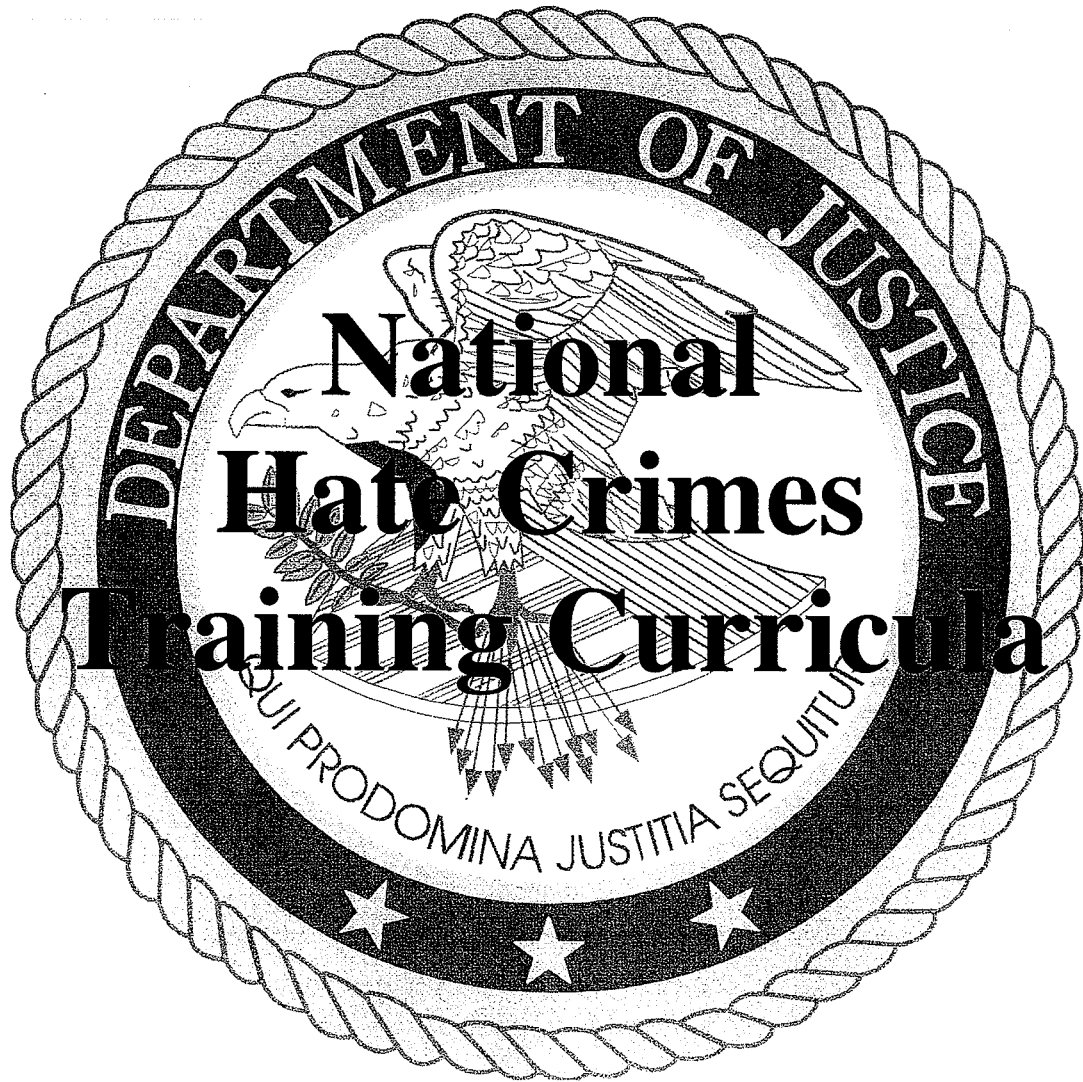


STUDENT MANUAL



National Hate Crimes Training Curricula

UNITED STATES
DEPARTMENT OF JUSTICE



**Office of the Attorney General
Washington, D. C. 20530**

I am deeply concerned about the problem of hate crime in the United States. It is a concern shared by the President and by Americans throughout the country. We as a nation have largely overcome a difficult chapter in our history, and we enjoy an unparalleled level of freedom from hatred and bigotry. But pockets of bias-related violence and intimidation remain and threaten the progress we have made. Hate crime has no place in civilized society.

The primary responsibility for hate crime investigation begins with dedicated state and local law enforcement officials. In some communities, these officials may need additional training to develop the specialized skills necessary for the identification, reporting, investigation and prosecution of hate crimes.

As part of a comprehensive initiative by the Department of Justice to address hate crime, I asked the Community Relations Service and the Federal Bureau of Investigation's Hate Crimes Unit to work with Federal, State and local law enforcement agencies to develop a model hate crime training curriculum. I wanted to identify the best policies, procedures, practices, techniques and materials available to train law enforcement officers, and create model curricula with an equitable balance of instruction on law enforcement, victim assistance and community relations. To this end we joined with the National Association of Attorneys General, the International Association of Directors of Law Enforcement Standards and Training, the Department of Treasury's Federal Law Enforcement Training Center, the Department of Justice's Office for Victims of Crime, and the Federal Bureau of Investigation's National Training Academy and Uniform Crime Reporting Division. This remarkable partnership produced four new training curricula for patrol officers, detectives, policy-level officers, and a mixed audience of all three levels. I thank these State and local agencies for their valued participation. These courses have been extensively field tested, reviewed by national law enforcement organizations, and are ready to be taught in law enforcement departments and academies.

The problems posed by hate crime are difficult, but not insurmountable. I am confident that through a true partnership of Federal, State and local law enforcement and civil rights organizations, we can make a substantial contribution towards reducing hate crime's devastating impact on our communities. I am grateful for your assistance in this most critical endeavor.


Janet Reno

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STUDENT MANUAL

Introduction

This is a participants' manual designed for your use while you are taking the Hate Crimes Training Course. It is divided into nine sections to correspond with each Session of the course (A - I). Session I focuses on case studies and blank pages are provided for your notes.

**What is this book? Why did I get one?
What should I do with it?**

The manual will allow you to fill out answers to questions as the instructors provide them. It is recommended that you write the answers down. This is a way to learn and retain the material being covered.

Sometimes you will be asked to give an answer or definition before the instructor has provided the course definition. You are encouraged to put your own answer down and then answer the follow up question after hearing the course definition - How did your answer compare with the course definition? Again this is a way to learn and retain the material being covered.

The course is aimed at a law enforcement audience. We assume a certain level of knowledge and sophistication on the participant's part. We suggest that you consider the manual as your notebook on the course. It will contain some handout materials, and information from some of the overheads being used. We suggest that you keep the manual with your training materials, because it can be a useful and quick reference source for you.

Session A

INTRODUCTION AND OVERVIEW OF BIAS CRIMES: DEFINING THE CHALLENGE

Objectives

By the end of this session, you will be able to:

- Explain the purpose of the training.
- Identify training program goals and objectives.
- Understand the commitment of the department or agency to effective bias crime identification, response, and investigation.
- Discuss the seriousness of bias crimes in terms of their impact on the individual and the community.
- Explain why bias crimes demand a special response from law enforcement and victim service professionals.

