



To: HRRC

Agenda Item #: VI. A.

From: MJ Lamon Staff Liaison

Action

Date: 6/24/2014

Discussion

Information

Subject: Bias Offense Response & Prevention Plan (Winnick)

Action Requested:

Approve the revised Bias Offense Response & Prevention Plan and adopt a set of recommendations from the Department Interview Reports

Information / Background:

Discussion continued from May 2014 HRRC Meeting. The Bias Offense Response Plan Subcommittee presented a original revised draft of the Bias Offense Response Plan in May (included). If approved, it needs to be sent to the City Council for adoption.

Draft revisions for the plan were received from Commissioner Kennedy and compiled with staff changes by Winnick, Commissioner Sanders also submitted revisions which are included separately. Winnick submitted draft revisions to the resolution. All sets of revisions are included as attachments and watermarks denote the author.

Last fall, Commissioners Winnick, Bigbee and Seidman met with different City Departments to learn how they handle bias offenses. The group's reports and recommendations are attached. The HRRC must decide if you want to send any recommendations from the reports with the Bias Offense Response Plan to Council for review.

Attachment:

Draft plan revisions from Commissioners Sanders and Winnick; Draft resolution revisions from Commissioner Winnick.

Draft Bias Offense Response & Prevention Plan; Department Interview Reports (from May - denoted with an 'ORIGINAL' watermark).



Bias Offense Response and Prevention Plan

INTRODUCTION

The Bias Offense Response and Prevention Plan (the Plan) was first drafted by the Edina Human Rights and Relations Commission (HRRC) in 1994. The Plan was proposed to the Edina City Council in March 1997 and adopted with some slight revisions on May 5, 1997. The HRRC is directed to review the Plan at least once per year and provide recommended amendments to the City Council for approval as needed. The Plan was updated in 2003, 2008, and most recently in 2011, and 2014.

Minority population increases continue among the City's residents, workforce, and school population. Approximately 20% of the school population is identified as ethnic minority, according to School District information. With increasing diversity in the City and School populations, attention is called to the Plan in order that participants are prepared to deal with its provisions should incidents occur which would warrant its implementation.

PURPOSES

- To establish a procedure for appropriate and timely local response to bias offenses thus showing strong community support for the victim and zero community tolerance for bias offenses that occur within the boundaries of the City of Edina;
- To raise awareness of this issue within the community;
- To establish a network of community resources that can be activated as needed.

The Edina HRRC provides or coordinates support to victims of bias based offenses and leadership in the community in the prevention of such offenses through education and collaborative community action against prejudice and bigotry. It is not the role of the Edina HRRC, however, to investigate such crimes.

BIAS OFFENSE DEFINED

A bias offense is defined by Minnesota Statute Section 611A.79, a copy of which is included in Appendix A.

PARTNERSHIP

The Edina HRRC will partner with the citizens and organizations in the community in order to provide timely, meaningful support to victims of bias offenses. Community partners are identified on Appendix B.

Key partners include:

- Edina Police Chief
- Edina City Manager
- Edina Bias Offense Response Plan Community Resources Network, attached
- Edina Mayor and City Council, if appropriate
- Edina School Superintendent, if appropriate
- Local media, if appropriate

Other supporting partners, including professional mediation organizations, may be requested if appropriate.



Bias Offense Response and Prevention Plan

RESPONSE AND PREVENTION PLAN PROCESS:

- 1) Subject to the limitations in Mn. Stat. Chapter 13, Government Data Practices Act, the Edina Police Department will notify the City Manager and the HRRC Chair of a bias offense as soon as possible after a complaint has been investigated and determined to be valid. Together, the Police Chief, City Manager and HRRC Chair will determine the appropriate level of response including any necessary public statements.
- 2) The City Manager will notify the Mayor or City Council as appropriate. Upon receipt of a signed Data Practices Release Form from the victim, the HRRC Chair will promptly contact the victim(s) to offer support and determine what further response from the City or community the victim desires and may be appropriate; unless the Police Chief informs the Chair that the initial victim requests privacy and that no action be taken.
- 3) The HRRC Chair will call upon members of the Community Resources Network as needed respecting the privacy request of the initial victim. Community response options include:
 - Contact appropriate members of Community Resources Network to inform them of a bias/hate crime and request their support and participation in the response.
 - Notify the Minnesota Department of Human Rights, if needed.
 - Only where appropriate and after consultation with the initial victim(s) and the City Manager, the HRRC and/or network representatives may plan a community-wide response.
- 4) Follow-up contact with the victim(s) should be made in person or by telephone by the HRRC Chair or designated contact person. Check on any recurrences, other problems and offer continued support.
- 5) HRRC Chair or designee will initiate follow-up contact as appropriate.
- 6) After follow-up has occurred, the HRRC and network representatives involved shall meet as necessary to review the process of response and take action or make changes.
- 7) The HRRC will send letters of appreciation to network representatives involved.
- 8) In the event public property, including any building, structure or vehicle, is damaged or defaced as a result of an action that may constitute a bias offense under Minnesota law, the provisions of this Plan Process shall be implemented. The term “public property” in this context means property owned, leased or used within the City regardless of ownership of such public property. However, in the event the public property is owned or operated by a public body other than the City, such owner or operator shall be offered the opportunity to become a part of the plan
- 9) The HRRC Chair will provide a summary report of the response to the Edina City Council and Police Chief.
- 10) At least annually, the HRRC will review the overall process and recommend necessary amendments to the City Council and Police Chief.
- 11) The HRRC will periodically sponsor trainings to promote the understanding and prevention of bias offenses through collaborative community action.



