

	RANDOLPH POLICE DEPARTMENT POLICY AND PROCEDURE
BIAS AND HATE CRIMES INV - 1	
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General Consideration This policy is intended to assist police officers in identifying "hate crimes". It is also intended to define appropriate steps for investigating and prosecuting hate crimes; reporting hate crimes data; assisting victims of hate crimes; and dealing with community issues related to hate crimes. It also reviews hate incidents and appropriate response from agency personnel.

Policy It is the policy of Randolph Police Department to safeguard the civil rights of every citizen regardless of their race, religion, ethnicity, sexual orientation, handicap, gender, or gender identity. To effectively safeguard civil rights and to protect citizens from hate crimes, police officers must be aware of what constitutes "Bias Motive", "Hate Crimes" and "Bias Indicators" as defined in 501 CMR 4.00. Hate Crimes shall be given high priority by this agency and all appropriate resources shall be used to investigate the crime, assist the victim(s), and to prosecute the offender(s).

Background Hate Crimes are devastating to the victim, the victim's family, and other persons of the same race, religion, ethnicity, sexual orientation, handicap, gender, or gender identity. Hate Crimes are offensive to an enlightened and sensitive community at large. Police officers must be aware of this and take appropriate steps to work with community resources to prevent hate crimes and to follow up after hate crimes have been committed.

Randolph Police Department

Relationships between the police and the community they serve will be a critical factor in determining whether citizens report hate crimes to the police and assist with prosecution of those crimes.

The key to an effective law enforcement response to hate crimes is the building of trust and partnership between the police and victim communities. Citizens must have confidence that when they come forward to report a hate crime, the police will receive the report seriously and professionally, as they would any other serious crime. The police must remember that just as positive police behavior builds community confidence; negative perceptions of police behavior can erode community trust and affect the partnership needed to deal effectively with hate crimes.

It is therefore to the advantage of the entire department, through training, supervision, and discipline, to prevent and deter unprofessional police behavior and/or violations of the constitutional rights of citizens by the police (Review policy Biased Free Policing). To this end, all officers attend annual diversity awareness training on a variety of topics, including legal aspects of bias free profiling. All officers will benefit from these policies. The policies will reflect positively on the department and sustain the department's credibility and citizen support. Citizens need to look to police as allies in the fight against hate violence. [41.4.0 b]

Police departments should work closely with advocacy organizations that represent victimized communities. Such advocacy organizations can furnish an invaluable bridge to victim populations and assist in urging citizens to come to the police with information about hate crimes. Advocacy organizations can also be useful as a source of information about characteristics of victim communities that are relevant to the enforcement efforts regarding hate crimes violations. Advocacy groups can help the police in dealing with community reactions to hate violence and help the victims of such violence cope with the experience.

The police need to conduct outreach into the victimized communities. Such outreach can help familiarize citizens with the circumstances of hate crimes, measures they can take to protect themselves, existing resources available to help victims, and ways they can participate in coordinated, practical strategies for countering hate crimes. Also, outreach can help relieve tensions and heal wounds in the community when hate crimes do occur, and community members can be encouraged to develop strategies to minimize risk.

Definitions

Advocacy Organization: Any non-profit or not-for-profit group which represents or serves constituencies targeted in hate crimes motivated by the form of bias enumerated at 501 CMR 4.02; or gathers information relating to the incidence, circumstances, patterns, causes, or nature of hate crimes or incidents or any specific type(s) of hate crimes or incidents.

Bias Indicators: Objective facts, circumstances, or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias enumerated at 501 CMR 4.02

Bias Motive: Hatred, hostility, or negative attitudes towards, or prejudice against any group or individual on account of race, religion, ethnicity, handicap, sexual orientation, gender identity, or gender, which is a contributing factor, in whole or in part, in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators.