OVERVIEW OF BIAS CRIMES

Law enforcement and policing has been involved in or associated with hate/bias crimes and civil rights in the United States in six ways:

As Protector of Others' Civil Rights

- In the early 1970's, during court ordered desegregation of Boston public schools, law enforcement protected the safety of, and possibly saved the lives of innocent black school children from the wrath of a group of whites angered by blacks being bused into their neighborhoods.
- At the U. of Mississippi in 1961, where James Meredith sought admission as a student, a riot situation ensued. Law enforcement protected the life of James Meredith.

As Enforcer of Civil Rights

- Through investigation and prosecution of those perpetrating bias crimes or who deny others their civil rights.
 - Hate crimes by individuals
 - Hate crimes by organized hate groups - When members of the Ku Klux Klan/skinhead, white supremacist organizations, and other race hate groups engage in racial or religious targeting of victims.

As Owners of Your Own Rights

- As citizens, Patrol Officers have ownership of their own civil rights.

- When Patrol Officers challenge discipline or failure to promote by their department or agency, 42 U.S.C. § 1983, the Reconstruction Civil Rights Act, is used for claims of damages and to obtain injunctions. These rights are derived from federal legislation passed to protect blacks' constitutional rights after the civil war.

As a Trigger or Catalyst for Riots/Civil Disturbance

- Week-long Watts riots (August 11, 1965)
 - Triggered after police stopped a speeding car (and suspected of intoxication). When two police officers attempted to arrest them, the mother of the two suspects intervened. One of the suspects, Ronald Frye, became excited and resisted arrest. One officer drew his gun and ordered all three individuals (the mother and the two suspects) into the police car. An agitated crowd surrounded them. Backup officers arrived with drawn shotguns. A crowd of rioters emerged. A ten block area was sealed by police and waves of officers beat and arrested blacks on sight. They savagely beat handcuffed suspects and taunted and used epithets against residents.
 - The riot resulted from long pent-up rage against police practices including unaddressed frictions a widespread belief in the black community that they had not received their fair share of police protection.
- Rodney King verdict aftermath

As an Instrument of Others' Political Agenda

- In labor disputes during the period of 1865-1915, police served as violent strikebreakers. Police often served as private security for factory owners to crush worker movements for better wages and working conditions.

As Rights Violator or When Subject to Lawsuit Based on Allegations of Police Misconduct or Civil Rights Violations

- As Justice Brandeis stated: "If government becomes lawbreaker, it breeds contempt for laws; it invites every man to become a law unto himself, it invites anarchy."

In this program, we will focus on two of the above areas: law enforcement as protectors and enforcers of civil rights through effective response and investigation of bias/hate crimes. The other areas are touched upon throughout this training program.

Key Points of Bias Crime Enforcement

- Victims are not asking for special treatment from law enforcement officials but a professional response by them.
- Victims are not seeking special rights, but ability to live daily lives without fear of attack or harassment: for example, the right to leave or enter their homes safely; the right to use public streets or accommodations without being intimidated or assaulted. **These are not special rights, but rights we all believe are basic in our democratic system.**

Bias Crimes

- Bias crimes are crimes motivated by “hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, or national origin” (Federal Hate Crimes Statistics Act definition).
- Each state defines bias crime differently. A comprehensive review of trends in state legislation can be found in Session C., “Legal Issues, Legislation, and Statutes.”
- Federal laws and state statutes protect individuals from bias crimes and provide a basis for prosecution.
- In some ways, bias crimes are similar to other crimes with which you regularly come into contact. Many of the skills you currently employ as law enforcement professionals will serve you well when you respond to bias crimes.

The Nature of Bias Crimes

- Constitutional protections are guaranteed to all Americans, yet, some are victimized, sometimes subtly and at other times very overtly, for no reason other than the color of their skin, the religion they profess, the heritage of their parents, their gender or their sexual orientation. It is most unsettling to the victims because there is nothing they can do to alter the situation, nor is there anything that they should be expected to change.
- Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in the community is affected.
- Law enforcement professionals must be particularly skillful in responding in a way that does not exacerbate the trauma of the victim and the community.
- Victims of hate crimes often suffer serious and long-lasting traumatic stress that can be made worse by an inappropriate response.

Bias Crimes: Unique Challenges to Professionals

- Bias crimes may have a more devastating effect than other crimes because they have a unique psychological impact on the victim.
- Bias crimes are considered “message crimes” crimes that send a message of fear and terror based on a foundation of bigotry.
- Bias crimes have an impact on the victim’s community. As a result, a seemingly insignificant incident can exacerbate existing tension within the community with the potential for reprisals and escalating violence.
- Therefore, bias crimes demand a special response from the Patrol Officer and victim assistance professionals.

Next Steps for Professionals

- Law enforcement professionals are motivated by a desire to protect and serve victims and facilitate the administration of justice.
- Our review of the literature and the practice in the field indicated several elements are critical for a more effective response. **What might help in improving the PD response to hate/bias crime?** Answers may include the following:
 - improved data collection and documentation
 - improved understanding of diversity
 - greater efforts at outreach to the victims
 - improved community relations
 - greater understanding of the law
 - greater understanding of the roles and responsibilities of law enforcement
- Our goal is to help you determine what more you can do as a Patrol Officer to respond effectively to bias crimes.

SESSION A NOTES

Write the goals of this program:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Write your personal goals for learning in this program:

List how law enforcement has been involved with or associated with hate/bias crimes and civil rights:

- 1.
- 2.
- 3.
- 4.
- 5.

Define a hate crime:

How does your answer compare with the course definition?

List the unique challenges of bias crimes to the law enforcement professional:

- 1.
- 2.
- 3.

List key points of bias crime enforcement:

- 1.
- 2.
- 3.
- 4.

What steps can lead to improvements in the way law enforcement responds to bias crimes?

- 1.
- 2.
- 3.
- 4.

Session B

HISTORY AND NATURE OF BIAS CRIMES

Objectives

By the end of this session, you will be able to:

- Describe the nature of hate crimes.
- Describe the growth and evolution of hate crimes in America.
- Describe the nature of hate crimes.
- Describe how hate crime stats are collected.
- Define: Bias, Bias/Hate Crime, Bias Incident, Confirmed Bias Incident, Suspected Bias Incident.

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Why Train on Hate Crime?

- Familiarize the Officers with the topic
- Demonstrate a continuum of hate crime activity
- Understand causes of hate crime
- Appreciate scope of this activity

Thomas Jefferson, a brilliant scholar and founding father of our country, established a foundation for fundamental human rights when he wrote in the Declaration of Independence, "*We hold these truths to be self evident: that all men are created equal, that they are endowed by their creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness.*"

When Thomas Jefferson echoed these words "we," was he being inclusive or exclusive? Was he including the Native Americans who were here when settlers arrived, or the African Americans who were brought here as slaves? As we review our history it is plain to see that "we," did not mean everyone -- at least in practice. Laws prohibited Native Americans from drinking and owning property. Similar laws worked to ensure that African Americans would be enslaved.

Today individual rights, inherent to all human beings and supported and protected by law enforcement, have been repeatedly upheld and reinforced at the national and state levels. Yet, we continue to see increases in cross burning, Jewish cemetery desecrations, beatings of gay men and racially motivated violence; all examples of what is popularly referred to as "hate crime."

What is the Problem?

State and national leaders have stated that bias-motivated hate crimes will not be tolerated. Nationally, educational programs devoted to teaching tolerance and valuing differences have been initiated. Yet hate crimes persist.

