

## Bias-Motivated Crimes

### 319.1 PURPOSE AND SCOPE

The Milwaukee 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 agency 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 agency with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 319.2 DEFINITIONS

Definitions related to this policy include:

**Bias-motivated crime** - Willfully committing a crime against another because the actual or perceived race, color, religion, national origin or ancestry, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.

### 319.3 CRIMINAL STATUTES

When conducting a criminal investigation, refer to the following for additional guidance:

- (a) Wis. Stat. § 943.012 - A person is guilty of a Class I felony when such a person intentionally causes criminal damage to or graffiti on:
  - 1. Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
  - 2. Any cemetery, mortuary or other facility used for burying or memorializing the dead.
  - 3. Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, national origin or ancestry or by an institution of any such group.
  - 4. Any personal property contained in any of the properties in items 1, 2, or 3 above if the personal property has particular significance to any group of persons of a particular race, religion, color, disability, national origin or ancestry.
- (b) Wis. Stat. § 939.645 - Enhances the penalty for offenses where the victim is selected because of the offender's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.
- (c) 18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law depending on circumstances.

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### **319.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES**

While it is recognized that not all crime can be prevented, this agency is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated 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 about bias-motivated crime laws.

### **319.5 LEAD RESPONSIBILITIES**

LEAD shall submit all state and federal reporting requirements of bias-motivated crimes (28 USC § 534(a)).

### **319.6 TRAINING**

All deputies of this agency shall receive training on bias-motivated crime recognition and investigation.