



<b>Investigating and Reporting of Hate Crimes</b>	Related Policies: Use of Force; Fair and Impartial Policing
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: 13 V.S.A. § 1454-1466; 21 V.S.A. § 495d(5); 13 V.S.A. § 1455	
Date Adopted: January 11, 2021	Date Reviewed:

**I. PURPOSE**

The policy establishes guidelines for identifying, investigating and reporting hate crimes or incidents; and for assisting victimized individuals and communities. A swift and effective response by law enforcement develops trust, builds community resilience, and provides support and resources for a victim's recovery.

**II. POLICY**

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias are viewed very seriously by the Bennington Police Department (BPD) and will be given high priority. The BPD shall employ all available and necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators.

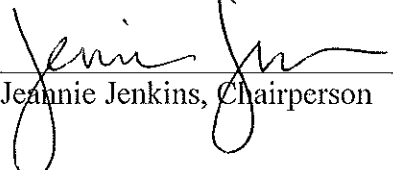
Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, the BPD shall be mindful of and responsive to the security concerns of victims, and their families and impacted community members.

The BPD shall develop a standard system for collecting, analyzing, and reporting to the Town of Bennington and State of Vermont incidents of crime that are, in whole or in part, directed against individuals because of actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces disability as defined by 21 V.S.A. §495d(5), sexual orientation, or gender identity (13 V.S.A. §1455).

### III. DEFINITIONS

- A. *Bias*: A pre-formed negative opinion or attitude toward a group of persons based on their actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces disability as defined by 21 V.S.A. §495d(5), sexual orientation or gender identity.
- B. *Hate Crime*: A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, age, service in the US Armed Forces disability as defined by 21 V.S.A. §495d(5), sexual orientation, or gender identity of any person.
- C. *Hate Incident*: Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.
- D. *Hate Group*: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons because of their perceived or race, color, religion, national origin, ethnicity, gender, gender identity, age, service in the US Armed Forces disability as defined by 21 V.S.A. §495d(5), sexual orientation, or gender identity.
- E. *Race*: Any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry.
- F. *Ethnic Group*: A group of persons whose members identify with each other through a common heritage, often consisting of a shared language, culture and/or ideology that stresses common ancestry or national origin.
- G. *Religious Group*: A group of persons whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals. Examples include, but are not limited to: Catholic, Jewish, Protestant, Islam, Sikh, Hindu, and Atheist.
- H. *Sexual Orientation*: A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex.
- I. *Sex*: Either of the two main categories, male and female, into which humans are divided on the basis of their reproductive functions.
- J. *Gender Identity*: A person's internal sense of being male, female, neither, or some combination thereof. This internal sense of gender may be different from sex assigned at birth.
- K. *Disability*: A physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness or as defined in 21 V.S.A. §495d(5).

This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this 12 day of October 2021 and is effective until amended or repealed.

  
Jeannie Jenkins, Chairperson

## 1. PROCEDURES

### A. Expectations

1. Officers shall conduct a thorough, prompt, and complete investigation in all suspected and confirmed hate crimes and assist Bennington County State's Attorney's Office related to all hate incidents. All incidents should be thoroughly documented.
2. All officers of the BPD shall receive instruction on both hate crime investigation and community-police relations.
3. Investigators shall make every effort to become familiar with organized hate groups operating in the community.

### B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall follow this department's policy for responding to a crime scene. In particular, officers shall:

1. Collect physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Recognize the potential need for and request the assistance of a translator, where necessary.
3. Notify a supervisor and brief them on actions taken thus far.
4. Ensure that all statements made by suspects are recorded.
5. Identify prior bias-motivated occurrences in the immediate area or against the same victim or identity group.
6. Assist investigators in complying with any federal or state hate crime data collection reporting requirements.

### C. Supervisory Responsibilities

The supervisor shall do the following:

1. Notify the Chief of Police or their designee depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
2. Provide updated information on the status of the investigation and the community impact within 48 hours.
3. Provide immediate assistance to the victim.
4. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed hate crime with 48 hours, if possible.
5. Identify individuals or agencies that may provide support and assistance. These may include family members or close or clergy, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
6. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.

### D. Investigators' Responsibilities

The investigator shall follow the department's standard protocol for responding to a crime scene. In particular, investigators shall do the following:

1. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photographs should be taken and the owner of the property should be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The investigator shall follow up to ensure that this is accomplished in a timely manner.
2. Work closely with the Bennington County State's Attorney's Office to ensure that a legally sound case is developed for prosecution.
3. Coordinate the investigation with other units of this department, as well as other local, state, and regional intelligence operations in order to identify any patterns, organized hate groups, and suspects potentially involved in the offense.
4. Make a final determination based on evidence and facts as to whether the incident should be classified as a hate crime.
5. Determine the primary elements of the crime and obtain the information necessary to complete the federal and state hate crime data collection requirements.

6. Take steps to ensure that appropriate assistance is being provided to hate crime victims.

#### E. Community Relations and Crime Prevention

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Towards this end, this department's community relations function, or officers so assigned, shall perform the following:

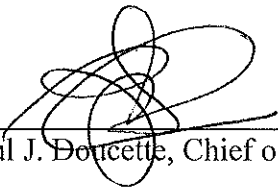
1. Continue to provide assistance to the victim, including protecting his or her privacy and that of his or her family as much as possible.
2. Work with segments of the larger community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.
3. Especially in the most serious crimes, meet with neighborhood groups, residents in target communities, and other identified groups as soon as possible to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.
4. Engage the media as soon as possible as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
5. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general in conjunction with community partners.
6. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.

#### F. Hate Crime Data Collection, Analysis and Reporting

This department shall do the following:

1. Report all suspected and confirmed hate crime occurrences within 48 hours to the VT Attorney General's Office and the Bennington County State's Attorney Office.
2. Make information, records, and statistics collected, and analysis of data, available to any appropriate local or state agency and to the public, subject to all confidentiality requirements otherwise imposed by law on a semi-annual basis.
3. Officers and investigators shall use bias reporting codes listed in the State of Vermont Crime Reporting Database (Spillman).

The policies and procedures outlined above are hereby adopted by the Chief of Police of the Town of Bennington, Vermont this 12 day of OCTOBER 2021 and is effective as of this date until amended or repealed.

  
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Paul J. Doucette, Chief of Police