Evidence of this hatred was echoed across America in 1995:

- 20 Bias related murders were reported nation-wide in 1995.
- Nationally, gays and lesbians were the most frequent target of violent bias crimes.
- Sixty-one percent of all bias crimes were racially motivated, mostly against African Americans.
- Bias crime against African Americans, Whites, American Indians, Asians, Hispanics, Jews, Gays and Lesbians all increased during the last year.
- Additionally, it is widely held that hate crimes are seriously under-reported by victims. If this is true, then these statistics are but a reflection of a much larger problem.

Why All This Hate?

These are no easy answers to this dilemma. However, fear and alienation play an important role. Several studies indicate the increase of hate violence in our communities can be attributed to:

- A growing pattern of economic prejudice built upon the stereotype that minorities are making economic gains which threaten the economic and social well being of others.
- The unprecedented numbers of Latin American and Asian immigrants have drastically changed many neighborhoods which are unprepared for the social, economic, political, and criminal justice system consequences of multi cultural living; The higher visibility of gay men, often identified as "easy targets" who are unable to fight back, combined with the increasing national fear about AIDS.
- The increasing lack of social preparedness of most young people when plunged into a multi cultural school environment.

Who Commits Hate Crime?

- Hate Offenses are directed against members of a particular group simply because of their membership in the group.
- Most hate/bias crimes do not involve organized hate groups, whose members are dedicated to the goal of achieving racial purity.
- Hate/bias crimes are more often committed under ordinary circumstances by otherwise unremarkable types.

Who Keeps Track?

- FBI, Uniform Crime Reporting Section
- Anti-Defamation League of B'nai B'rith has been tracking all reported incidents since the group started tracking hate groups and anti-Semitic incidents in 1979.
- Klanwatch (a project of the Southern Poverty Law Center) national watchdog organization devoted to fighting white supremacist terrorism through civil litigation.

Reported Cases Offer Partial Picture:

- Not all hate crimes are reported by victims.
- Not all states report bias crimes completely.
- Reporting is sometimes inaccurate.

Causal Factors of Increased Hate Violence:

- Demographic changes: In the last decade, the white population grew by 6%. During this same period, the Black population increased by 13.2%, the Asian population by 107%, and the Hispanic population by 53%. Even excluding those immigrants granted amnesty, almost six million immigrants came to the United States.
- Shift to a service economy: The National Institute Against Prejudice and Violence (NIAPV) estimates that 85% of the entrants to the workforce will be immigrants, minorities, and women over the next decade. The nation's workforce also is changing in regard to what occupational skills will be needed.
- Persistence of negative stereotypes: In the political and social arena exploiting inter-group conflict helps to set a problematic atmosphere. Examples:
 - Recent federal laws deny benefits to aliens; affirmative action programs are also under attack.
 - Song lyrics by musical artists and shock radio diatribes also recount negative stereotypes. The rock group Guns N' Roses refers derisively to "immigrants and faggots" while Reggae artist Buju Banton advocates shooting gays.
 - The overall societal reaction to our growing diversity is schizophrenic. Social surveys over the last several decades show decreasing acceptance of many types of discrimination.

Gender Based Hate Crime

All of the following material addressing gender based crime was based on an article by Steven Bennett Weisburd, and Brian Levin; "*On the Basis of Sex*": *Recognizing Gender-Based Bias Crimes*", Stanford Law & Policy Review, Spring 1994.

- Major indications of a hate/bias crime:
 - Language
 - Excessive Violence
 - Serial Nature

Each of these criteria speaks to the offender's motivation.

Characteristics of Hate/Bias Crimes:

- Intentional selection of victim based on offender's bias toward the victim's actual or perceived status. **As in she was a woman and I hate women.**
- Use of language or symbols documenting bias motivation. **As in use of terms prior to, during, or after the offense: bitch, whore, slut, etc.**
- A series of related incidents. **As in several victims by the same offender, or several offenses against the same victim (domestic violence?).**

- Victim and offender are members of different groups. **As in male - female.**
- Intergroup animosity. **As in anger, prejudice, hate of a gender group by the offender.**

Gender Bias Discussion Points:

- Some people and organizations feel that gender based crime is a distinct type of victimization **and should not** be included as a form of bias crime.
- Some state that gender motivated hate crime is a bias crime where the offender is looking for any member of that gender to commit the crime upon. This addresses victim *interchangability* which some see as the essential characteristic of a hate crime. Interchangability refers to the idea that the victim could have been any one of a particular race, sexual orientation, gender, etc.
- Some say all gender based crime are hate crimes; women are assaulted because they are women.
- The need to remedy gender based discrimination is already recognized in civil anti-discrimination laws - there seems to be no persuasive reason to draw a line at the criminal threshold only for gender based discrimination. (Criminal law already recognizes race, religion, ethnicity).
- Women are subjected to violent crime based on their gender **at least some of the time**. For example, Marc Lepine murdered 14 women at the University of Montreal. Christopher Wilder raped and killed an unknown number of women. In both of these cases, victims were chosen on the basis of their sex, with clearly articulated (**language**) gender bias motivations on the parts of the offenders.
- **Similarities between gender motivated and other hate crimes:**
 - Typically very violent
 - Offenders tend to commit habitual victimizations
 - Instill terror in the targeted community (all or many members of the targeted gender are affected)
 - Victim's perceived second class status legitimizes the offense.

Why Having Information on the Issue of Gender Based Crime as Possibly Having a Bias Motivation is Useful:

- May provide additional prosecution options
- May assist in discovering offender history
- May assist in responding to the victim
- May affect the number of repeat offenders

DEFINITIONS

To ensure accurate identification and uniform reporting of hate crimes, the FBI, UCR and STATE of NEW JERSEY have adopted the following definitions:

1. Bias - A preformed negative opinion or attitude toward a group or persons based on their race, color, religion, gender, handicap, sexual orientation or ethnicity.
2. Bias/Hate Crime - A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, color, religion, gender, handicap, sexual orientation or ethnicity or where a person is targeted or selected because of his or her status or group characteristic (e.g., race) or affiliation (e.g., religion). Also known as "Hate Crime."
3. Bias Incident - Any suspected or confirmed incident, which may or may not violate the civil or criminal civil rights laws, which occurs to a person, private property or public property on the basis of race, color, religion, gender, disability, sexual orientation, ethnicity, or national origin. An offense is bias-based if the motive for the commission of the offense or unlawful act pertains to race, color, religion, gender, handicap, sexual orientation or ethnicity.
4. Bisexual - (adjective) of, or relating to persons who experience sexual attraction toward, and responsiveness to, both males and females; (noun) a bisexual person.
5. Confirmed Bias Incident - (Same as "bias incident," except that the bias-based motive is confirmed, not merely suspected.)
6. Ethnicity/National Origin Bias - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Hispanics).
7. Gang - A group of people that form an ongoing, mutual allegiance in response to various social needs and engage in criminal activities and actions harmful to public health, safety, and morals. Gangs do not have an organized vertical hierarchy or chain of command, e.g., skinheads.
8. Gay - (adjective) of, or relating to males who experience a sexual attraction toward, and responsiveness to, other males; (noun) a homosexual male.
9. Gender - Sex of individual.
10. Gender Bias - A preformed negative opinion or attitude toward a group or persons based on their gender.
11. Handicapped - Means suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or form any mental psychological or developmental disability. Handicapped shall also mean suffering from Aids or HIV infection.

12. Handicapped Bias - A preformed negative opinion or attitude toward a group or persons suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or form any mental psychological or developmental disability.
13. Heterosexual - (adjective) Of, or relating to persons who experience a sexual attraction toward, and responsiveness to, members of the opposite sex; (noun) a heterosexual person.
14. Homosexual - (adjective) Of, or relating to persons who experience a sexual attraction toward, and responsiveness to, members of their own sex; (noun) a homosexual person.
15. Lesbian - (adjective) Of, or relating to females who experience a sexual attraction toward, and responsiveness to, other females; (noun) a homosexual female.
16. Organized (Hate) Group - An organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, color, religion, gender, handicap, sexual orientation or ethnicity group which differs from that of the members of the organization. Such groups have an organized hierarchy and chain of command, e.g., the Ku Klux Klan, American Nazi Party.
17. Racial Bias - A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g., color of skin; eyes and/or hair; facial features; etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
18. Religious Bias - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
19. Responding Officer - The first law enforcement officer on the scene of an alleged bias incident. This officer may have witnessed the incident take place, may have been called to the scene by the victim or a witness, or may have received the assignment from a superior officer or dispatcher. This officer is responsible for determining whether a "Suspected Bias Incident" has occurred.
20. Sexual Orientation Bias - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex, (e.g., gays, lesbians, heterosexuals).
21. Suspected Bias Incident - (Same as "bias incident," except that the bias-based motive is suspected, but not confirmed.)

NOTE: You should be aware that the hate crime data to be collected by the FBI is only that mandated by the Hate Crime Statistics Act of 1990.

SESSION B NOTES

Describe evidence that hate crime exists in America:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Describe some sources for racial hatred in America:

- 1.
- 2.
- 3.

Identify bodies that keep track of hate crimes:

- 1.
- 2.
- 3.

Session C

IDENTIFYING THE CRIME: BIAS CRIME INDICATORS AND OFFENDER TYPOLOGY

Objectives

By the end of this session, participants will be able to:

- Define the term “**bias crime indicator**”.
- Describe the purpose of **bias indicators** and how they are employed.
- Identify considerations for the recognition and effective use of **bias indicators**.
- Given a case example, determine whether **bias indicators** are present, and if so, which ones they are.

Bias Indicators are:

- The clues that law enforcement professionals look for in determining if a case should be investigated as a bias crime.
- The guidelines to shape the investigative process.

Ultimately, the determination that a crime is a bias crime will be based on the facts of the case. **Bias indicators suggest a possibility, not a legal certainty.**

Definition of a Bias Crime Indicator:

Objective facts, circumstances or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offenders actions were motivated in whole, or in part, by any form of bias.

--Massachusetts Model Protocol for Bias Crime Investigation

Why Looking at the Issue of Bias Indicators May Be Helpful:

- Helps determine charges
- Can assist in responding to the victim
- Necessary for successful prosecution
- Helpful in identifying suspects
- Support victims' allegations
- Provide additional opportunities for criminal charges

Bias Crime Indicators

- **Racial, Ethnic, Gender, and Cultural Differences**
 - Racial, religious, ethnic/national origin, handicap, or sexual orientation group of victim differs from that of offender.
 - Victim is a member of a group which is overwhelmingly outnumbered by members of another group in the area where the incident occurred.
 - Victim was engaged in activities promoting his/her group.
 - Incident coincided with a holiday or date of particular significance to the victim's group.
 - Victim, although not a member of the targeted group, is a member of an advocacy group that supports the victim group, or the victim was in the company of a member of the targeted group.
 - Historically, animosity exists between the victim's group and the suspect's group.
- **Comments, Written Statements, Gestures**
 - Bias-related comments, written statements, or gestures were made by the offender.
- **Drawings, Markings, Symbols, and Graffiti**
 - Bias-related drawings, markings, symbols, or graffiti were left at the scene of the incident.
 - Bias indicators need not establish that the predominant purpose of an offender's actions was motivated by hatred or bias. It is sufficient for classification of an incident as a bias crime that an offender was acting out of hatred or bias, together with other motives, or that a bias motive was a contributing factor, in whole or in part, in the commission of a criminal act.
- **Organized Hate Groups**
 - Objects or items that represent the work of organized hate groups were left (e.g., white hoods, burning crosses), or an organized hate group claimed responsibility for the incident.
 - 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.
- **Previous Existence of Bias Crime/Incidents**
 - Victim was visiting a location where previous bias crimes had been committed against members of the victim's group.
 - Several incidents occurred in the same area, and the victims were members of the same group.
 - Victim has received previous harassing mail or phone calls or has been the victim of verbal abuse based on his/her affiliation with a targeted group.
- **Victim/Witness Perception**
 - Victims or witnesses perceive that the incident was motivated by bias.
- **Motive of Suspect**
 - Suspect was previously involved in a similar incident or is a member of, or associates with members of, an organized hate group.

- The victim was in the company of, or married to, a member of a targeted group.
 - The victim was perceived by the offender as violating or breaking from traditional conventions or working in nontraditional employment.
 - The offender has a history of previous crimes with a similar modus operandi, and there has been multiple victims of the same [citizenship, race, religion, ethnic/national origin, handicap, sexual orientation, or gender].
- **Location of Incident**
 - The victim was in or near an area or place commonly associated with or frequented by a particular [citizenship, race, religion, ethnic/national origin, handicap, sexual orientation, or gender] (e.g., a gay bar).
- **Lack of Other Motives**
 - No clear economic or other motive for the incident exists.

[Source: Holmes, W. 1992. *Hate Crime Reporting: Obstacles, Facilitators, and Strategies*. Boston: Statistical Analysis Center, Massachusetts Committee on Criminal Justice, 67-68.]

Indicator Cautions

- **Necessity of Case-by-Case Assessment of the Evidence:** A small percentage of crimes motivated by bias may not exhibit any of the listed bias crime indicators. Conversely, some crimes that exhibit bias indicators may not be motivated by bias. Therefore reporting agencies must closely examine each case for evidence that clearly indicates that the motivation for the crime was bias-related.
- **Misleading Facts:** Agencies must be alert to misleading facts. For example, the offender used an epithet to refer to the victim's race, but the offender and the victim were of the same race.
- **Feigned Facts and Hoaxes:** Agencies must be alert to evidence left by the offenders which is meant to give the false impression that the incident was motivated by bias. For example, students of a religious school vandalize their own school, leaving antireligious statements and symbols on its walls, in the hope that they will be excused from attending class. Even when a hoax is suspected, police must be especially careful not to announce this publicly. Bias crimes can attract intense community interest and sensational publicity. Stating that the incident may have been faked will often appear to be "blaming the victim," leading to a setback in police-community relations. On the other hand, if a solid investigation proves no bias was involved, police should rely on the strength of that evidence to convince a judge, jury, and the general public.
- **Offender's Mistaken Perception:** Even if the offender was mistaken in his/her belief that the victim was a member of a racial, religious, ethnic/national origin, or sexual orientation group, the offense is still a hate crime as long as the offender was motivated by bias against that group. For example, a middle-aged, non-gay man walking by a bar frequented by gays was attacked by six teenagers who mistakenly believed the victim had left the bar and was

gay. Although the offenders were wrong on both counts, the offense is a bias crime because it was motivated by the offenders' anti-gay bias.

