

BETHLEHEM POLICE DEPARTMENT GENERAL ORDERS

SUBJECT: HATE CRIMES

CALEA STD. REF.

AMENDS/SUPERSEDES:

REVISED:

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APPROVED: 9/2007

NOTE: In any civil action against any individual, agency or governmental entity, including the State of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a State, County or local law enforcement agency shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under State law. (RSA 516:36).

INDEX WORDS: Hate crimes; bias crimes

I. POLICY:

1. Hate crimes shall be given high priority by this agency and every necessary resource shall be used to investigate the crime, prosecute the offender(s) and to assist the victim(s). Hate crimes are devastating to the victim, the victim's family, and other persons of the same race, religion, ethnicity, sexual orientation or handicap. 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.
2. It is the policy of this law enforcement agency to safeguard the civil rights of every citizen regardless of their race, religion, ethnicity, handicap, or sexual orientation. To effectively safeguard civil rights and to protect citizens from hate crimes, police officers must be aware of what constitutes "hate crimes" as defined in RSA 651:6, I. (g).

II. PURPOSE:

1. The purpose of this policy is 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.

III. IMPLEMENTATION:

1. It is therefore to the advantage of the Police Department, through training, supervision, and discipline, to prevent and deter unprofessional police behavior and/or violations of the constitutional rights of citizens. We will also work closely with advocacy organizations which represent victimized communities, and can furnish an invaluable bridge to victim populations, and assist in urging citizens to come to the police with information about hate crimes. These organizations can also be useful as a source of information about characteristics of victim communities which are relevant to hate crimes law enforcement, help us in dealing with community reactions to hate violence, and help the victims of such violence cope with the experience.

III. DEFINITIONS:

The following phrases as used in this policy shall have the following meanings:

1. **Advocacy Organization:**

Any non-profit or not-for-profit group which represents or serves constituencies targeted in hate crimes motivated by forms of bias, 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.

2. **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.

3. **Bias Motive:**

Hatred, hostility, or negative attitudes towards, or prejudice against any group or individual on account of race, religion, ethnicity, handicap, or sexual orientation, 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, including, but not limited to:

- a. Racial/Ethnic/National Bias
 - Anti-Black
 - Anti-White
 - Anti-Asian
 - Anti-Hispanic
 - Anti-Arab
 - Anti-Other Racial/Ethnic/National Group
- b. Religious Bias
 - Anti-Jewish
 - Anti-Catholic
 - Anti-Protestant
 - Anti-Islamic (Moslem)
 - Anti-Other Religion
- c. Sexual Orientation Bias
 - Anti-Gay (male)
 - Anti-Lesbian (female)
 - Anti-Other Sexual Orientation
- d. Handicap Bias
 - Anti-Person with AIDS
 - Anti-Physically Disabled
 - Anti-Mentally Disabled
(i.e. mental illness, mental retardation)
- e. A bias motive may also consist of an intent to interfere with, disrupt, or deprive another person(s) of his/her constitutional rights by threats, intimidation, harassment, or coercion.

4. **Hate Crimes:**

Any criminal act to which a bias motive is evident as a contributing factor.

5. **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.

6. **Hate Group:**

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

7. **Hate Crime Report:**

An account of a hate crime from a law enforcement source.

8. **Hate Incident Report:**

An account of a hate incident for a civil rights agency or advocacy organization.

IV. BIAS INDICATORS:

1. 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, or sexual orientation groups. For example, the victim was black and the offenders were 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 sheets and white hoods, or a burning cross was left behind in front of the victim's residence by the offender(s)).
- e. The victim is a member of a racial, religious, ethnic/national origin, handicap, 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, 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, handicap, or sexual orientation group.
- h. Victims or witnesses perceive that the incident was motivated by bias.
- i. The victim was engaged in activities promoting a racial, religious, ethnic/national origin, handicap or sexual orientation 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, handicap, or sexual orientation group (e.g., Civil Rights Day, Rosh Hashana, 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. A historically established animosity exists between the victim's group and the offender's group.
- n. The victim, although not a member of the targeted racial, religious, ethnic/national origin, handicap or sexual orientation group, is a member of an advocacy group supporting the precepts of the victim group, or is friendly with members of a victim 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, handicap or sexual orientation group (e.g. a gay bar).
- p. There was no clear economic motive for an assault and battery.
- q. The victim was in the company of, or married to, a member of a targeted group.
- r. The victim has received harassing mail or phone calls or has been victim of verbal abuse based on his/her affiliation with a targeted group.

