
    - d. describing the physical behavior and condition of the victim and offender.
    - e. any statements made to the reporting member by the victim, offender, or witnesses.
    - f. previous encounters or relationships between the victim and offender.
    - g. the condition of the crime scene.
    - h. the identification of any motive or intent of the act which can be deemed an expression of animosity, contempt, or bias based upon the race, gender, color, creed, religion, ancestry, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals.
    - i. the identification of any prior hate crimes or other incidents motivated by bias or hate in the same area or against the same victim, including any previously reported incidents and the associated RD number, when available.
    - j. documenting any other pertinent information which may assist in the documentation and collection of additional evidence and support the successful prosecution of any associated criminal proceedings.
  4. enter all notifications to investigative and command Department units in the "Notifications" section of the case report.
  5. provide the victim with the appropriate:
    - a. written victim information notices consistent with the Department directive titled "**Crime Victim Assistance**,"
    - b. information, including the contact information, on the Department units responsible for the follow-up investigation of the incident, and
    - c. referrals to any known available Department, City of Chicago, or other social service assistance, that is available to support the victim, including but not limited to:
      - (1) the Department's Civil Rights Unit.

- (2) the City of Chicago Commission on Human Relations via 311 or their Hate Crime Victim's Assistance website located at ([https://www.chicago.gov/city/en/depts/cchr/supp\\_info/assistance\\_for\\_hatecrim\\_evictims.html](https://www.chicago.gov/city/en/depts/cchr/supp_info/assistance_for_hatecrim_evictims.html)) which contains public information on hate crime response such as a Hate Crime Fact Sheet and Hate Crimes Brochure.

**NOTE:** The reporting member will refer from discussing specific details of any follow-up investigation to be conducted by the Department. Any questions about the specific details of the investigation will be referred to the appropriate investigative unit.

6. submit the case report and any related documents to their field supervisor upon completion.

C. Field supervisors notified of an alleged hate crime or other incident motivated by bias or hate will:

1. acknowledge notification of the incident and document the notification on their Supervisor's Management Log (CPD-11.455).
2. when either a crime scene is identified or the victim has sustained an injury, respond to the scene of the incident, when available.

**NOTE:** Additionally, the notified supervisor will respond when circumstances exist that would necessitate a supervisory response or the assignment of additional personnel to protect and manage the incident scene.

3. ensure a complete and comprehensive preliminary investigation is conducted consistent with the requirements of II-B-2 of this directive.
4. review, and when appropriate approve, the submitted case report consistent with the requirements of II-B-3 of this directive.
5. ensure that the notifications required in Item III-B-1 of this directive and any other appropriate notifications are made (e.g., Communications Division for newsworthy occurrences) consistent with the requirements of other appropriate Department directives.
6. determine, based on the reported incident and any other identified previously reported hate crimes or other incidents motivated by bias or hate in the same area or against the same victim, whether additional Department resources or immediate efforts are required to ensure public safety (e.g., special attention at the location of the incident).
7. notify CPIC and the watch operations lieutenant in the district of occurrence, by telephone, providing all available information on the crime and a summary of police actions taken at the scene.
8. ensure a copy of the approved case report and any other related documents are forwarded to the district commander and the following entities:
  - a. the watch operations lieutenant in the district of occurrence.
  - b. CPIC.
  - c. the Civil Rights Unit.
  - d. the appropriate Bureau of Detectives Area.

D. The notified watch operations lieutenant will review, and when appropriate approve, the submitted case report consistent with the requirements of III-B-3 of this directive.

#### IV. INCIDENT INVESTIGATION

- A. The Chief, Bureau of Detectives, will ensure:
1. Community Alerts and Area Crime Patterns are developed, processed, and disseminated using established procedures.
  2. each area commander designates a liaison for each district community policing office to serve as a resource to address community issues including community alerts and crime patterns.
- B. The Area Detectives supervisor who is notified of a hate crime or incident motivated by hate will assign a detective to conduct a timely and comprehensive follow-up investigation. The assigned detective will:
1. confer with the assigned field supervisor and the watch operations lieutenant in the district of occurrence.
  2. consult with the investigating member of the Civil Rights Unit and maintain an investigative liaison throughout the course of the follow-up investigation.
- NOTE:** The Area Detectives will retain the ultimate investigative responsibility during a parallel investigation.
3. conduct a comprehensive follow-up investigation, consistent with the established Area Detective procedures, including documenting and fully describing the details of the investigation on the appropriate Supplementary Report or other appropriate Area Detectives report.
- C. The Civil Rights Unit supervisor who is notified of a hate crime or incident motivated by bias or hate will assign an investigator to conduct a timely and comprehensive follow-up investigation. The Civil Rights Unit member assigned to investigate the incident will:
1. confer with the assigned field supervisor and the watch operations lieutenant in the district of occurrence.
  2. consult with the assigned detective and maintain an investigative liaison throughout the course of the follow-up investigation.
  3. conduct a parallel comprehensive follow-up investigation, consistent with the established Civil Rights Unit procedures, including documenting and fully describing the details of the investigation on the appropriate Supplementary Report or other appropriate report. A copy of any investigative report completed for the incident will be forwarded to the assigned Area detective.
  4. review the incident and determine, based on the reported incident and any other identified previously reported hate crimes or other incidents motivated by bias or hate in the same area or against the same victim, whether additional Department resources or efforts are necessary to assist the victim or in an effort to alleviate any community concerns.
- D. The member(s) from the Area Detectives and the Civil Rights Unit tasked with the investigation of any hate crime or other incident motivated by bias or hate will be responsible for keeping the victims of incident informed with progress of the investigation.
- NOTE:** The member(s) from the Area Detectives and the Civil Rights Unit will contact, or make reasonable efforts to contact, victims on a regular basis to request any additional follow-up information or to provide any appropriate investigation status information.

