



Equal Opportunities Commission Agenda Item

Meeting Date: April 3, 2023

Agenda Item: EOC Hate Bias Form/Procedures

Staff Contact: John S. Weidl, City Manager; jweidl@whitewater-wi.gov, 262-473-0104
(name, email, phone)

BACKGROUND

(Enter the who, what when, where, why)

To: Equal Opportunities Commission
From: City Manager John Weidl
RE: EOC Hate Bias Form/Procedures

Staff have had the opportunity to carefully consider the suggestion that the City of Whitewater approve a Hate Bias Report Complaint process and have met with the Police Chief and City Attorney concerning the proposal and have the following recommendation.

Executive summary

While the staff strongly supports the goals and principles of such a process, we as a group do not recommend that a process be implemented in the City.

Basis for recommendation

We do not believe our City non-police staff has the expertise to investigate and make findings and decisions on these types of complaints. This process could include interpreting complex statutes and codes and applying them to the facts and also involve other difficult analysis and decisions. Because a City Staff "violation" finding, could have a serious effect on an individual's reputation and employment opportunities etc., it would be necessary to have proper due process in place which should include a hearing type opportunity which would require notice and the right to be heard. This is often like a judicial trial proceeding. The draft procedure lacks the type of specific process that would be needed to provide this due process. There are various Federal and State laws protecting individuals from this type of conduct and there are agencies that are trained to investigate and process offenses. If a violation is found to have taken place, there are procedures in place to prosecute the allegations with highly skilled individuals including investigators, attorneys and administrative law judges handling various levels of the process. Even with these highly trained individuals involved in the proceedings, there are appeals to the courts because there are many difficult decisions both legally and factually.

One alternate option would be for the EOC to develop an information resource that could be made available to individuals who believe they have been a victim of a crime or discrimination or other improper conduct.

STAFF RECOMMENDATION

Develop an information resource and make clear that the police department will investigate criminal complaints. Do not ask staff to investigate and make findings regarding non-criminal complaints.

ATTACHMENT(S) INCLUDED (If none, state N/A)

1. Draft Hate Bias Form and Procedures



Form Center

My Forms

Hate - Bias Reporting Form

Save Progress

This form is to be used for reporting of hate crimes, hate speech, bullying, unethical or discriminatory behavior occurring within the City of Whitewater by visitors, community members or city employees. The information is sent directly to the City Manager for action.

If this is an EMERGENCY situation, CALL 911. Do not use this form to report incidents that present an immediate threat to health and safety.

Complainant's First and Last Name:

Complainant's Phone:

Complainant's Email Address:

Please enter the following information. If something is unknown, simply state "unknown".

Date of Incident:*

Time of Incident:*

Location of Incident:*

Nature of Alleged Bias*

Please check all the categories below that describe this incident (required)

- | | |
|---|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Race or Color |
| <input type="checkbox"/> Gender Identity/Expression | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Veteran Status |
| <input type="checkbox"/> Parental Status | <input type="checkbox"/> Other Bias (describe below) |

Complaint or Issue Narrative

Names and Contact Information of Individuals Involved

Supporting Documentation

No file chosen

Photos, video, email and other supporting documents may be attached below. There is a 5GB maximum total size.

Attachments require time to upload so please be patient after submitting this form

Disclaimer:

Anonymously filed complaints will be investigated, but you will not be notified of the outcome.

Information submitted on this form will be sent via email. To protect sensitive information, do not submit the following information on this form:

- Social Security numbers
- driver's license numbers
- bank account information and routing numbers
- medical information
- passport numbers
- and passwords

Whoever knowingly makes a false complaint will be subject to a Class A forfeiture.

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* indicates a required field

Quick Links

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Frequently Asked Questions

1. [Are licenses required for pets?](#)
2. [What are the animal control rules in the City of Whitewater?](#)
3. [Where is parking prohibited?](#)

 Government Websites by [CivicPlus®](#)



Procedure – Hate-Bias Reporting Form

- I. Hate-Bias Reporting Form Submission
 - A. The link to the Hate-Bias Reporting Form can be found on the City of Whitewater web site under the following areas:
 1. How Do I page under Submit
 2. Equal Opportunities Commission page
 3. City Manager’s page
 - B. Once submitted, the form is emailed to the City Manager and Executive Assistant
 1. the individual submitting the form will receive a canned response from the website
 2. The Executive Assistant will respond to the complainant within **two to five days as soon as possible**, if an email address or phone number is supplied on the form
 3. Anonymous complaints will be investigated, but the individual submitting the form will not be notified of the outcome.
 4. **Anonymous complaints will be forwarded to the Equal Opportunities Commission and the Common Council.**
- II. Form Review
 - A. Hate Crimes vs. Bias or Hate Incident (per U.S. Department of Justice)
 5. Hate Crimes: At the federal level, a **crime** motivated by bias against race, color, religion, national origin, sexual orientation, gender identity, or disability
 6. Bias or Hate Incident: Acts of prejudice that are not crimes and **do not involve violence, threats, or property damage**
 - B. Formal vs. Informal Complaints
 1. Informal complaints will be addressed by the City Manager through email or phone call if an email address or phone number is supplied on the form
 2. Formal complaints will be forwarded for investigation
 - C. The form is reviewed by the City Manager
 1. The complaint is forwarded as follows:
 - a. Criminal complaints (threats, violence, property damage) – Police Department
 - b. Non-criminal complaints (involving citizens, city employees, board, committee, commission or council members) – City Manager and HR Manager or City Attorney
 - c. Non-criminal complaints concerning the City Manager – Common Council President and City Attorney
- III. Investigation
 - A. For individuals who supply contact information, status updates on the investigation will be sent as updates occur.
 - B. For complaints sent to the Police Department
 1. Request acknowledgement of receipt of complaint
 2. Request copy of report when completed
 - C. **Investigation information will be released as appropriate.**
 - D. **Complaint updates will be submitted to the Equal Opportunities Commission.**
- IV. Dispositions
 - A. All known individuals submitting a form will receive notification of the investigation outcome **as soon as possible**.
- V. Documenting Form Submissions



Procedure – Hate-Bias Reporting Form

- A. All form submissions will be documented capturing the following;
 - 1. date and time of the form submission
 - 2. complainant information
 - 3. type of complaint
 - 4. dates of contact with the complainant
 - 5. final disposition

VI. Complaint Retention

- A. All complaints will be retained for seven years after the resolution of the complaint.
- B. The City Clerk shall retain the records.

DRAFT