Bias Offense Response and Prevention Plan

APPENDIX A

2013 Minnesota Statutes: <https://www.revisor.mn.gov/statutes/?id=611a.79>

611A.79 CIVIL DAMAGES FOR BIAS OFFENSES.

Subdivision 1. **Definition.**

For purposes of this section, "bias offense" means conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section [363A.03](#), age, or national origin.

Subd. 2. **Cause of action; damages and fees injunction.**

A person who is damaged by a bias offense has a civil cause of action against the person who committed the offense. The plaintiff is entitled to recover the greater of:

- (1) \$500; or
- (2) actual general and special damages, including damages for emotional distress.

A plaintiff also may obtain punitive damages as provided in sections [549.191](#) and [549.20](#) or an injunction or other appropriate relief.

Subd. 3. **Relation to criminal proceeding; burden of proof.**

A person may bring an action under this section regardless of the existence or outcome of criminal proceedings involving the bias offense that is the basis for the action. The burden of proof in an action under this section is preponderance of the evidence.

Subd. 4. **Parental liability.**

Section [540.18](#) applies to actions under this section, except that:

- (1) the parent or guardian is liable for all types of damages awarded under this section in an amount not exceeding \$5,000; and
- (2) the parent or guardian is not liable if the parent or guardian made reasonable efforts to exercise control over the minor's behavior.

Subd. 5. **Trial; limitation period.**

- (a) The right to trial by jury is preserved in an action brought under this section.
- (b) An action under this section must be commenced not later than six years after the cause of action arises.

Subd. 6. **Other rights preserved.**

The remedies under this section do not affect any rights or remedies of the plaintiff under other law.

History:

[1996 c 468 s 1](#)



Bias Offense Response and Prevention Plan

APPENDIX B

Community Resources Network

ORGANIZATION	CONTACT	TELEPHONE
Edina Human Rights & Relations Commission	Staff Liaison	952-927-8861
Edina Police Department	Chief of Police	952-826-1610
City of Edina	City Manager	952-927-8861
Edina City Council	Mayor	952-927-8861
Edina Public School District #273	Superintendent	952-848-4000
Richfield Public School District	Superintendent	612-798-6000
Hopkins Public School District	Superintendent	952-988-4000
Edina Chamber of Commerce	Lori Syverson	952-806-9060
Hennepin County	County Attorney	612-348-5550
Owner/operator of 'public property' if not the City of Edina	Call the Human Rights and Relations Staff Liaison for assistance	952-927-8861
Professional Mediation Organizations	Call the Human Rights and Relations Staff Liaison for resource list	952-927-8861



Informed Consent to Release Private Information

Pursuant To Minnesota Statute 13.05, Subd. 4

Data Practices Act

On (DATE) the Edina Police Department responded to a (type of call) at (address or location). After investigating the incident it was determined that this incident could be considered a bias crime. The Edina Human Rights and Relations Commission (HRRC) provides support to victims of bias crimes and maintains a zero-tolerance for bias crimes within the City of Edina. As you are listed as the victim and victim information is considered private data, the Edina Police Department has not and will not release your contact information to the HRRC without your informed consent.

The Edina Human Rights and Relations Commission (HRRC) would like to offer its services to you regarding the above incident.

Please indicate below whether or not you would like to be contacted the HRRC to assess whether you would like to avail yourself of their services, and return the form in the self-addressed envelope within 10 days.

_____ No, I do not want any personal information released to the HRRC regarding this incident.

(Signature)

Date

_____ Yes, I would like to be contacted by the HRRC for support services and I authorize the Edina Police Department to release my contact information including my name, address, and telephone number.

(Signature)

Date

Communications & Technology Services Department
Phone 952-826-0359 • Fax 952-826-0389 • www.EdinaMN.gov



To: Chief Long, Interim Chief Todd, Director Kattreh, Director Olson, Assistant Manager Kurt
cc: Human Rights and Relations Chair, Arnie Bigbee
From: Scott Neal, City Manager
Date: October 2nd, 2013
Subject: Human Rights and Relations City Departmental Survey

The Human Rights and Relations Commission (HRRC) seeks to work with City Departments to discourage incidents such as occurred on Aug 11, when the South View Middle School building exterior was defaced by vandals. The defacement included names of school officials, graffiti and two hateful words. The HRRC believes that a survey of City Departments should be undertaken to determine if other events or actions of this type have occurred or hateful words used in or during interactions with the Public. Based on findings of this information gathering, the HRRC may recommend the City pursue other initiatives.

The goal is to gather information from staff in your Departments having interactions with the Public. Information gathered from these conversations may form the basis of HRRC recommendations designed to reduce or eliminate such hateful occurrences in the future.

Members of the HRRC will interview selected staff of your Departments together with a review of reporting forms, statistics, procedures and notes which may show:

- (i) incidents of human rights intrusions, insensitive behavior patterns or violations of policies or law within City Departments
- (ii) whether City staff interacting with the Public have encountered hateful actions or behavior or human rights intrusions in the course of performing their duties
- (iii) whether further information or action should be recommended to City staff and/or the Mayor and Council. Further information gathering may include outreach to the School District for further cooperative programs with student and parent organizations.

Note: This review will not require disclosure of non-public information obtained by City Officials under applicable law. Private data should be deleted from any written information shared with HRRC representatives.

Arnie Bigbee and Steve Winnick of the HRRC will be contacting you soon to arrange conversations with you and director-selected staff members. I appreciate your full cooperation with Steve and Arnie in this task.

HRRC MEETING REPORT

PARKS AND RECREATION DEPARTMENT

Date: October 24, 2013

Attendees: Arnie Bigbee, Chair and Steve Winnick, Member, HRRC

Ann Kattreh, Director and Kristin Aarsvold, Recreation Supervisor

At the request of the Mayor and City Manager, this meeting was held for the purpose of determining whether hateful or otherwise inappropriate behavior has been observed or experienced within City Departments. Meetings with each Department head and key management personnel will focus on both staff to staff experiences and staff interaction with the public. These meetings are intended to provide the Mayor, City Council, City Manager and HRRC with current data on these issues from the City's perspective following the August 11 defacement of South View Middle School.

Internal Department Experience

No hateful or otherwise inappropriate experience was reported involving City employees' behavior toward one another.

Interactions with Public

Ms. Aarsvold began by stating that the Department employs approximately 50 part-time staff to work with various program, primarily in the summer. She described the training she and other staff provide for these part-time employees including:

- City of Edina Park and Recreation Bullying Policy and **bullying report form**
- Behavior Management and Reporting **incident/accident log**
- Youth Sports Core Values and Community Strategy
- Edina Youth Sports **Code of Conduct** brochure

All of these policies/documents are communicated to youth and adult program participants, coaches and parents and sponsoring organizations, if any. The expectation is positive with staff being coached to model respect and fun in a game environment that is often competitive. The practice is to encourage mutual support to the extent that participants are discouraged from being "bystanders" (those who observe a person being bullied or otherwise mistreated but do nothing to intervene). Followup with parents is recommended in recurring cases.

Ms. Aarsvold said there have been no reports of bullying since the policy was implemented.

Youth sports organizations which reserve Park and Recreation facilities receive a copy of the Bullying Policy and Code of Conduct brochure.

Ms. Aarsvold also stated that there are two Edina sports facilities which are co-owned by the City and the Edina School District, both of which are in school buildings. Reservations and conditions of facility use are the responsibility of the School District. It is not know what information/guidance/expectations are provided to the user groups arranging use of those two facilities. The Amateur Athletic Union (AAU) is a major user of the facilities. Training of their coaches in bullying and behavior management, along with reporting, when using Edina Park and Recreation facilities, is not known. Ms. Kattreh noted that there have been incidences of abuse of Park and Recreation properties, but none that have risen to the level of being biased or hateful.

Recommendation

We recommend a city wide departmental report form be used similar to that developed by the Parks and Recreation Department and that an annual tabulation of incidents be given to the City Manager for transmission to the HRRC, Mayor and City Council.