#### V. COMMUNITY RESOURCES AND ENGAGEMENT

- A. Beat Community Meetings will provide an opportunity for members of the community and Department personnel to:

1. exchange information and review official Department statistics, crime prevention materials, and beat activity information;
2. identify, discuss, and address emerging and chronic crime and disorder problems (e.g., hate crimes, robbery, burglary, vehicular hijacking);
3. utilize the problem-solving model to develop comprehensive strategies to combat identified crime and disorder problems.
4. discuss and address previous and newly identified community concerns; and
5. provide feedback and follow-up information on previous meeting's discussions, identified problems, and implemented strategies.

**B. Hate Crime Prevention Efforts**

1. While it is recognized that not all crimes can be prevented, the Department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:
  - a. establishing contact and building relationships with persons and community groups who are likely targets of hate crimes or incidents motivated by bias or hate.
  - b. by working in a coordinated manner, including the Civil Rights Unit and the Bureau of Detectives, as advocates for victims of hate crimes and other incidents motivated by bias or hate.
  - c. providing victim assistance and investigative follow-up.
2. Department members will form prevention and response networks with these community groups by following up with prior victims, speaking at beat meetings to educate residents in the community, and engage the community on the topic of hate crimes.

**C. Additional resource information for members of the public to report or gather information about hate crimes:**

1. Chicago Commission on Human Relations (312)744-4874.
2. Chicago Police Department Special Activities Section: [civilrights@chicagopolice.org](mailto:civilrights@chicagopolice.org).
3. Illinois State Police: [www.isp.state.il.us/](http://www.isp.state.il.us/).
4. FBI: [www.fbi.gov/about-us/cjis/ucr/hate-crime/](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/).
5. United States Department of Justice: <https://www.justice.gov/hatecrimes/learn-about-hate-crimes>.

**D. The Department will regularly review its policies related to hate crimes and other incidents motivated by bias or hate, at minimum every two years. In reviewing or revising this policy, the Department will seek input from members of the community and community-based organizations with relevant knowledge and experience through community engagement efforts.**

## **VI. ANNUAL STATISTICAL REPORT**

The commanding officer, Special Activities Section, will be responsible for compiling and publishing an annual statistical report to the Superintendent of Police on hate crimes ("Hate Crimes Report") and other incidents motivated by hate.

- A. The commanding officer, Special Activities Section, will coordinate with the Director, Research and Development Division, and the Commander, Strategic Initiatives Division, to produce relevant statistical data and other collected information on hate crimes and other incidents motivated by hate.**

- B. The annual statistical report ("Hate Crimes Report") will:
1. summarize reported hate crimes and non-criminal incidents motivated by hate during the previous calendar year.
  2. specifically provide information regarding the total number of such incidents, citywide and per District, organized by type of crime, classification of bias motivation, and disposition of hate crimes investigation.
  3. provide information on what constitutes a hate crime.
  4. provide methods of reporting hate crimes.

## VII. ADDITIONAL RELEVANT STATUTES AND ORDINANCES

A. United States Codes

1. 18 U.S.C. § 249: The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009.
2. 42 U.S.C. § 3631: Criminal Interference with Right to Fair Housing.
3. 18 U.S.C. § 247: Damage to Religious Property, Church Arson Prevention Act

B. The Illinois Compiled Statutes

1. Sec. 12 -7.1: Hate crime.
2. Sec. 8-2.1: Conspiracy against civil rights.
3. Sec. 21-1.2: Institutional vandalism.
4. Sec. 21-1.3: Criminal defacement of property.

C. Municipal Code of Chicago

1. 2-120-518 MCC: Hate crimes.
2. 8-4-020 MCC: Inciting riots, etc.
3. 8-4-085 MCC: Hate crimes.

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19-090 MWK/JCS

### GLOSSARY TERMS:

1. **Hate Crime** - A specific criminal act as defined by the ILCS (720 ILCS 5/12-7.1) or MCC (8-4-085 MCC).
2. **Other Incidents Motivated by Bias or Hate** - Any other incident not included in the definition of a Hate Crime wherein the primary motive or intent of the criminal act is an expression of animosity, contempt, or bias based upon the race, gender, color, creed, religion, ancestry, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals.