



PATROL GUIDE

Section: Complaints		Procedure No: 207-10	
BIAS MOTIVATED INCIDENTS			
DATE ISSUED: 12/31/15	DATE EFFECTIVE: 12/31/15	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE

To ensure a coordinated police response and a thorough investigation and analysis of all bias motivated incidents.

DEFINITIONS

BIAS INCIDENT - Any offense or unlawful act that is motivated in whole or in substantial part by a person's, a group's, or a place's identification with a particular race, religion, ethnicity, gender, age, disability, or sexual orientation (including gay, lesbian, bi-sexual and transgender) as determined by the Commanding Officer, Hate Crime Task Force.

DISABILITY - The possession or perceived possession by a person of any of the following: a physical, medical, mental or psychological impairment or a history or record of such impairment. This includes the sustaining by a person of any injury or damage to any system of the body including muscular, sensory, respiratory, speech, heart, reproductive, digestive, blood, immunity (i.e., AIDS) and skin. Also included among those who have a disability are recovering alcoholics, and former abusers of drugs or other substances who currently are not abusing alcohol, drugs, or other substances.

COMMANDING OFFICER - For the purpose of this procedure will be the precinct, police service area or transit district commanding officer within whose jurisdiction the incident occurs.

PROCEDURE

When a uniformed member of the service is dispatched to the scene of an incident which may be a bias incident:

UNIFORMED MEMBER OF THE SERVICE

1. Evaluate condition and take police action appropriate for stabilization of the area, if necessary.
2. Determine if possibility exists that offense or unlawful act is motivated by bias or prejudice as contained in the definition of a "Bias Incident."
3. Request patrol supervisor to respond if bias incident is suspected.

PATROL SUPERVISOR

4. Determine if additional personnel are required to stabilize the situation.
5. Notify desk officer of incident.
6. Request commanding officer/duty captain to respond if occurrence is a possible bias incident.
7. Direct that a **COMPLAINT REPORT WORKSHEET (PD313-152A)** be prepared.

COMMANDING OFFICER/ DUTY CAPTAIN

8. Determine if occurrence is a possible bias incident that should be referred to the Hate Crime Task Force for further investigation.

NOTE

When considering incidents involving public officials, confer with the Intelligence Bureau prior to classifying the occurrence as a possible bias incident.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
207-10	12/31/15		2 of 4

IF THE OCCURRENCE IS REFERRED TO HATE CRIME TASK FORCE AS A POSSIBLE BIAS INCIDENT:

- COMMANDING OFFICER/
DUTY CAPTAIN**
9. Request additional resources, if required, to stabilize the location or defuse the incident (community affairs, anti-crime, crime prevention officers, additional command personnel, training unit, borough task force, if available, or others, as appropriate).
 10. Request detective squad personnel to respond.
 11. Notify Operations Unit and obtain possible bias incident log number.
 12. Prepare **UNUSUAL OCCURRENCE REPORT (PD370-152) AFTER CONFERRAL WITH PRECINCT DETECTIVE COMMANDER.**
 - a. Subject of Report will be “POSSIBLE BIAS INCIDENT-LOG NO. ____.”
 13. Forward **UNUSUAL OCCURRENCE REPORT** to Chief of Detectives, Hate Crime Task Force (direct) and forward additional copy through channels.
 14. Forward duplicate copy of report to:
 - a. Chief, Community Affairs, and
 - b. Precinct commanding officer
 - c. Police Service Area/Transit District commanding officer, as applicable.
 15. Direct crime prevention officer, where appropriate, to personally contact and advise complainant concerning actions to take to prevent recurrence.

NOTE *Operations Unit personnel will notify patrol borough command; Patrol Services Bureau duty chief; Housing Bureau or Transit Bureau, as applicable; detective borough commander; Intelligence Bureau; Commanding Officer, Hate Crime Task Force; Police Commissioner; and Chief, Community Affairs (during business hours).*

- DETECTIVE SQUAD MEMBER**
16. Conduct an immediate investigation and confer with Hate Crime Task Force personnel.
 17. Forward additional copy of **COMPLAINT REPORT (PD313-152)** and **Omniform Complaint Revision** to Commanding Officer, Hate Crime Task Force (direct) within ten days after incident.