ORIGINAL

HRRC MEETING REPORT POLICE DEPARTMENT

Date: October 28, 2013

Attendees: Arnie Bigbee, Chair and Jan Seidman, Vice-Chair, HRRC

Internal Affairs Officer: Mike Nibbe

At the request of the Mayor and City Manager, this meeting was held for the purpose of determining whether hateful or otherwise inappropriate behavior has been observed or experienced within City Departments. Meetings with each Department head and key management personnel focus on both staff to staff experiences and staff interaction with the public. These meetings are intended to provide the Mayor, City Council, City Manager and HRRC with current data on these issues from the City's perspective following the August 11, defacement of South View Middle School.

Internal Department Experience

Officer Nibbe indicated that he has forwarded a copy of the Bias/Hate Crimes Process to all officers of the Edina Police Force on October 28, 2013. This will ensure that each officer is up to date in their awareness of this process. He indicated that an informal inquiry of several individual officers indicated that they were aware of the current process. He indicated that, like the Fire Department staff, the force is primarily caucasian. He could not recall any incidents of staff-to-staff expressions of bias or hateful words or actions. He also referenced the current City of Edina Values training for all employees which emphasizes Integrity, Quality and Service (IQS).

Interactions With the Public

Having been with the department for over three decades, Officer Nibbe said he could only recall one incidence of an individual claiming that their interaction with the department was biased because of race. This was over a decade ago and the claim was found to be without merit. He also noted that in 2010 there were two incidences of a swastika being placed in Edina, one "keyed" on the side of an automobile and the other being painted graffiti on public property. In this regard, an incident which includes swastikas (a well known symbol of hate against Jews, gays and people of color) was not just vandalism. An incident like this should have been reported immediately to invoke the Bias/Hate crimes process, engaging the HRRC and others in Edina for conversations, actions and resolution.

Recommendation

We recommend a city wide departmental report form be used similar to that developed by the Parks and Recreation Department and that an annual tabulation of incidents be given to the City Manager for transmission to the HRRC, Mayor and City Council.

FROM STEVE

The August South View Middle School graffiti/vandalism incident was the focus of a recent Police Department internal communication reminding officers of City's Bias - Hate Crime Policy Plan and procedure. The Department determined that the "victim" of that incident was the School District and not the public generally. This finding should be reviewed whenever an incident under the Plan occurs.

ORIGINAL

HRRC MEETING REPORT

DEPARTMENT OF ADMINISTRATION

Date: October 29, 2013

Attendees: Arnie Bigbee, Chair and Jan Seidman, Vice-Chair of HRRC

Karen Kurt, Vice-Chair of Administration, Steven Grausam, Director of Liquor Operations

At the request of the Mayor and City Manager, this meeting was held for the purpose of determining whether hateful or otherwise inappropriate behavior has been observed or experienced within City Departments. Meetings with each Department head and key management personnel focus on both staff to staff experiences and staff interaction with the public. These meetings are intended to provide the Mayor, City Council, City Manager and HRRC with current data on these issues from the City's perspective following the August 11, defacement of South View Middle School.

Internal Department Experience

During this conversation, there was no recollection of any staff-to-staff complaints of a bias/hateful nature. The Department follows a policy of employees directed to access their supervisors director if there is an issue about which they are concerned. Most often, issues which do arise are dealt with between the supervisor and the employee or with the participation of the HR Director. This is established protocol for all City employees.

Interactions With the Public

In the Department, most interactions with the public occur in the office of the City Clerk and in the Edina City Liquor Stores. The City Clerks Office has not had any records indicating biased or hateful interactions between staff and the public. Mr. Grausam of the Liquor Store Operations noted that the mandatory ID checking of customers judged to be under 40 years of age can cause negative reactions from customers at times. If a customer who is judged to be under age 40 is asked for their ID and cannot produce it, they will not be able to make their purchase. If the customer is a member of a protected class (race, sexual orientation, ADA, etc.) they may on rare occasions allege that the reason for being denied a purchase is something other than their age. Mr. Grausam indicated that the most frequent problem at the Southdale store had been attempted thefts of alcohol. Since the store was remodeled in 2011 (with an effort to design

spaces and aisles easily visible to the staff) the incidence of attempted thefts has decreased dramatically, from 6/year in 2011 to 1/year in 2012.

Recommendation

We recommend a city wide departmental report form be used similar to that developed by the Parks and Recreation Department and that an annual tabulation of incidents be given to the City Manager for transmission to the HRRC, Mayor and City Council.

ORIGINAL

HRRC MEETING REPORT

DEPT OF PUBLIC WORKS

Date: October 22, 2013

Attendees: Arnie Bigbee, Chair and Steve Winnick, Member HRRC

**Brian Olson, Dir, Dave Goergen, Bob Prestrud, and John Scheerer, Edina
Dept. of Public Works.**

At the request of the Mayor and City Manager, this meeting was held for the purpose of determining whether hateful or otherwise inappropriate behavior has been observed or experienced within City Departments. Meetings with each Department head and key management personnel focus on both staff to staff experiences and staff interaction with the public. These meetings are intended to provide the Mayor, City Council, City Manager and HRRC with current data on these issues from the City's perspective following the August 11 defacement of South View Middle School.

Internal Department Experience

No hateful or otherwise inappropriate experience was reported involving City employees' behavior toward one another.

Interactions with Public

Because of the nature of the work of the Department, occasional inappropriate comments or angry outbursts are directed to City staff. Nothing "out of the ordinary" has been noted. Very occasionally, frustrated citizens objecting to street closures, detours or temporary obstructions will express themselves inappropriately. Staff is prepared for this, according to Director Olson. He stated that "this goes with the job". No statistics are kept or reporting systems used to track this behavior.

Significant Behavior

Director Olson noted that graffiti painted on Park buildings, benches and under bridges has increased to about “twelve or so” this year to date; from 8 in 2012 and 3 incidents in 2011. Total costs to the City for cleanup has been approximately \$13,000 year to date.

The words spray painted include: “NOS”, “HERR”, and “SPOOR”. In past years the “N” and “F” words have been seen (no actual number of incidences are compiled). Photos of graffiti appearing this year are attached.

The principal locations for spray painting are: the 50th and France area, under railroad and highway bridges, on railroad property and on public park and playground properties (for which the Public Works Department now has the responsibility of maintaining).

Recommendation

We recommend a city wide departmental report form be used similar to that developed by the Parks and Recreation Department and that an annual tabulation of incidents be given to the City Manager for transmission to the HRRC, Mayor and City Council.

HRRC MEETING REPORT

FIRE DEPT.

Date: October 25, 2013

Attendees: Arnie Bigbee, Chair and Steve Winnick, Member HRRC

Interim Fire Chief Darrell Todd

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Internal Department Experience

No hateful or otherwise inappropriate experience was reported involving City employees' behavior toward one another. It was noted that the Department consists of all white males, with exception of one "on call" EMT, who is female. All full time Edina firefighters are certified Emergency Medical Technicians.

Interactions with Public

Because of the nature of the work of the Department, occasional inappropriate comments or angry outbursts are directed to Fire Department Emergency Medical personnel. With one exception, nothing "out of the ordinary" has been noted. No statistics are kept or reporting systems used to track this behavior. However all

complaints are logged into the Chief's computer. The majority of complaints received are for the cost of the EMT service, which is passed on to the patient or his/her insurer(including Medicare).

Significant Behavior

A customer service complaint was related that occurred a year or so earlier in which an EMT allegedly kicked or nudged a patient with his foot to determine if the patient was conscious. A lawsuit against the City ensued which was resolved and included the requirement of internal staff training and discipline to the EMT. The citizen making the complaint included reference to disparate treatment because of sexual orientation. No further action was reported; the individual EMT continues to be employed in this position.

Recommendation

We recommend a city wide departmental report form be used similar to that developed by the Park and Recreation Dept. and that an annual tabulation of incidents be given to the City Manager for transmission to the HRRC, Mayor and City Council.



Bias Offense Response and Prevention Plan

INTRODUCTION

The Bias Offense Response and Prevention Plan (the Plan) was first drafted by the Edina Human Rights and Relations Commission (HRRC) in 1994. The Plan was proposed to the Edina City Council in March 1997 and adopted with some slight revisions on May 5, 1997. The HRRC is directed to review the Plan at least once per year and provide recommended amendments to the City Council for approval as needed. The Plan was updated in 2003, 2008, and most recently in 2011, and 2014.

Minority population increases continue among the City's residents, workforce, and school population. Approximately 20% of the school population is identified as ethnic minority, according to School District information. With increasing diversity in the City and School populations, attention is called to the Plan in order that participants are prepared to deal with its provisions should incidents occur which would warrant its implementation.

PURPOSES

- To establish a procedure for appropriate and timely local response to bias offenses thus showing strong community support for the victim and zero community tolerance for bias offenses that occur within the boundaries of the City of Edina;
- To raise awareness of this issue within the community;
- To establish a network of community resources that can be activated as needed.

The Edina HRRC provides or coordinates support to victims of bias-based offenses and provides leadership in the community to prevent such offenses through education and collaborative community action against prejudice and bigotry. It is not the role of the Edina HRRC, however, to investigate such crimes.

BIAS OFFENSE DEFINED

A bias offense is defined by Minnesota Statute Section 611A.79, a copy of which is included in Appendix A.

PARTNERSHIP

The Edina HRRC will partner with the citizens and organizations in the community to provide timely, meaningful support to victims of bias offenses. Local community partners are identified in Appendix B, Community Resources Network.

Key partners include:

- Edina Police Chief
- Edina City Manager
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- Edina Mayor and City Council, if appropriate
- Edina School Superintendent, if appropriate
- Local media, if appropriate

Other supporting partners, including professional mediation organizations, may be requested if appropriate.



Bias Offense Response and Prevention Plan

RESPONSE AND PREVENTION PLAN PROCESS:

- 1) Subject to the limitations in Minn. Stat. Chapter 13, Government Data Practices Act, the Edina Police Department will notify the City Manager and the HRRC Chair upon receipt of a substantiated report of an event or incident which may constitute a bias offense under Minn. State statute. Together, the Police Chief, City Manager, and HRRC Chair will determine the appropriate level of response, including any necessary public statements.
- 2) The City Manager will notify the Mayor or City Council as appropriate. Upon receipt of a signed Data Practices Release Form from the victim, the HRRC Chair will promptly contact the victim(s) to offer support and determine what further response from the City or community the victim desires and what may be appropriate unless the Police Chief informs the Chair that the initial victim requests privacy and that no action should be taken.
- 3) The HRRC Chair will call upon members of the Community Resources Network as needed, respecting the privacy request of the initial victim. Community response options include:
 - Contact appropriate members of Community Resources Network to inform them of a bias/hate crime and request their support and participation in the response.
 - Notify the Minnesota Department of Human Rights, if needed.
 - Only where appropriate and after consultation with the initial victim(s) and the City Manager, the HRRC and/or network representatives may plan a community-wide response.
- 4) Follow-up contact with the victim(s) should be made in person or by telephone by the HRRC Chair or designated contact person, who will check on any recurrences, other problems and offer continued support.
- 5) HRRC Chair or designee will initiate follow-up contact as appropriate.
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- 7) The HRRC will send letters of appreciation to network representatives involved.
- 8) In the event that public property, including any building, structure or vehicle, is damaged or defaced as a result of an action that may constitute a bias offense under Minnesota law, the provisions of this Plan shall be implemented. The term "public property" in this context means property owned, leased or used within the City regardless of ownership of such public property. However, in the event that the public property is owned or operated by a public body other than the City, such owner or operator shall be offered the opportunity to become a part of the Plan
- 9) The HRRC Chair will provide a summary report of the response to the Edina City Council and Police Chief.
- 10) At least annually, the HRRC will review the overall process and recommend necessary amendments to the City Council and Police Chief.
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Bias Offense Response and Prevention Plan

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- (1) \$500; or
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- (a) The right to trial by jury is preserved in an action brought under this section.
- (b) An action under this section must be commenced not later than six years after the cause of action arises.

Subd. 6. **Other rights preserved.**

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History:

[1996 c 468 s 1](#)



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Edina Chamber of Commerce	Lori Syverson	952-806-9060
Hennepin County	County Attorney	612-348-5550
Owner/operator of 'public property' if not the City of Edina	Call the Human Rights and Relations Staff Liaison for assistance	952-927-8861
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REVISIONS FROM SANDERS



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INTRODUCTION

The Bias Offense Response and Prevention Plan (the Plan) was first drafted by the Edina Human Rights and Relations Commission (HRRRC) in 1994. The Plan was proposed to the Edina City Council in March 1997 and adopted with some slight revisions on May 5, 1997. The HRRRC is directed to review the Plan at least once per year and provide recommended amendments to the City Council for approval as needed. The Plan was updated in 2003, 2008, and most recently in 2011, and 2014.

Minority population increases continue among the City's residents, workforce, and school population. Approximately 20% of the ~~Edina School District~~ population is identified as ethnic minority, according to ~~School-school District-district~~ information. With increasing diversity in the ~~City-city~~ and ~~School-school~~ populations, attention is called to the Plan ~~in order that to ensure~~ participants are prepared to ~~deal with implement~~ its provisions should ~~triggering~~ incidents occur ~~which would warrant its implementation~~.

PURPOSES

- To establish a procedure for appropriate and timely local response to bias offenses thus showing strong community support for the victim and zero community tolerance for bias offenses that occur within the boundaries of the City of Edina;
- To raise awareness of this issue within the community;
- To establish a network of community resources that can be activated as needed.

The Edina HRRRC ~~provides or coordinates support to victims of bias based offenses and leadership in the community in the prevention of such offenses through education and collaborative community action against prejudice and bigotry. However, it is not the role of the Edina HRRRC, however, to investigate such crimes bias offenses.~~

BIAS OFFENSE DEFINED

A bias offense is defined by Minnesota Statute Section 611A.79, a copy of which is included in Appendix A.

PARTNERSHIP

The Edina HRRRC will partner with the citizens and organizations in the community ~~in order~~ to provide timely, meaningful support to victims of bias offenses. Community partners are identified ~~in~~ Appendix B.

Key partners include:

- Edina Police Chief
- Edina City Manager
- Edina Bias Offense Response Plan Community Resources Network, ~~attached~~ included in Appendix B
- Edina Mayor and City Council, if appropriate
- Edina School Superintendent, if appropriate
- Local media, if appropriate

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Other supporting partners, including professional mediation organizations, may be requested if appropriate.

RESPONSE AND PREVENTION PLAN PROCESS:

- 1) Subject to the limitations in Minn. Stat. Chapter 13, Government Data Practices Act, the Edina Police Department will notify the City Manager and the HRRC Chair of a bias offense as soon as possible after a complaint has been investigated and determined to be valid. Together, the Edina Police Chief, City Manager and HRRC Chair will determine the appropriate level of response including any necessary public statements.
- 2) The Edina City Manager will notify the Mayor or City Council as appropriate. Upon receipt of a signed Data Practices Release Form from the victim, the HRRC Chair will promptly contact the victim(s) to offer support and determine what further response from the City or community the victim desires and may be appropriate; unless, if the Edina Police Chief informs the HRRC Chair that the initial victim requests privacy, then the HRRC will make no contact, and that no action be taken.
- 3) The HRRC Chair will call upon members of the Community Resources Network as needed respecting the privacy request of the initial victim. Community response options include:
 - Contact appropriate members of Community Resources Network to inform them of a bias/hate crime and request their support and participation in the response.
 - Notify the Minnesota Department of Human Rights, if needed.
 - Only where appropriate and after consultation with the initial victim(s) and the Edina City Manager, the HRRC and/or network representatives may plan a community-wide response.
- 4) Follow-up contact with the victim(s) should be made in person or by telephone by the HRRC Chair or designated contact person. Check on any recurrences, other problems and offer continued support.
- 5) HRRC Chair or designee will initiate follow-up contact as appropriate.
- 6) After follow-up has occurred, the HRRC and network representatives involved shall meet as necessary to review the process of response and take action or make changes.
- 7) The HRRC will send letters of appreciation to network representatives involved.
- 8) In the event public property, including any building, structure or vehicle, is damaged or defaced as a result of an action that may constitute a bias offense under Minnesota law, the provisions of this Plan Process shall be implemented. The term "public property" in this context means property owned, leased, or used within the City regardless of ownership of such public property. However, in the event the public property is owned or operated by a government, or its agencies, divisions, or entities public body other than the City of Edina, such owner or operator shall be offered the opportunity to become a part of the plan
- 9) The HRRC Chair will provide a summary report of the response to the Edina City Council and Police Chief.
- 10) At least annually, the HRRC will review the overall process and recommend necessary amendments to the Edina City Council and Police Chief.
- 11) The HRRC will periodically sponsor trainings to promote the understanding and prevention of bias offenses through collaborative community action.

Comment [T1]: This is not a complete sentence so I'm not sure what it means.

Comment [T2]: Number 5 is duplicative of Number 4. I prefer the wording of Number 5.

Comment [T3]: This definition is overly broad – owned, leased, or used by whom? I suggest the following definition:

The term "public property" means property owned, leased, or used by the City of Edina or any other government, or its agencies, divisions, or entities.

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Bias Offense Response and Prevention Plan

APPENDIX A

2013 Minnesota Statutes: <https://www.revisor.mn.gov/statutes/?id=611a.79>

611A.79 CIVIL DAMAGES FOR BIAS OFFENSES.

Subdivision 1. **Definition.**

For purposes of this section, "bias offense" means conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section [363A.03](#), age, or national origin.

Subd. 2. **Cause of action; damages and fees injunction.**

A person who is damaged by a bias offense has a civil cause of action against the person who committed the offense. The plaintiff is entitled to recover the greater of:

- (1) \$500; or
- (2) actual general and special damages, including damages for emotional distress.

A plaintiff also may obtain punitive damages as provided in sections [549.191](#) and [549.20](#) or an injunction or other appropriate relief.

Subd. 3. **Relation to criminal proceeding; burden of proof.**

A person may bring an action under this section regardless of the existence or outcome of criminal proceedings involving the bias offense that is the basis for the action. The burden of proof in an action under this section is preponderance of the evidence.

Subd. 4. **Parental liability.**

Section [540.18](#) applies to actions under this section, except that:

- (1) the parent or guardian is liable for all types of damages awarded under this section in an amount not exceeding \$5,000; and
- (2) the parent or guardian is not liable if the parent or guardian made reasonable efforts to exercise control over the minor's behavior.

