

Proposed City of Boulder
Hate Crimes Policy for a Safe Community

I. Statement of Policy:

Hate crimes violate the fundamental human and civil rights of the targeted victims. They affect not only the immediate victim but the entire class of people who share the characteristic for which hatred was directed at that victim. Failure by the community to respond in a serious way to such crimes encourages their repetition. Ultimately, democracy and the rule of law are undermined for everyone by allowing such hateful behavior to flourish.

Therefore, the City of Boulder hereby adopts a policy of zero tolerance for hate crimes committed within its jurisdiction. That policy shall apply to all aspects of city government that are interrelated with the City's criminal justice system who shall all afford this policy a high priority.

The City Council and the City government shall also actively seek the cooperation of all other federal, state, county, and local governmental bodies, agencies, and school districts with jurisdiction over hate crimes committed anywhere within the County of Boulder in developing a Comprehensive Plan for cooperation in combating hate crimes based on a similar Zero Tolerance for Hate Crimes policy.

II. Implementation of this Policy:

A. City of Boulder Criminal Justice System:

1. All elements of City government with duties related to enforcement of municipal or state criminal ordinances or statutes in which hate is a factual or legal element of a prosecution, including without limitation, the Boulder Police Department, the Fire Department, the City Attorney's Office, and the Municipal Court, shall receive special education and training in the investigation, prosecution, trial and sentencing alternatives related to such hate crimes.

2. To insure that all instances of hate crimes are properly investigated, prosecuted and punished, specially trained Police Department detectives on every shift shall be in charge of investigating and cooperating with the prosecution of every hate crime.

B. Enactment of Hate Crimes Ordinance:

The City Council shall with all deliberate speed consider the adoption of a Hate Crimes Ordinance for the City of Boulder which shall be based on the sentencing enhancement concept, the constitutionality of which has been upheld by the U.S. Supreme Court.

C. Victim Assistance and Protection:

The City, in cooperation with other necessary governmental and non-governmental agencies, shall develop a program for providing assistance and protection to all victims and witnesses of hate crimes where the crime occurred or the victim or witness resides in the City of Boulder.

D. Supervision of the Implementation of this Policy:

The City Manager *is responsible for and* shall supervise the implementation of this Policy and regularly report on its progress to the City Council and the public. A requisite staff position in the City Manager's office shall be created and budgeted as soon as possible to assist the City Manager in implementing this policy.

E. Cooperation with other Governmental Entities:

1. The City Manager shall actively cooperate and work with all other criminal justice agencies and governmental units with jurisdiction over hate crimes committed in Boulder County to develop a Comprehensive Plan for Zero Tolerance of Hate Crimes within the County of Boulder. Those agencies and governmental units shall include, without limitation:

a. Law Enforcement:

- i. The Boulder County Sheriff's Department, including its Jail Division.
- ii. The C.U. Police Department.
- iii. The Police Departments of all municipalities within the County of Boulder.
- iv. The F.B.I. and other federal investigating agencies.

b. Prosecutors:

- i. The Boulder County District Attorney's Office.
- ii. The U.S. Attorney for Colorado.
- iii. The U.S. Department of Justice, including its Community Relations Section.
- iv. The City Attorneys for all municipalities in Boulder County.

c. Courts:

- i. The Boulder County and District Courts, including their Probation Department and juvenile and adult diversion programs, and their Victim and Witness assistance programs.
- ii. All Municipal Courts within the County of Boulder.

d. School Districts: The Boulder Valley and St. Vrain Valley School Districts, including their restorative justice programs.

e. Non-Governmental Organizations.

All NGO's with interests and experience in combating hate, as well as expertise in providing education and training in the investigation and prosecution of hate crimes.

f. Restorative Justices programs not part of School District programs.

g. Education Institutions:

The resources and experience of C.U., Naropa, Community Colleges and other educational institutions should be tapped to help develop programs, courses and training programs aimed at preventing and prosecuting hate crimes.