



**DISTRICT ATTORNEY
DANE COUNTY
Ismael R. Ozanne**



HATE CRIMES POLICY STATEMENT

Effective

November 11, 2019

I. PURPOSE

The main purpose of this policy is to draw attention to hate crimes, and ask for solidarity in eradicating hate and hate crimes by establishing guidelines for prosecution of hate and bias motivated crimes by seeking justice for individual victims and our community. Crimes motivated by hate and bias will be treated with the utmost level of seriousness and will not be tolerated in Dane County, Wisconsin so that those living, working and visiting Dane County can feel welcomed, safe and protected.

II. POLICY

- a. Crimes motivated by hate and/or bias create a danger to individuals, groups and our community. Therefore, these high priority crimes will be given all the necessary office resources to successfully prosecute and hold accountable those individuals who engage in this deviant behavior. Additionally this office recognizes the trauma and fear associated with victimization from a hate crime and will respond to these victims with trauma-informed practices in a culturally responsive manner.
- b. This office will develop and adhere to guidelines for prosecution, service delivery, and data collection that meets office goals and allows for analysis and positive change.
- c. The intent of this policy is to protect and lift up persons and groups who are marginalized in our community. Continual review of this policy will occur with the hope of mitigating any unintended consequences that may arise.
- d. All employees are expected to be familiar with this policy and adhere to the set forth guidelines established in this document.

III. DEFINITIONS

- a. Bias – a prejudice due to someone’s race, ethnicity, religion, sexual orientation, disability and/or gender or gender identity.
- b. Crime Victim – a person against whom a crime has been committed.

- c. Hate Crime - any crime committed in part or in whole because of the victim's actual or perceived race, color, religion, ancestry, national origin, disability, or sexual orientation (See Wisconsin Enhancer Statute 939.645 for legal definition).
- d. Hate incident – a crime that exhibits hateful behaviors and/or language that does not rise to the level of a chargeable hate crime offense. This also includes marginalized communities or individuals who are not defined under the hate crimes enhancer statute.
- e. Hate Group – the primary purpose is to promote animosity, hostility and malice against persons belonging to a race, religion, disability, sexual orientation, gender or ethnicity/national origin which differs from that of the members of the organization (2015 FBI Hate Crimes Training Manual).

IV. PROCEDURES

- a. Goals
 - i. Collective effort to gain awareness about the impact of hate crimes on individuals and our community.
 - ii. Better utilization of existing law to address hate crimes.
 - iii. Collect data to help articulate issues and define the problems.
 - iv. Prosecute with specific attention to the trauma and toxicity of hate.
 - v. Send a message of priority and seriousness to staff, victims and the community.
 - vi. Mobilize Hate Crimes Action Team to create specialized expertise and an internal resource for consultation and support.
- b. Intake Team Responsibilities
 - i. Checking case type based on law enforcement referral.
- c. Supervisory Responsibilities
 - i. Provide and monitor mandatory hate crimes training for all staff.
 - ii. Provide training on policy to all staff.
 - iii. Provide this policy statement to new candidates during the hiring process.
 - iv. The District Attorney will provide oversight and approval for settlement offers.
 - v. The District Attorney will monitor compliance with policy.
 - vi. Trials will be co-chaired by the District Attorney whenever possible.
 - vii. Collect feedback from Hate Crimes Action Team members.
- d. Hate Crimes Action Team Members Responsibilities
 - i. Receive reminders noticing of all hate crimes and hate incidents charged.
 - ii. Provide feedback and consultation to management and assigned ADA and VWU.
 - iii. Provide training to internal staff and outside agencies when requested and per availability.
 - iv. Represent District Attorney’s Office on larger Hate Crimes Action Team with collaborative law enforcement partners.
- e. Assistant District Attorney Responsibilities (Juvenile and Adult)
 - i. Follow hate crimes policy guidelines for charging and settling cases with hate crimes enhancer.