- **Changes in Findings of Bias:** If, after an initial incident report was submitted, a contrary finding regarding bias occurs, the national file must be updated with the new finding. For example, if an initial finding of no bias was later changed to racial bias or a finding of racial bias was later changed to religious bias, the change should be reported to the FBI's UCR Section.

[Source: U.S. Department of Justice, Federal Bureau of Investigation. 1990. *Hate Crime Data Collection Guidelines*. Washington, D.C.: U.S. Government Printing Office.]

- **Possible/desired responses:** Although elements for distinguishing bias crimes from bias incidents vary among states, it is acceptable to identify a case as a possible incident.

Other Comments on Bias Indicators

- Often, Patrol Officers **may have overlooked bias crimes** when written or verbal bias language is not present, and when other indicators may be less obvious.
- The same holds true with bias crime homicide victims. Frequently, in these cases there are no witnesses to the murder and no one is able to report any language-based bias indicators; **this challenges police to search for other, less obvious indicators.**
- Often when a robbery occurs the motive can appear to be economic. However, if robbery is not mentioned or attempted until well into the victim/offender encounter, it is highly possible that bias indicators may be present. The same principle holds true for sexual assault cases. **Police should look for them.**
- **Remember that the victim does not always understand that he or she may have been victimized in a bias-motivated attack.** Often the victims search for other reasons to explain the attack because their group membership represents an aspect of themselves which is not generally possible to change; they will forever be identified as a member of that group and therefore vulnerable to attack. The same theory can apply to witnesses as well particularly if they are members of the same group as the victim.
- It is not essential to determine whether the victim is actually a member of a targeted group, when identifying bias indicators. **The issue of concern is the offender's motive based on his/her perception of who the victim is.**
- Keep in mind that bias indicators are factors that should be considered in determining the presence of a bias crime. They do not, in themselves, confirm that any incident was a hate offense. **Rather, they indicate further investigation into motive is necessary.**

Offender Typology

Jack Levin and Jack McDevitt of Northeastern University identified three types of offenders in their book on bias crime, *The Rising Tide of Bigotry and Bloodshed*: **thrill-seeking offenders, reactive offenders, and mission offenders**. [Source: Levin, Jack and McDevitt, Jack. 1993. *The Rising Tide of Bigotry and Bloodshed*. New York: Plenum.] These are not necessarily pure categories, and since offenders can progress from one type to another, the lines between the categories may at times be blurred.

Knowing Offender Typology Helps Law Enforcement:

- Identify suspects
- Locate offenders gain insight into the victim's perception of their vulnerability
- Gain insight into the offender's motivation
- Determine the probability of escalation
- Anticipate the community response

Thrill Seeking Offenders

- **Offender Characteristics**
 - Generally, groups of teenagers
 - Not generally associated with an organized hate group
- **Precipitating Events**
 - Generally, none
- **Motivation**
 - To gain a psychological or social thrill
 - To be accepted by peers
 - To gain "bragging" rights
- **Victim**
 - Almost any member of a vulnerable group
 - Members of groups perceived as inferior by offender
- **Location**
 - Generally outside of offender "turf"
 - Offenders seek out areas frequented by members of targeted group(s)
- **Additional Characteristics**
 - Since attacks are random, it is often difficult to identify the offender.
 - Attacks often involve desecration and vandalism, although they can involve more violent crimes.
 - Hatred of victim is relatively superficial; offenders may be deterred from repeating the crimes if there is strong societal response condemning the behavior.
 - Often each group member's participation is limited to a specific aspect of the crime, enabling each offender to avoid acknowledgment of or accountability for the seriousness of the crime.

Reactive Offenders

- **Offender Characteristics**
 - Have a sense of entitlement regarding their rights, privileges, way of life that does not extend to the victim
 - Usually have no prior history of criminal behavior or overt bigotry; not generally associated with an organized hate group, although they may call on an organized hate group to assist in mitigating the perceived threat
- **Precipitating Events**
 - Offenders perceive a threat to their way of life, community, place of work, or privilege
- **Motivation**
 - To protect/defend against the perceived threat constituted by the presence of “outsiders”
 - To use fear and intimidation to “send a message” that will repel the “outsiders”
- **Victim**
 - Particular individual or group of individuals who are perceived to constitute the threat
 - Most often, victims are people of color
- **Location**
 - Typically occur in offender’s own neighborhood, school, or place of work
- **Additional Characteristics**
 - If the threat is perceived to subside, the criminal behavior also subsides
 - Offenders feel little if any guilt because they perceive their behavior as a justifiable response to their feeling of violation at the mere presence of the victim

Mission Offenders

- **Offender Characteristics**
 - Often psychotic, suffering from mental illness that may cause hallucinations, impaired ability to reason, and withdrawal from other people
 - Perceives victim groups as evil, subhuman, and/or animal
- **Precipitating Events**
 - None
- **Motivation**
 - Believes he/she has been instructed by a higher order (God, the Fuhrer, the Imperial Wizard, etc.) to rid the world of this evil
 - Believes he/she must get even for the misfortunes he/she has suffered and perceives a conspiracy of some kind being perpetrated by the groups he/she has targeted
 - Has a sense of urgency about his/her mission; believes he/she must act before it is too late

- **Victim**
 - The category of people he/she perceives as responsible for his/her frustrations
 - All members of the despised group are targeted for elimination
- **Location**
 - Areas where members of the target group are likely to be found
- **Additional Characteristics**
 - This is the rarest kind of bias crime
 - Crimes are of a violent nature; the mission often ends in the offender's suicide

Organized Hate Groups

- **Group Characteristics**
 - Range from loosely structured local groups to highly structured international groups
 - Many leaders of these groups tend to project a mainstream image rather than a fringe, extremist image
 - The significant organized hate groups are technologically sophisticated
 - Skinheads, although often not official members of organized hate groups, often support or are loosely affiliated with these groups, taking inspiration and direction from them
 - Organized hate groups focus on issues of concern to middle America as a method for cloaking and marketing their hate philosophy (i.e., “government interference, cheating,” etc.)
 - Members of these groups believe in the inevitability of a global war between the races
 - Examples include White Aryan Resistance, Ku Klux Klan, neo-Nazis, Nation of Islam
- **History of Organized Hate Groups**
 - Organized hate groups are not a new phenomenon
 - Hate groups characteristically grow in numbers and membership during:
 - Periods of increased immigration, such as the 1920s
 - Periods when disenfranchised groups have attempted to increase their political and economic power, such as Reconstruction and the Civil Rights Movement
 - Periods of economic instability when people seek scapegoats to blame for unemployment, such as the 1930s and the late 1980s
 - At times, organized hate groups have been powerful forces in American political life. Many have sought dominance through violence and intimidation. Others have achieved significant political victories in electoral politics.
 - Organized hate groups have a tendency to become fragmented, breaking up because of internal dissension. Groups often take names similar to that used by other hate groups. This should not be taken to imply any actual connection. Right now, there are many small groups that use the term “skins” in their name.
- **Structure of Contemporary Hate Groups**
 - It has been estimated that there are no fewer than 20,000, and possibly no more than 50,000, members of white supremacist groups in the United States. These groups fall

into a number of often overlapping categories, including Ku Klux Klan groups, neo-Nazi groups, Christian Identity groups, and "skinhead" gangs

- **Hate Group Ideology**

- Explicitly racist, considers people of color to be subhuman. Homophobia recently has been added to their agenda.
- Often blame the Federal government, an international Jewish conspiracy, and communism for most of this country's problems. Some groups include apocalyptic Christianity in their ideology and believe we are in, or approaching, a period of violence and social turmoil which will precede the Second Coming of Christ.