The specific forms of bias covered by the Hate Crimes Reporting Act are:

Racial/Ethnic/National Bias:

- Anti-Black Anti-White Anti-Asian
- Anti-Hispanic Anti-Arab
- Anti-Other Racial/Ethnic/National Group

Religious Bias:

- Anti-Jewish
- Anti-Catholic
- Anti-Protestant
- Anti-Islamic
- Anti-Other Religion

Sexual Orientation Bias:

- Anti-Gay (Male)
- Anti-Lesbian (Female)
- Anti-Other Sexual Orientation

Handicap Bias:

- Anti-Person with AIDS
- Anti-Physically Disabled Anti-Mentally Disabled
(i.e. Mental illness, mental disabled)

Randolph Police Department

Gender Bias:

- Anti-Female
- Anti-Male
- Anti-Transgender Bias

Hate Crime: MGL c. 22C § 32

"Hate crime", any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation. Hate crime shall also include, but not be limited to, acts in violation

1. M.G.L. c. 265, § 37 (violation of constitutional rights) or 39 (assault and battery for purposes of intimidation);
2. M.G.L. c. 266, § 127A (destruction of places of worship);
3. M.G.L. c. 272, § 92A (Advertisement, book, notice or sign relative to discrimination)

Hate Incident: Any act whether consisting of conduct, speech or expression, to which a bias motive is evident as a contributing factor without regard for whether the act constitutes a crime.

Hate Group: An organization, formal or informal, which promotes bias, animosity, hostility, or malice against persons belonging to a racial, religious, ethnic/national origin, gender, or handicap group (e.g., the Ku Klux Klan, American Nazi Party, etc.).

Hate Crime Report: An account of a hate crime from a law enforcement source received or collected by the Crime Reporting Unit.

Hate Incident Report: An account of a hate incident from a civil rights agency or advocacy organization received or collected by the Crime Reporting Unit.

Bias Indicators The following criteria can assist law enforcement officers in determining whether a particular crime should be classified as a hate crime. These criteria are not all inclusive and each case must be examined on its own facts and circumstances. Common sense judgment should also be applied in making the determination whether a crime should be classified as a hate crime.

- (a) The offender and the victim were of different racial, religious, ethnic/national origin, handicap, gender, gender identity, or sexual orientation group. For example, the victim was black, and the offender was white.
- (b) Bias-related oral comments, written statements, or gestures were made by the offender, which indicate his/her bias. For example, the offender shouted a racial or anti-gay epithet at the victim.
- (c) Bias-related drawings, markings, symbols or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.
- (d) Certain objects, items, or things which indicate bias were used (e.g., the offenders wore white hoods and white sheets) or left behind by the offender(s) (e.g., a burning cross was left in front of the victim's residence).
- (e) The victim is a member of a racial, religious, ethnic/national origin, handicap, gender, gender identity, or sexual orientation group which is overwhelmingly outnumbered by members of another group in the area where the victim lives and the incident took place.
- (f) The victim was visiting a location where previous hate crimes had been committed against other members of his/her racial, religious, ethnic/national origin, handicap, gender, gender identity, or sexual orientation group and where tensions remain high against his/her group.
- (g) Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic/national origin, sexual orientation, handicap, gender identity, or gender group.

Randolph Police Department

- (h) Victims or witnesses perceive that the incident was motivated by bias and were able to explain the perception.
- (i) The victim was engaged in activities promoting racial, religious, ethnic/national origin, sexual orientation, handicap, gender identity, or gender group. For example, the victim is a member of the NAACP, participated in gay rights demonstrations, etc.
- (j) The incident coincided with a holiday relating to or a date of particular significance to a racial, religious, ethnic/national origin, sexual orientation, handicap, gender identity, or gender group (e.g., Martin Luther King Day, Rosh Hashanah, Gay/Lesbian Pride Day, etc.).
- (k) The offender was previously involved in a similar hate crime or is a member of, or associates with, a hate group.
- (l) There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.
- (m) Historically established animosity exists between the victim's group and the offender group.
- (n) The victim, although not a member of the targeted racial, religious, ethnic/national origin, sexual orientation, handicap, gender identity, or gender is a member of an advocacy group supporting the precepts of a victim's group.
- (o) The victim was in or near an area or place commonly associated with, or frequented by a particular racial, religious, ethnic/national origin, sexual orientation, handicap, gender identity, or gender (e.g., a gay bar).
- (p) There was no clear economic motive for an assault and battery on a member of a targeted group.
- (q) The victim was in the company of, or married to, a member of the targeted group.