Subd. 5. **Trial; limitation period.**

- (a) The right to trial by jury is preserved in an action brought under this section.
- (b) An action under this section must be commenced not later than six years after the cause of action arises.

Subd. 6. **Other rights preserved.**

The remedies under this section do not affect any rights or remedies of the plaintiff under other law.

History:

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APPENDIX B

Community Resources Network

	ORGANIZATION	CONTACT	TELEPHONE
	Edina Human Rights & Relations Commission	Staff Liaison	952-927-8861
	Edina Police Department	Chief of Police	952-826-1610
	City of Edina	City Manager	952-927-8861
	Edina City Council	Mayor	952-927-8861
	Edina Public School District #273	Superintendent	952-848-4000
	Richfield Public School District	Superintendent	612-798-6000
	Hopkins Public School District	Superintendent	952-988-4000
	Edina Chamber of Commerce	Lori Syverson	952-806-9060
	Hennepin County	County Attorney	612-348-5550
	Owner/operator of 'public property' if not the City of Edina	Call the Human Rights and Relations Staff Liaison for assistance	952-927-8861
	Professional Mediation Organizations	Call the Human Rights and Relations Staff Liaison for resource list	952-927-8861

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Informed Consent to Release Private Information

Pursuant To Minnesota Statute § 13.05, Subd. 4

Government Data Practices Act

On (DATE) the Edina Police Department responded to a (type of call) at (address or location) (incident). After an investigation, ~~the incident~~ it was determined that this incident could be considered a bias ~~crime~~ offense. The Edina Human Rights and Relations Commission (HRRC) provides support to victims of bias ~~crimes~~ offenses and maintains a zero-tolerance for bias ~~crimes~~ offenses within the City of Edina. ~~As~~ You are ~~listed as the~~ victim of this incident, but ~~and~~ victim information is considered private data. ~~The~~ Edina Police Department has not, and will not, release your contact information to the HRRC without your informed consent.

The Edina Human Rights and Relations Commission (HRRC) would like to offer its services to you regarding the above incident.

Please indicate below whether ~~or not~~ you would like to be contacted by the HRRC to receive information on the support and assess whether you would like to avail yourself of their services the HRRC provides, and return ~~the this~~ form in the enclosed self-addressed envelope within 10 days.

_____ No, I do not want to be contacted by ~~want any personal information released to~~ the HRRC regarding this incident. ~~regarding support services.~~

_____ Yes, I would like to be contacted by the HRRC for support services, and ~~I~~ authorize the Edina Police Department to release my ~~contact information including my~~ name, address, and telephone number, to the HRRC.

(Signature)

Date



Informed Consent to Release Private Information

Pursuant To Minnesota Statute 13.05, Subd. 4

Data Practices Act

On (DATE) the Edina Police Department responded to a (type of call) at (address or location). After investigating the incident it was determined that this incident could be considered a bias crime. The Edina Human Rights and Relations Commission (HRRRC) provides support to victims of bias crimes and maintains a zero-tolerance for bias crimes within the City of Edina. As you are listed as the victim and victim information is considered private data, the Edina Police Department has not and will not release your contact information to the HRRRC without your informed consent.

The Edina Human Rights and Relations Commission (HRRRC) would like to offer its services to you regarding the above incident.

Please indicate below whether or not you would like to be contacted the HRRRC to assess whether you would like to avail yourself of their services, and return the form in the self-addressed envelope within 10 days.

_____ No, I do not want any personal information released to the HRRRC regarding this incident.

_____ Yes, I would like to be contacted by the HRRRC for support services and I authorize the Edina Police Department to release my contact information including my name, address, and telephone number.

(Signature)

Date

Resolutions of the Edina HRRC

Re: Bias Offenses Response Plan

RESOLVED, That the 2014 Amended Bias Offense and Response Plan be adopted by the Human Rights ~~&~~**and** Relations Commission and be transmitted to the City Council; **and** together with the Recommendation that it be adopted by the Council as the City's Plan and Procedural Process should Bias Offenses under Minnesota Law occur within the City or upon public property owned, leased or used by other public bodies located within the City.

Re: Reporting of Bias by City Departments

RESOLVED, That the City Manager, subject if necessary to City Council approval, establish Periodic Reporting Procedures, including written formats tailored to each City Department, regarding the reporting of incidents of bias under Minnesota Law occurring within City Departments or observed by City employees while interacting with the public in the course of performing their duties.

RESOLVED FURTHER, That Reporting Forms substantially similar to those developed by the Parks & Recreation Department be utilized by each City Department; and that an annual tabulation of bias incidents occurring within each Department or observed in interactions with the public be provided to the City Manager for transmission to the HRRC, Mayor and City Council on a regular basis.

May 27, 2014