NOTE *The detective squad member is responsible for conducting the investigation, unless relieved by Hate Crime Task Force personnel. The Hate Crime Task Force is responsible for the determination as to whether the occurrence is, or is not, biased. In addition, the Commanding Officer, Hate Crime Task Force, may retain sufficient Detective Bureau personnel to conduct a comprehensive preliminary investigation and canvass of the area.*

- COMMANDING OFFICER/HATE CRIME TASK FORCE**
18. Evaluate situation and make determination after conferral with Chief of Detectives to:
 - a. Assume complete control of investigation, OR
 - b. Participate jointly with precinct detective squad personnel, OR
 - c. Have precinct detective personnel assume full responsibility for the investigation.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
207-10	12/31/15		3 of 4

- COMMANDING OFFICER**
19. Visit and personally interview victims of possible bias incident.
 20. Prepare and forward comprehensive follow-up report within ten days of incident including post-incident actions of all Departmental units and the current status of investigation to Chief of Detectives, Hate Crime Task Force, through channels.

- CRIME PREVENTION OFFICER**
21. Prepare and forward a report within ten days of the incident to Commanding Officer, Hate Crime Task Force, indicating action taken concerning incident and whether a security survey was conducted.

NOTE *The special operations lieutenant will prepare and forward the above report in those commands where a crime prevention officer is not assigned.*

- COMMANDING OFFICER/HATE CRIME TASK FORCE**
22. Visit and personally interview victims of confirmed bias incidents upon completion of investigation.
 - a. In appropriate cases, a Hate Crime Task Force supervisor may be designated to interview victims.
 23. Make determination of whether an occurrence is a bias incident or a non-bias incident based upon all factors obtained during investigation, after conferral with the Chief of Detectives.
 24. Prepare report indicating determination.
 25. Forward copies of report to:
 - a. Chief of Patrol
 - b. Chief of Detectives
 - c. Chief of Housing Bureau/C.O., Transit Bureau, if appropriate
 - d. Patrol Borough concerned
 - e. Housing/Transit Borough, as applicable
 - f. Precinct of occurrence
 - g. Police Service Area/Transit District, as applicable.

NOTE *In the case of a confirmed bias incident, when a complainant/victim requests that an identified offender not be arrested, and there is appropriate legal justification for the arrest, the Commanding Officer, Hate Crime Task Force, may direct that the arrest be made. The primary considerations when a complainant/victim does not want an arrest effected, are the prevention of further violence and the safety of all parties concerned.*

WHEN COMMANDING OFFICER/DUTY CAPTAIN DETERMINES INCIDENT IS NOT BIAS MOTIVATED:

- COMMANDING OFFICER/DUTY CAPTAIN**
26. Notify detective squad.
 27. Notify Operations Unit that offense is not a bias incident.
 - a. Contact Hate Crime Task Force, between 0800 - 2400 hours, seven days a week, for log number on all non-bias incidents.
 28. Direct crime prevention officer to personally contact and advise complainant concerning actions to take to prevent recurrence, if offense was committed at a religious institution or a sensitive location.

PATROL GUIDE

PROCEDURE NUMBER:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
207-10	12/31/15		4 of 4

**COMMANDING OFFICER/
DUTY CAPTAIN
(continued)** 29. Prepare an **UNUSUAL OCCURRENCE REPORT (PD370-152)** and forward to Chief of Detectives, Hate Crime Task Force (DIRECT).
a. Forward one additional copy of Report through channels.

PRECINCT DETECTIVE 30. Conduct appropriate investigation.
31. Forward copy of **COMPLAINT REPORT** and **Omniform Complaint Revision** to Chief of Detectives, Hate Crime Task Force, within ten days after the incident.

CRIME PREVENTION OFFICER 32. Prepare and forward a report within ten days to Commanding Officer, Hate Crime Task Force, if offense was committed at a religious institution or sensitive location indicating action taken and whether security survey was conducted.

ADDITIONAL DATA *When notification of a possible bias incident is received from any other police agency, the New York City Police Department patrol supervisor shall respond. At the request of a patrol supervisor, captain, or above from another law enforcement agency, the commanding officer concerned/duty captain will respond and determine whether the occurrence should be designated as non-bias or referred to the Hate Crime Task Force as a possible bias incident.*

If, during the course of an on-going investigation, information is ascertained which may indicate that the original incident may have been a possible bias incident, the Commanding Officer, Hate Crime Task Force, will investigate and confer with the Chief of Detectives to make a determination whether the incident is a possible bias incident. The Commanding Officer, Hate Crime Task Force, will then conduct a preliminary investigation and make all appropriate notifications.

FORMS AND REPORTS **COMPLAINT REPORT (PD313-152)**
COMPLAINT REPORT WORKSHEET (PD313-152A)
UNUSUAL OCCURRENCE REPORT (PD370-152)
Omniform Complaint Revision