- **Strategy**

- The major organized hate groups often take a more sophisticated approach to spreading their message, using venues such as cable TV and computer bulletin boards.
- Some are consciously attempting to display a more mainstream image and run for office (often under the banner of a major political party). However, there is always the potential for violence. For example, during the 1980s, a small number of white supremacists formed a paramilitary organization called The Order which was implicated in a number of bombings and murders, including that of Alan Berg, a Jewish radio talk show host.
- Many of the militant white supremacist groups have relocated to the Pacific Northwest where members have engaged in a number of armed confrontations with federal authorities.

- **Skinheads**

- It has been estimated that only 15 percent of bias crimes are committed by organized hate groups. Much of this violence is perpetrated by "skinheads." The stereotypical skinhead has a shaved head and wears Doc Marten shoes or work boots, suspenders, and jeans. However, so do many other young people who are not involved in hate group activity. Conversely, many racist "skinheads" do not shave their heads.
- Skinhead groups are small, loosely-organized gangs of adolescents and young adults. Most skinheads are male, although young women are involved in both skinhead activity and hate violence.
- Skinhead violence is typically perpetrated by small groups of skinheads who attack persons of color or other targets using fists, boots, bats, and knives. Some of these attacks have been fatal. Most are unplanned, however some skinheads have been implicated in organized violence involving bombs and firearms and carefully selected targets such as gay bars or the offices of civil rights organizations.

SESSION C NOTES

Define hate crimes:

Define bias indicators:

List five potential bias indicators:

- 1.
- 2.
- 3.
- 4.
- 5.

List three types of bias offenders:

- 1.
- 2.
- 3.

List seven characteristics of hate groups:

- 1.
- 2.
- 3.
- 4.
- 4.
- 5.
- 6.
- 7.

Session D

LEGAL ISSUES, LEGISLATION, AND STATUTES

Objectives

By the end of this session, you will be able to:

- Explain why law enforcement officers need to know the law relating to bias crimes.
- Be aware of relevant Federal laws.
- Understand the range of bias-related State statutes.
- Understand their state's bias crime State statute(s).
- Analyze cases to determine if they may be prosecuted as bias crimes, and if so, under which statutes.
- Describe general criteria for determining jurisdictional responsibility for bias crimes.
- Locate resources that will help them identify relevant State statutes and emerging case law.
- Describe emerging bias crime-related legislative trends.
- Discuss the issue of gender based crime as a bias crime.

Federal and State Laws

- Police officers need to be knowledgeable about the laws for making arrests, conducting investigations, establishing intent, assisting prosecutors, and assisting and referring victims.
- FBI is mandated to conduct investigations of allegations of civil rights violations.
- Federal and state laws may be **used in charging** bias crime offenders.
- This is a rapidly emerging area and much of the information provided around specific **statutes may have changed** since the information was compiled.
- It is critical for departments and agencies to establish mechanisms for **staying current on case law** as well as national and State legislative trends.
- There are Federal and State laws that provide criminal and civil causes of action to **protect victims of bias crime**.
- Bias crime legislation intended to punish acts of hate violence can be either **Federal** (dealing with violations of constitutional rights) **or State** (violations of a particular state law). [Source: McDevitt, J. and Levin, J. 1993. *Hate Crimes: The Rising Tide of Bloodshed & Bigotry*. New York: Plenum Publishers, 180.]

- Federal bias crime statutes protect citizens only when there is an intent to interfere with one of their **federally protected rights, as included in a Federal statute or the United States Constitution.**
- If a bias crime case cannot be criminally prosecuted, there **may be remedies under civil law.** Provision for damages and injunctive relief may be granted to victims in successfully prosecuted civil cases.

State Laws

- Nearly all States have enacted legislation targeted specifically at criminal acts of bias.
- **The largest number of criminal prosecutions occur as the result of violations of State law.**
- Many States also provide a separate civil cause of action that often includes injunctive relief, compensatory and punitive damages, attorney's fees, and/or enhanced penalties.
- The majority of the laws protect against race, religion, and national origin bias.
- Although gays and lesbians are the victims of much bias crime, many State statutes do not offer protection for bias directed toward gays and lesbians.
- **Some States, however, have expanded their bias crime laws to include protection against bias toward sexual orientation, gender, the disabled, and the elderly.**

Jurisdictional Issues

- Generally, Federal criminal statutes are intended to supplement State criminal laws. The prosecutor with jurisdiction over the crime is the United States attorney for violations of Federal law and the local prosecutor (State's attorney general, district attorney) for violations of State law.
- U.S. Attorney does Federal crimes and a local prosecutor does State law violations.
- In some States, the State attorney general may have jurisdiction in criminal as well as civil cases.

State Statutes

Case #1

A white and an Asian family are neighbors. Both have lived in their adjoining houses for three years without any problems. One Saturday, the father of the Asian family cuts down an oak tree located on the property of the white neighbor's house, mistakenly believing it is on his side of the property line. The father of the white family observes this, runs out, yells racial epithets, and punches the Asian man in the face.

- Are there bias indicators present? What are they?
- What do you believe was the motivating factor for this incident? Was there more than one?
- Does this conduct constitute a violation of any criminal laws? Which ones?
- Would it change your conclusion if there were more than one Asian family residing on the street?
- Assuming that you conclude there are mixed motives that led to the incident or contributed to its seriousness, (e.g., the tree cutting and anti-Asian bias) does that make a difference as to whether or not one can prosecute under your hate crime statute?
 - Does bias motivation need to be the sole or primary motivation for conduct, or can it be one of the motivating factors in order to prosecute under your state statute?
 - Could a person be prosecuted under your state's statute if you conclude the incident became more violent because of bias, even though the catalyst for the initial dispute was based on race-neutral factors?
 - Would you still list it as a bias crime under the Hate Crime Reporting Act?

Same scenario as above, except that the Asian family just moved into the house the week before, and has had no contact with their neighbors.

- Are there bias indicators present? What are they?
- What do you believe was the motivating factor for this incident? Was there more than one?
- Does this conduct constitute a violation of any criminal laws? Which ones?

Assume that the Asian family just moved into the neighborhood. Within a day of this family moving in, the white man begins to yell racial epithets; the original tree-cutting incident then escalates into threats against the Asian family.

- Does the fact that the Asian family just moved into their house in any way change your analysis of the motivation of the white man?

Case #2 attempts to identify the investigative steps needed to properly assess whether a civil rights or hate crime occurred versus a situation in which the couple was randomly selected. The case requires discussion of statutory elements to determine if they are applicable when no direct physical confrontation or violence is involved. It is also important to not only identify relevant criminal civil rights statutes but also the general criminal laws which govern this situation.

Case #2

A mixed-racial couple is living in a deserted area of your town, or on a dead-end street in your city. On two occasions, in the dark of night, three high-school youths throw numerous eggs at their house. The family is home, but the youths run away before the family members are able to go outside to confront the perpetrators. Also assume that this couple has spoken out

publicly about bias and prejudice in the town, and, in fact, has published an article in the local newspaper about what they believe is rampant racism in the town.