IV. PROCEDURES:

The following procedures shall be followed by members of the Department in responding to "hate crimes" or "hate incidents:"

1. Communications Personnel Responsibilities:

- a. The dispatcher most likely will be the first contact person; he/she 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:
 - 1) Name and location?
 - 2) Who is complaining?
 - 3) Is a crime in progress?
 - 4) Is there a weapon?
 - 5) Are there injuries?
 - 6) Assailants whereabouts?
 - 7) Have there been any previous history/reports?
- c. Listen for background noises that assist in evaluating the threat level and helping 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 hate or bias-related calls.

2. Patrol Officer's Responsibilities:

Response:

- a. Officers must be aware of bias indicators and evaluate if an incident may have been motivated by racial, religious, ethnic/national origin, handicap or sexual orientation bias. The officer shall take any preliminary actions necessary, such as:
 - 1) Respond in a courteous, respectful and professional manner to 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.
 - 2) Consider the surroundings upon arriving on the scene; look and listen to obtain additional information and/or evidence about the situation.
 - 3) Identify any injured parties and take steps to provide medical attention.
 - 4) Remain alert for the assailant leaving the scene. Determine whether the perpetrator is present and, if so, take appropriate enforcement measures.
 - 5) Restore order to the crime scene and take necessary actions to gain control of the scene.
 - 6) Protect the crime scene and any evidence that may be present.
 - 7) Identify any witnesses or others who have knowledge of the incident.
 - 8) Prepare a detailed incident report, including all statements/actions of the victim, suspects, and other involved parties. Include in the report a statement that the incident may be hate and/or bias based, and the supporting facts. Identify in the narrative, relevant personal characteristics of the victim and perpetrator, such as race, handicap, ethnicity, sex, religion, or sexual orientation.

9) Summon Patrol Supervisor to the scene.

3. Patrol Supervisor Responsibilities:

- a. The Patrol Supervisor shall insure compliance with department policy in coordinating the response to a hate crime or hate incident.
- b. Respond immediately to the scene of all incident covered by this order and confer with initial responding officers.
- c. Ensure that all preliminary actions outlined under "Patrol Officer's Responsibilities" have been taken.
- d. Request appropriate additional personnel necessary to complete the preliminary investigation and begin follow-up investigation (i.e. pictures, crowd control, assistance for victim, 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 perpetrators, and the officers' and Department's interest in the victim's well-being.
- g. Allow the victim a period in which to ventilate their immediate concerns and express their feelings. Reassure the victim that the Department will take the appropriate actions.
- h. Assist the victim in identifying or contacting individuals or agencies that may provide support and/or assistance. This may include family members, friends, clergy and/or community service agencies.
- i. Provide security and precautionary advice to the victim and refer the victim to the County Attorney's Office or a victim counselor if available.
- j. Ensure that all relevant facts are documented on the incident and/or arrest report. Make an initial determination as to whether the incident should be classified as a "hate crime" or "hate incident." Ensure that the determination is noted on the report and refer reports for follow-up. In every instance, the exact language used by the suspect and the context in which the language was used, shall be included.

4. Investigator's Responsibilities:

- a. When responding to the scene of an alleged incident, Investigators shall assume control of the follow-up investigation.
- b. Respond to the scene when requested. Ensure that the scene is protected, preserved and processed and all physical evidence is removed as soon as possible. The owner of the property shall be contacted to remove inflammatory remnants of a hate crime after it has been photographed and documented by police.
- c. Conduct comprehensive follow-up interviews with all victims and witnesses at the scene and if necessary canvass the neighborhood for additional information.
- d. 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.
- e. Cooperatively work with the County Attorney's Office to ensure that a legally adequate case is developed for prosecution.
- f. Coordinate the investigation with other law enforcement agencies to analyze patterns, organized groups and suspects potentially involved in the incident.
- g. Make the final determination as to whether the incident should be classified as a "hate crime" or "hate incident." Complete any reports necessary to comply with statistical reporting requirements for hate crimes and keep a permanent file of all reports.
- h. Take the lead role on providing ongoing assistance to the victim:
 - 1) Provide ongoing information to the victim regarding the status of the investigation.
 - 2) Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.

**V. COMMUNITY RELATIONS/CRIME
PREVENTION:**

1. 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, sexual orientation 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 community relations function, or officers so assigned by the Chief from time to time, shall:

- a. Meet with neighborhood 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. establish liaison with advocacy organizations and leaders;
- d. expand, where appropriate, existing preventive programs such as anti-hate seminars for school children; and
- e. the department shall maintain a list of advocacy group resources.

VI. REPORTING REQUIREMENTS:

1. RSA 651:6 provides for an extended term of imprisonment for persons who are substantially motivated to commit a crime because of hostility toward the victim's religion, race, creed, sexual orientation, national origin or sex. Therefore, it is important that these facts be brought out in the investigation and arrest reports and called to the attention of the prosecutor.