

## HATE CRIMES INVESTIGATIONS

<p style="text-align: center; font-weight: bold;">POLICY &amp; PROCEDURE NO.</p> <div style="border: 1px solid black; width: 80%; margin: 10px auto; padding: 10px; text-align: center;"> <p style="font-size: 1.2em; font-weight: bold;">1.4.5</p> </div>	<p>ISSUE DATE: <u>January 29, 2004</u></p>
<p>Approved: <u><i>Alan R. DeHaro</i></u>  <div style="text-align: center; margin-top: 5px;">Chief of Police</div> <p style="margin-top: 10px;">Date: <u>January 3, 2019</u></p> </p>	<p>EFFECTIVE DATE: <u>January 3, 2019</u></p>
<p style="text-align: right;"> <input type="checkbox"/> NEW              <input checked="" type="checkbox"/> AMENDS              <input type="checkbox"/> RESCINDS         </p>	

### I. PURPOSE

The purpose of this policy is designed to assist employees in identifying crimes motivated by bias toward an individual's race, religion, ethnic background, and/or sexual orientation and to define appropriate steps for assisting victims and apprehending suspects.

### II. POLICY

- A. It is the policy of the Haverhill Police Department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background, or sexual orientation.
- B. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. This agency will use every necessary resource rapidly and decisively to identify the perpetrators, arrest them, and take vigorous enforcement action.
- C. Also, recognizing particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far reaching negative consequences of these acts on the community and the agency, particular attention will be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.

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**II. DEFINITIONS**

- A. **BIAS** - A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.
- B. **DISABILITY** - A physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.
- C. **ETHNIC GROUP** - A group of persons whose members identify with each other through a common heritage, often consisting of a shared language, culture and/or ideology that stresses common ancestry.
- D. **GENDER** - Used synonymously with sex to denote whether an individual is male or female.
- E. **GENDER IDENTITY** - A person's internal sense of being male, female, or a combination of both; this internal sense of gender may be different from physical gender at birth.
- F. **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.
- G. **HATE INCIDENT** - Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.
- H. **HATE GROUP**: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, ethnicity, national origin, religion, disability, sexual orientation, gender, and/or gender identity.
- I. **RACE** - A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair; facial features, and so forth, which are genetically transmitted by descent and heredity and that distinguish them as a distinct division of humankind. Examples include Asians, blacks or African Americans, and whites.
- J. **RELIGIOUS GROUP** - Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples include Catholic, Jewish, Protestant, Muslim, Sikh, Hindu, and atheist.
- K. **SEXUAL ORIENTATION** - A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex. Examples include homosexual, bisexual, and heterosexual. A sexual attraction toward and responsiveness to, members

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of one's own sex or members of the opposite sex. Examples include heterosexual, homosexual, bisexual, etc.

### III. PROCEDURE

#### A. Goals:

1. Officers shall conduct a thorough, prompt, and complete investigation in all suspected and confirmed hate crimes and assist the local prosecutor. Evidence related to all hate incidents should be thoroughly documented.
2. Investigators shall make every effort to become familiar with organized hate groups operating in the community.

B. The Investigations Division Captain shall designate a primary department civil rights Officer (CRO), and a backup CRO. The primary CRO will be responsible for analyzing and reporting all biased based incidents to the C.H.S.B. as required by G.L. 22C s32 and 501 CMR 4.00 et. seq. The CRO shall function as a community liason, participate in appropriate community outreach, and serve as a resource for the Haverhill Police Department on any issues related to hate crimes. All CROs shall receive special training by the MPTC as it becomes available.

#### C. Initial Response Procedures:

1. When an officer arrives on the scene, the following factors should be considered in determining whether a crime is a "hate crime":
2. The offender and victim are of:
  - a. Different group (i.e., black/white; heterosexual/homosexual).
  - b. Bias or prejudice in a statement made by the offender (oral or written) - (i.e., racial, religious, or ethnic slur, anti-female remark, anti-gay remark, comments against disabled persons.)
  - c. Bias or prejudice related objects, drawings, symbols, or graffiti left at the scene or the crime (i.e., swastikas, cross-burning, etc.)
  - d. Members of another group in the neighborhood where the victim lives and where the incident took place outnumber the victim.
  - e. The victim was visiting a neighborhood where hate crimes have been previously committed against his/her group.
  - f. The victim was engaged in or supports rights of a protected group.
  - g. The crime coincided with a significant holiday, date, or event.
  - h. The offender is a member of a hate group or was previously involved in a hate crime.
  - i. A hate group claimed responsibility or was active in the neighborhood.
  - j. There is a history of problems or animosity between the victims group and the offenders group.

D. After making a determination that a hate crime occurred, the officer will notify a street supervisor, who will respond to the scene. Once on scene, the street supervisor will immediately notify and update the OIC.

E. The officer will also notify the Detective Division Commander of the incident, and forward a copy of his/her report to the Detective Division Commander, the department Civil Rights Officer, and to the Deputy Chief.

#### F. Supervisory Responsibilities

The supervisor(s) shall do the following:

1. The OIC shall notify the chief executive or his or her designee and other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
2. The OIC shall call an investigator to the scene if necessary.
3. Provide updated information on the status of the investigation and the community impact within 48 hours.
4. Provide immediate assistance to the victim.
5. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed hate crime.
6. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergy, or a departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
7. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.

#### G. Investigators' Responsibilities

The investigator shall follow this agency's standard protocol for responding to a crime scene. In particular, investigators shall do the following:

1. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photographs should be taken and the owner of the property should be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The investigator shall follow up to ensure that this is accomplished in a timely manner.
2. Work closely with the Department CRO and the DA's office to ensure that a legally sound case is developed for prosecution.
3. Coordinate the investigation with other units of this agency, as well as other local, state, and regional intelligence operations in order to identify any patterns, organized hate groups, and suspects potentially involved in the offense.
4. Make a final determination based on evidence and facts as to whether the incident should be classified as a hate crime.
5. Determine the primary elements of the crime and obtain the information necessary to complete the federal and state hate crime data collection requirements.
6. Request additional resources from the federal government as necessary and available.
7. Take steps to ensure that appropriate assistance is being provided to hate crime victims.

#### H. Community Policing - Crime Prevention

1. Racial, religious, ethnic, or sexual orientation bias crime often is directed on an entire group of people. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible

retaliation, and help prevent additional hate crimes. The department's Community Policing Officers will work with the department CRO to:

- a. Meet with neighborhood groups in target communities and other identified groups to allay fears, relay the department's concern and response to the issue, 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 while protecting their privacy as much as possible.
- c. Conduct public meetings on hate crimes, threats, and violence in general and as it relates to specific incidents.
- d. Establish a liaison with formal organizations and leaders.
- e. Engage the media as soon as possible as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.

#### I. Hate Crime Data Collection and Reporting

This agency shall do the following:

- a. Submit a monthly report on all hate crime occurrences to the appropriate state crime analysis center or central repository;
- b. Submit a monthly report to the FBI on all hate crime occurrences, in accordance with guidelines established pursuant to the federal Hate Crime Statistics Act.
- c. Make information, records, and statistics collected available to any appropriate local or state agency and to the public, subject to all confidentiality requirements otherwise imposed by law.