Randolph Police Department

- (r) The victim has received harassing mail or phone calls or has been a victim of verbal abuse based on his/her affiliation with a targeted group.
- (s) The victim was perceived by the offender as violating or breaking from role conventions or stereotypes or working in non-traditional employment.
- (t) The crime involved extreme mutilation, cruelty, or brutality.
- (u) The offender has been subject to M.G.L. c. 209A restraining orders against two or more different women.
- (v) The offender has a history of previous crimes with a similar modus operandi, and there have been multiple victims of the same racial, religious, ethnic/national origin, handicap, gender or sexual orientation group.

Procedure

The following procedures shall be followed by members of the Department in responding to "Hate Crimes" or "Hate Incidents".

I COMMUNICATIONS PERSONNEL RESPONSIBILITIES

- A. The dispatcher most likely will be the first contact person. The dispatcher is a key person in determining the appropriate response.
- B. The dispatcher shall determine as much information as possible; including, but not limited to the following: Name and Location, who is complaining, Is a crime in progress, Is there a weapon, Are there injuries, Offender(s) whereabouts, Have there been any previous history/reports, etc.
- C. Listen for background noises that assist in evaluating the threat level and help to provide information that may be required.
- D. Maintain telephone contact until the officers arrive, if possible, in order to monitor the incident and provide support to the victim, if the circumstances dictate.

- E. Provide the responding officers with as much information as possible to identify risks at the scene.
- F. Dispatchers shall send two officers when possible, on all in progress hate or bias related calls. [81.2.4 e]

II. FIRST RESPONDING OFFICER RESPONSIBILITIES

- A. Officers must be aware of bias indicators and evaluate if an incident may have been motivated by racial, religious, ethnic/national origin, gender, gender identity, handicap, sexual orientation, or other bias. The officer shall take any preliminary actions necessary, such as:
- B. Respond in a courteous, respectful, and professional manner towards the feelings and needs of the victim. Responding officers must convey a professionally calm and helpful attitude. A police officer's manner is critical in controlling the scene and the emotions of those present.
- C. Consider the surroundings upon arriving on the scene; look and listen to obtain additional information and/or evidence about the situation.
- D. Identify any injured parties and take steps to provide medical attention.
- E. Remain alert for the offender(s) leaving the scene. Determine whether the perpetrator is present, and if so, take appropriate enforcement measures.
- F. Restore order to the crime scene and take necessary actions to gain control of the scene.
- G. Identify and protect any witnesses or others who have knowledge of the incident.
- H. Summon Patrol Supervisor to the scene when necessary.
- I. Prepare a detailed incident report (for hate crime or hate incident), including all statements/actions of the victim,

suspects, witnesses, and other involved parties. In every instance the exact language used by the suspect and the context in which the language was used shall be included. Include in the report a statement that the incident may be hate and/or bias based, and the supporting facts. Identify in the narrative the relevant personal characteristics of the victim and offender, such as, race, handicap, ethnicity, sexual orientation, and religion, gender, or gender identity.

- J. In the absence of a Detective Bureau response, collect and preserve all evidence, to include taking photographs.

III. PATROL SUPERVISOR RESPONSIBILITIES

- A. The Patrol Supervisor shall ensure compliance with departmental policy in coordinating the response to a hate crime or hate incident.
- B. When necessary, respond to the scene of incidents covered by this policy and confer with initial responding officers.
- C. Ensure that all preliminary actions outlined under Patrol Officer's responsibilities have been or are being addressed.
- D. Request appropriate additional personnel necessary to complete the preliminary investigation and begin follow-up investigation (i.e. photos, crowd control, assistance for victims, advanced evidence collection, etc.).
- E. Express empathy for the victim and show a sincere interest in their well-being.
- F. Express the Department's official position on the importance of these cases, the measures that will be taken to apprehend the offenders, and the officer's and Department's interest in the victim's well-being.
- G. Allow the victim a period in which to state their immediate concerns and express their feelings. Reassure the victim that the Department will take the appropriate actions.

