



Edina Police Operations Manual

Policy Number
600.00

Subject:
Bias Offense Response, Investigation and State Reporting

Effective Date
06/19/2020

Revised Date
07/15/2020

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PURPOSE:

To ensure that rights guaranteed by state laws and the U.S. Constitution are protected for all people regardless of race, religion, national origin, sex, gender, age, disability, or sexual orientation.

600.01

DEFINITIONS

Bias: A performed negative opinion or attitude toward a group of persons based on their race, religion, national origin, sex, gender, age, disability, or sexual orientation.

Bias Crime: A criminal offense against a person or property motivated in whole or in part by an offender's bias. A bias crime differs from other crimes when the target of the crime is selected because of the offender's bias.

Bias Incident: A bias incident is any actions committed against a person or property motivated in whole or in part by the offender's bias but does not rise to the level of a crime.

600.02

GENERAL STATEMENT OF POLICY

- Subd. 1** A criminal offense based on race, religion, national origin, sex, gender, age, disability, or sexual orientation will be viewed as serious, and an investigation will be initiated.
- Subd. 2** Reported incidents that are non-criminal but may have been motivated by race, religion, national origin, sex, gender, age, disability, or sexual orientation will be documented in a police report.

600.03

PROCEDURE

- Subd. 1** The investigation of bias motivated crimes or incidents is the responsibility of the Edina Police Department. Employees will be sensitive to the feelings, needs and fears that may be present in the community because of acts of this nature.
- Subd. 2** When the assigned officer arrives on the scene and determines that the crime or incident may be bias motivated, they should:
- a) Notify the on-duty supervisor.
 - b) Conduct an initial investigation including photographs, evidence collection, and interviews.

- c) Complete a detailed offense report.
- d) If feasible, ensure that all bias related remains of the crime or incident are removed after processing of the scene has been completed.
 - If the bias related remains cannot be removed from city property, notify the appropriate city department for the need to complete restoration. If after business hours, utilize the citywide on-call list to make the notification.
 - If the bias related remains cannot be removed from private property, impress upon the property owner the community sensitivities associated with a bias incident. Recommend the need for the property owner to take corrective action as soon as practical.

Subd. 3 Patrol supervisor responsibilities:

- a) Determine if additional personnel are necessary and ensure that evidence collection occurs.
- b) Supervise the preliminary investigation and confirm steps of the patrol investigation is complete.

Subd. 4 Investigative supervisor responsibilities:

- a) Verify that a follow-up investigation is assigned and conducted.
- b) Notify and keep the chief of police informed of the status of the investigation.
- c) Ensure the victim is informed regarding the case status.
- d) Determine if the victim is aware of the Edina Human Rights and Relations Commission and inquire if they would like to be contacted by a Commission representative.

600.04 **NOTIFICATIONS**

- Subd. 1** The Chief of Police or designee will assure that reported incidents or criminal offenses are communicated to the City Manager and Race and Equity Coordinator in a timely manner.
- Subd. 2** Upon completion of the investigation, if it is determined that the criminal offense was motivated by a bias, the chief will coordinate with the City Manager to implement the Bias Response and Prevention Plan.

Subd. 3 The chief of police is responsible for following section 600.05 of this policy as outlined by Minnesota State Statute.

600.05 **STATE REPORTING OF CRIMES MOTIVATED BY BIAS 626.5531**

Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's department every violation of chapter 609 or a local criminal ordinance if the officer has reason to believe, or if the victim alleges, that the offender was motivated to commit the act by the victim's race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation. The superintendent of the Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement agencies in making the reports required under this section. The reports must include for each incident all of the following:

- a) The date of the offense.
- b) The location of the offense.
- c) Whether the target of the incident is 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 officer'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.

Subdivision 2. **Use of information collected.** The head of a local law enforcement agency or state law enforcement department that employs peace officers licensed under section [626.843](#) must file a monthly report describing crimes reported under this section with the Department of Public Safety, Bureau of Criminal Apprehension. The commissioner of public safety must summarize and analyze the information received and file an annual report with the Department of Human Rights and the legislature. The commissioner may include information in the annual report concerning any additional criminal activity motivated by bias that is not covered by this section.

(Ref. <http://www.revisor.leg.state.mn.us/stats/626/5531.html> (04/29/2020))