



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 139

Policy Name Malicious Intimidation

Approved by *Wendell Franklin, Chief of Police*

Effective Date 08/15/2003

Approved Date 08/15/2003

Previous Date 10/16/1995

PURPOSE OF CHANGE:

To update policy format.

POLICY:

The Tulsa Police Department will promptly and thoroughly investigate all reported or observed incidents of harassment or intimidation because of religion, ancestry, national origin, or disability. The Department places a high priority on the resolution of incidents of a racial, religious, or ethnic bias.

All personnel must be sensitive to the feelings, needs, and fears that may be present in the community as a result of incidents of this nature. The proper investigation of Malicious Intimidation/Harassment crimes is a visible sign of commitment and concern to the community and is the responsibility of all Department personnel.

SUMMARY: Procedures for investigating Malicious Intimidation/Harassment crimes.

APPLIES TO: All sworn personnel

DEFINITIONS:

INTIMIDATION OR HARASSMENT BECAUSE OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN OR DISABILITY, 21 O.S. 850 –

1. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:
 - a. Assault or batter another person.
 - b. Damage, destroy, vandalize or deface any real or personal property of another person.
 - c. Threaten, by word or act, to do any act prohibited by paragraph one or two of this subsection if there is reasonable cause to believe that such act will occur.
2. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephonic, computerized, or electronic message.
3. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin, or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published, or distributed, any message or material.

PROCEDURES:

A. PUBLIC SAFETY COMMUNICATIONS (PSC)

1. When receiving a complaint which meets the criteria of a Malicious Intimidation/Harassment crime, an officer shall be assigned to investigate. These types of complaints shall not be referred to the Telephone Report Office.

B. OFFICER

1. When any incident meeting the criteria of a Malicious Intimidation/Harassment crime comes to the attention of an officer, the officer shall:
 - a. Notify a field supervisor.
 - b. Secure the crime scene and preserve the evidence.
 - c. Notify a Crime Scene Detective (CSD) to process the scene, if needed.
 - d. Investigate the incident and complete the appropriate reports.
 - e. Write MALICIOUS INTIMIDATION/HARASSMENT CRIME on the top of the *Incident Report* in the "Attention" section.
 - f. If possible, ensure that the physical remains of the incident are removed after processing is completed.

C. SUPERVISOR

1. The field supervisor shall notify the shift commander.
2. Arrange for an increase in the number of patrols in the affected area.
3. Ensure that accurate, detailed reports are completed.

D. CRIME SCENE DETECTIVES (CSD)

1. Investigative personnel shall respond to the scene, photograph and process the scene, and obtain samples of materials used (wood, paint, etc.) where possible.

E. RECORDS SECTION

1. When a Malicious Intimidation/Harassment crime *Incident Report* is received, Records Section personnel shall forward a copy of the report to the Organized Gangs Unit.

F. ORGANIZED GANGS UNIT

1. An investigator shall be assigned to the case for follow-up investigation.
2. A copy of the case shall be forwarded to the Chief of Police.
3. A copy of the case shall be forwarded to the Oklahoma State Bureau of Investigation within 72 hours as provided by 21 O.S. 850.

REGULATIONS: None

REFERENCES: None