Randolph Police Department

- H. Assist victims in identifying or contacting individuals or agencies that may provide support and/or assistance. This may include family members, friends, clergy, community service agencies, or other support personnel or groups.
- I. Provide security and precautionary advice to the victim.
- J. Notify the on-call person for the Department as well as the Detective Sergeant to determine whether to assign a detective to the case.
- K. Document the incident in a supplemental report.

IV. DETECTIVE BUREAU RESPONSIBILITIES

- A. When Detectives respond to the scene of an alleged incident, they will ensure that the scene is protected, preserved and processed and all physical evidence is collected and preserved as soon as possible.
- B. After the crime scene has been photographed and documented, and evidence collection is complete, appropriate personnel will be contacted to remove inflammatory remnants of a hate crime.
- C. Assigned Detectives will remain involved in the follow-up investigation, in collaboration with other assigned officers and at the direction of supervisors.
- D. Conduct comprehensive follow-up interviews with all victims and witnesses, and if necessary, canvass the neighborhood for additional information.
- E. Notify appropriate personnel in the chain of command of the incident, depending on the nature and seriousness, and its potential inflammatory and related impact on the community.
- F. Cooperatively work with the District Attorney's Office to ensure that a legally adequate case is developed for prosecution.

Randolph Police Department

- G. Coordinate the investigation with other law enforcement agencies to analyze patterns, organized groups and suspects potentially involved in the incident.
- H. Make the final determination as to whether the incident should be classified as a "Hate Crime" or "Hate Incident".
- I. Take the lead role in providing ongoing assistance to the victim.
 - provide ongoing information to victim regarding the status of the investigation
 - contact the victim periodically to determine whether they are receiving adequate and appropriate assistance.

V. CIVIL RIGHTS UNIT

Hate crimes are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim's racial, religious, ethnic/national origin, gender, sexual orientation, gender identity, or handicap group as a whole. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional hate incidents, and encourage any other previously victimized individuals to step forward and report those crimes. Towards this end, this agency's officers so assigned, shall:

- (a) meet with groups, residents in target communities, and other identified groups to allay fears, relay this agency's concern over and response to this and related incidents, reduce the potential for counter-violence and provide safety, security and crime prevention information;
- (b) provide direct and referral assistance to the victim and his/her family;
- (c) conduct public meetings on Bias Crime and violence in general.
- (d) establish liaison with advocacy organizations and leaders;
- (e) expand, where appropriate, existing preventive programs such as anti-hate seminars for school children;

(f) Liaison with the Attorney General's Office.

Reporting

REPORTING REQUIREMENTS MGL c. 22c § 32

The Crime Reporting Unit of the Criminal History Systems Board and the MA State Police are charged with collecting and disseminating hate crime data. Hate crimes are reported by the Randolph Police Department monthly using the National Incident-Based Reporting System (NIBRS) electronic submission.

(a) NIBRS reporting shall be submitted for each criminal act that appears to be motivated by bias. Bias includes hatred, hostility, or negative attitudes towards, or prejudice against, any group or individual on account of race, religion, ethnicity, handicap, sexual orientation, gender identity or gender.

(b) Bias Indicators: Objective facts, circumstances or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias covered by the preceding paragraph.

(c) If, after an initial hate crimes report was submitted, additional information regarding bias becomes available, an amended report or additional data or information should be submitted to the Crime Reporting Unit.

For a crime to be classified as a hate crime, it is sufficient that bias indicators would, in the exercise of professional law enforcement judgment, directly or circumstantially support a finding of a bias motive.

Names of victims and perpetrators of hate crimes should not be reported to the Crime Reporting Unit. Crimes shall be referenced and identified by the case number assigned by the police department, the time and date of the incident, and other particularized information deemed relevant by the Crime Reporting Unit.