- What information would you want to know before determining whether or not this was a hate crime?
- Was this house selected randomly? What facts would lead you to conclude that it was not a random attack?
 - This couple lived in a deserted area
 - They had been targeted on two separate occasions.
 - Were other houses also egged? Egged twice?
 - Were there reasons why the other houses were also egged? Were they egged twice?
- Does the time of year this occurred matter (i.e., Halloween versus another period during the year)?
- Assuming these youths are later identified, would you want to communicate with others (school officials and neighbors) to determine if any of the youths has engaged in similar conduct? Would you want to learn the attitudes of these youths regarding mixed racial couples and whether they have made openly biased statements?
- How does one go about determining the potential motivation of these youths (i.e., was it that the victims were a mixed racial couple, or was it because of their outspoken views)?
- For purposes of the investigation, would it matter what the emotional reaction of the family was to these egging attacks? Why? In what way?
- Since there was no direct physical confrontation or violence against a person, would this case still constitute a violation of a criminal civil rights law?
- Would this conduct constitute intimidation or coercion? (Would that make a difference in terms of the applicability of the criminal civil rights statute?)

Assume that you are able to develop evidence that these youths engaged in this conduct to intimidate the couple from speaking out in the future about racial bias and prejudice in your area.

- Do any civil rights or other criminal statutes apply in that situation?
- For purposes of charging the youths, would it matter to you that these youths were honor students rather than known troublemakers?
 - Are less serious charges appropriate based on the background of the perpetrators? Could this lead to the wrong message being received by the community?
 - What is the extent of the risk if the community then perceived that the police did not view the incident seriously?

Case #3 should elicit discussion as to the applicable criminal civil rights statutes when buildings used for religious purposes are defaced. It also raises the problem regarding the occasional tension between victims' desire to remove hate symbols and hate graffiti as soon as possible versus the investigative need of the police to preserve the evidence.

At times, criminal justice professionals are placed in the very difficult position of being asked to comment on a situation in which the wrong response may polarize a community or escalate a situation. If a comment must be made, it is best to simply state that the incident is viewed very seriously, but that any statement about motive would be premature until a thorough investigation is completed.

Case #3

On Easter Sunday, two youths write anti-Catholic graffiti on a church, which includes threats against the parishioners such as, "You will all die."

- What criminal (civil rights) statutes may be applicable in this situation?
- In reviewing the elements of those criminal statutes, do you have enough information at this point to charge them (assuming you identify the perpetrators)?
- What other facts may you need to learn in order to be able to charge under those statutes?
- What steps would you take in terms of the preservation of evidence in this case?
- How do you deal with the priest's request that the graffiti be painted over immediately before you are able to photograph the evidence?
- Assume that the reporter from the local newspaper sees you on the scene seconds after you arrive and asks you whether or not this constitutes a hate crime. How do you respond?

Reconciling Bias Crimes and the First Amendment

(Reprinted with permission of Assistant Attorney General Richard W. Cole, Massachusetts Attorney General's Office)

The First Amendment to the United States Constitution states that:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

- **Free Speech Goals of First Amendment**
 - So citizens could express their political beliefs and opposition to central government, without government reprisal.
 - Core value expressed by First Amendment is that society and government is better off when free exchange of political ideas and views is encouraged not chilled.
 - The government may not choose which political beliefs it finds acceptable or unacceptable.

- **What Constitutes Speech?**
 - It may be written, oral, public or private.
 - It may be used for political or commercial purposes.

- **The First Amendment Protects Speech Not Conduct.** Forms of speech include:
 - **Symbolic speech** to convey a message: Includes picketing, boycotts, tee shirts with political statements, arm bands, flag burning (all deemed protected speech).
 - **Anti-government (political) speech**, Anti-censorship protection for unpopular political speech
 - **Freedom not to speak**, not to pray in school or to salute flag
 - **Offensive speech** is generally protected.
 - **Speech which reflects bias or prejudice.** Racist, anti-religious, sexist speech is generally protected even if it includes use of slurs or epithets (unless incidental to conduct or used when communicating ideas in a threatening, intimidating or coercive manner).

- **Exceptions to First Amendment Protections for Speech:**
 - Slander, libel
 - Pornography/obscenity
 - Fighting words (Cohen v. California) (1971) - where speech is directed at a particular person or group of persons and is said in a manner which causes a hostile, physical reaction that tends to incite an immediate breach of the peace.
 - “Captive Audience Speech” - It is constitutional to prohibit the picketing of private homes (Carey v. Brown) (1980)
 - Clear and present danger to public safety - e.g., yelling fire in a theater or creating an imminent threat to immediate violent action.
 - National security - Speech can constitute treason
 - False and deceptive advertising
 - Where speech is incidental to conduct - It is not the idea being expressed which is being punished, but the intolerable mode of expressing the idea the speaker wishes to convey. (Wisconsin v. Mitchell). (1993) (E.g., during beating, perpetrator says I hate blacks.)
 - Solicitation crime - e.g., asking person to murder wife for payment of ten thousand dollars.
 - Words used which tend to prove discriminatory motive - Words expressing discriminatory motive are admissible to prove employment, housing, public accommodation, credit and other forms of discrimination. Words expressing a discriminatory animus may serve as evidence of the prohibited conduct (e.g., to prove reason for failure to promote) or may constitute the prohibited conduct itself.
 - Racial, religious and sexual harassment in schools and workplace - Discriminatory language used to verbally harass another in a confined environment such as in a school setting or a place of employment may be admissible to prove unlawful harassment. For e.g., sexual harassment claim may be proved by evidence of unwelcome, offensive verbal comments of a sexual nature which create an intimidating or hostile school or work environment.

***Note: Speech may fall into more than one exception.**

- **On most occasions, speech that reflects a person’s prejudice cannot be legally sanctioned by a court.** But at times mere words may cause a reasonable person to feel threatened, intimidated, or coerced. (“I’m going to kill you because I hate Catholics.”) In that case, a person is not punished for his or her beliefs or offensive thought, but for language deemed the equivalent of conduct.
- **Application of judgment and experience is needed to determine whether language used is protected speech.** Fact patterns are not always clear, and reasonable discretion and reasoned judgment are crucial in determining whether a hate crime, giving rise to civil or criminal liability, has occurred. Prior to arresting or prosecuting a suspect for a bias crime, police and prosecutors need to carefully examine the context of the verbal or written expression.
 - The perpetrator’s use of language occurring while standing in close proximity to the victim.
 - The perpetrator’s larger physical size or strength compared to the victim’s, affecting how the victim perceived the words used.
 - Significant differences in age between the perpetrator and victim
 - The tone of voice used by the perpetrator (e.g., threatening, intimidating tone)
 - The victim reasonably feeling threatened, intimidated or coerced because of the specific body language employed by the perpetrator during the time he spoke epithets of hate. (e.g., hands rolled up into fists, arms raised, in fighting stance.)

State hate/bias crime laws provide additional tools for police and prosecutors to use in protecting the civil rights of our citizens. But **law enforcement professionals may be held liable if they arrest someone for engaging in highly offensive speech that a court ultimately decides was constitutionally**

As always, the law enforcement officer is responsible for knowing the law and applying it correctly. An Officer **may be held liable for arrest mistakes.**

protected. A clear understanding of the law and a thorough, careful investigation of the alleged bias-motivated conduct should protect law enforcement officials from any potential liability.