- ii. Request follow-up from law enforcement.
 - iii. Work collaboratively with internal members of the Hate Crimes Action Team, community partners and individual victims to seek out meaningful outcomes that speak to the high level of seriousness of hate crimes.
- f. Juvenile Unit Responsibilities
 - i. Prioritize an emphasis on early intervention.
 - ii. Seek restorative options if available for juveniles who have committed delinquency acts that are motivated or fueled by hate.
 - iii. Consider evidence of hateful beliefs and behaviors exhibited on social media posts.
 - iv. Work collaboratively with stake holders to send a collective message that hate motivated and fueled behaviors will not be tolerated.
- g. Paralegal Responsibilities
 - i. Requests for follow-up investigation.
 - ii. Maintain data and provide quarterly reports to management.
- h. Victim Witness Responsibilities
 - i. Provide services consistent with Chapter 950 in a culturally responsive manner that prioritizes cultural humility and trauma-informed approaches.
 - 1. Crime Response Team
 - a. Respond to early victim needs including crisis services and system advocacy.
 - b. Participate as a member of a critical incident response team.
 - c. Collaborate with community based service providers.
 - 2. Victim Witness Clerical Team
 - a. Make referrals to Hate Crimes Action Team when case facts present hate language or behaviors.
 - b. Ensure appropriate case types are selected for accurate data collection.
 - 3. Victim Witness Case Managers
 - a. Provide culturally responsive Chapter 950 victim services to those directly and indirectly impacted by hate motivated crimes during the criminal court process.
 - b. Although hate crime law in WI does not address gender bias the VWU will provide services that recognize this as an additional trauma.
 - ii. Provide internal and external advocacy for hate crimes victims including representation on the Hate Crimes Action Team.
- i. Deferred Prosecution Responsibilities
 - i. Conduct intake assessments assessing offender's risks/needs to determine program eligibility.
 - ii. Develop individualized Deferred Prosecution Agreement contracts targeting intervention appropriately based on the needs of the offenders and in response to the hate motivated/fueled criminal behavior.
 - iii. Ensure that hate crime victims have input into contract terms.
 - iv. Connect offenders to appropriate resources.

- v. Identify treatment providers that have culturally responsive service plans and address the toxic outcomes associated with behaviors motivated and fueled by hate.
- vi. Collaborate with other stake holders to develop a class curriculum to address hateful beliefs and behaviors.
- vii. Facilitate classes utilizing developed curriculum.
- j. Information Technology Responsibilities
 - i. Provide data collection support.
 - ii. Manage email reminders.
 - iii. Maintain master contact list for Hate Crimes Action Team.
- k. Clerical Responsibilities
 - i. Ensure proper case types are selected.
 - ii. Forward identified cases to Hate Crimes Action Team for consideration.
- l. Investigator Responsibilities
 - i. Assist with follow-up investigations when necessary.
 - ii. Collaborate with local and federal law enforcement agencies to ensure all possible investigative options have been pursued.

V. CHARGING GUIDELINES

- a. Read all intake with an eye toward motive.
- b. Consider any and all evidence that law enforcement has acquired showing that the motive behind the crime is hate-fueled.
- c. Ask for case follow-up from law enforcement regarding social media use and affiliations with hate groups that could be evidence of motive.
- d. Consult with a members of the Hate Crimes Actions Team when needed.
- e. Charging enhancer must be approved by DA or DDA prior to charging.

VI. SETTLEMENT GUIDELINES AND DISPOSITIONAL GUIDELINES

- a. Hate crimes enhancer will not be dismissed without management approval.
- b. Full accountability (accepting responsibility) for hate-fueled behaviors should be reflected in any plea settlement.
- c. Crime victims must be consulted prior to acceptance of a plea offer.
- d. Consideration to general deterrence should be given in crafting settlement offers.

VII. ACKNOWLEDGEMENTS

A special thanks to International Association of Chiefs of Police in Alexandria, Virginia for providing a model policy that provided the framework for this policy and to the Dane County District Attorney's Office Hate Crimes Action Team for its dedication and investment in examining hate crimes in Dane County and drafting this policy statement.