Activity: First Amendment and Bias Crimes Application

(The cases and questions used in this session were reprinted with permission of Assistant Attorney General Richard W. Cole, Massachusetts Attorney General’s Office)

Case #4:

On a Saturday morning, a man stands in a section of your town or city Common; he uses anti-Semitic epithets and makes offensive remarks (e.g., “All Jews should die.” “It’s a shame Hitler wasn’t successful in exterminating the Jews.”)

- Does this constitute a violation of any state criminal law?
- Do these remarks constitute a threat of harm? Do they place those present in reasonable fear of physical injury or damage? (Were these remarks directed at any individual? Does that make a difference in analyzing whether or not these remarks constitute a violation of the criminal law?) (Yes)

- Is this protected speech under the First Amendment to the U.S. Constitution or under your state constitution? (Yes)

This man also hands out hate literature.

- Would this in any way change your analysis of whether or not this constitutes a crime?
- Is this protected speech under the federal and state constitutions? (Yes)

This man also self-identifies as a member of a neo-Nazi group.

- Does that change your analysis of this problem? (No)

Assume that this same man sets up a kiosk on the side of a Jewish religious parade; hundreds of Jews walk past the kiosk as the epithets are made.

- Would that in any way change whether or not he violated the criminal law? (No)
- Would it change how you would handle the matter if you were at the scene at that time?

Case #5

In the heart of a black neighborhood in your town or city, an eleven-year-old black girl sees a 6'5", 250-pound white male walking down her street. She walks up to him, stands inches away, leans up, and says, "This is a black neighborhood, white boy. Stay out of my neighborhood."

- Are there bias indicators present? What are they?
- Can the girl be charged under any state criminal (civil rights) law? Which ones?
- Does this constitute a threat? (Based on these facts, could the 250-pound white man reasonably believe that he is being threatened in this circumstance?)
- Is this protected speech? Why?
- What other evidence would you need to constitute a threat (i.e., other evidence that may have led the white man to have been reasonably placed in fear by the small girl e.g., whether or not she was holding a weapon at the time, whether others appeared to be participating with her in a joint venture)?

Case #6

A 6'5" white man sees an eleven-year-old black girl walking down his street in the heart of an all-white neighborhood. He walks up to her and, standing inches away, leans down and says in a powerful voice, "This is a white neighborhood, blacky. Stay out."

- Does this constitute a threat, creating reasonable fear of physical injury or damage?

- What specific factors lead you to conclude that the language constitutes a threat? (e.g., size, strength and age differential, close physical proximity, tone of voice)
- Is this protected speech? Why not?
- Are all the necessary elements met to charge under your state's criminal civil rights statute? (Review facts for each element for each relevant statute.)

If your state civil rights law allows for an injunctive relief remedy, review the **Scope of Civil Rights Injunctions and Factors...Injunctive Relief.**

Some behavior can be directed or controlled by the courts through *injunctions*. The Officer needs to understand the concept of this judicial measure.

Civil injunctions can be granted by the court to primarily keep the accused away from the victims. Allegations do not have to be proven beyond a reasonable doubt, the standard for proving a criminal offense. Instead, the prosecution need only convince the judge that the allegations are probably true (preponderance of evidence is the standard in civil cases).

Scope of Civil Rights Injunctions

- **Scope of the injunction is often a key issue in injunction hearings before the court.**
 - The court will want to provide protection to victim without *unreasonably* restricting activity of the defendant.
 - This represents a case-by-case balancing.
- **An injunction can:**
 - Protect victim as well as other individuals from similar interference with secured rights.
 - Protect witnesses/family members.
 - Restrain perpetrators from going near the victim, her or his residence, neighborhood, place of employment, school, etc. (100 feet is the usual distance proposed, but up to 500 feet has been requested and granted in appropriate circumstances.)
 - Restrain individual from being in "own backyard," if it is reasonable and necessary.
 - Prohibit communication with victim and witnesses, except through law enforcement or prosecutor's office.
 - Prohibit filing of frivolous civil or criminal complaints against the victim.
 - Require notification of Attorney General's office before the filing of any court action against the victim.
- **An injunction criminalizes conduct otherwise lawful.** For example:
 - Being present on certain streets or neighborhoods
 - Communicating with the victim or his or her family
- **In some states, an injunction increases the exposure to higher criminal penalties for the same conduct.**
- **In some states, civil rights injunctions are applicable to juveniles.**

Appendix - Legal Issues, Legislation and Statutes

Federal Criminal Statutes

Review each of the statutes. Congress has enacted laws that provide both criminal and civil remedies to victims of bias-motivated crimes. Four principal Federal criminal statutes concern racial- and religious-motivated violence by private individuals:

18 USC Section 241: Conspiracy Against Rights of Citizens

- Broadly prohibits conspiracies to injure any citizen who is exercising rights protected by the Constitution or laws of the United States.
- Statute has been applied to a variety of federal rights, including the right not to be deprived of life without due process of the law, the right to vote in a federal election, and the right to occupy a home free of racially motivated violence.

18 USC Section 245: Forcible Interference with Civil Rights/Federally Protected Activities

- Enacted in 1968 in response to violent attacks on civil rights workers in the South.
- Prohibits intentional interference, by force or threat of force, with certain specified constitutional rights, including voting and election activities, participation in programs administered or financed by the United States or a state, federal and state employment and jury service, enrollment in a public school or college, interstate travel by common carrier, use of restaurants, lodging, gas stations, public entertainment facilities, and other establishments serving the public and the exercise of speech or assembly rights, where the interference is motivated by discrimination on the basis of race, color, religion, or national origin.

42 USC Section 3631: Willful Interference with Civil Rights Under the Fair Housing Act

- Prohibits forcible interference with any person in selling, purchasing, renting, financing, occupying, or contracting for any dwelling due to that person's race, color, religion, sex, or national origin.

18 USC Section 242: Deprivation of Rights Under Color of Law

- Prohibits willful deprivation of constitutional and Federal statutory rights, but only those deprived by reason of race, color, or ethnicity.
- Most frequently used to prosecute violent misconduct by law enforcement officials, but it can be employed against other officials.

Limitations of the Federal Statutes:

- Federal remedies only protect victims who are threatened or attacked while they are exercising a Federally protected right including riding public transportation, eating in a restaurant, renting an apartment, buying a home.
- Most Federal statutes apply only to acts motivated by racial or religious prejudice. This excludes a number of bias crime categories from prosecution and civil relief.

Federal Civil Statutes

Three federal statutes provide civil redress for victims of bias-motivated violence by private individuals:

42 USC Sections 1981 and 1982: Civil Actions Under the Civil Rights Act of 1866

- Both sections of this statute originated in Section 1 of the Civil Rights Act of 1866 enacted by Congress shortly after ratification of the 13th Amendment which prohibited slavery.
- Section 1981 states that “all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.”
- Section 1982 ensures equal rights for citizens in terms of personal property. Damage awards under both sections often include compensatory damages for emotional distress or humiliation. Injunctive relief is also available under Section 1981.

42 USC Section 1985 (3): Conspiracy to Deprive Any Person or Class of Persons of Equal Protection of the Laws

- Enacted by Congress as part of the Klu Klux Klan Act to provide redress for victims of Klan offenses during Reconstruction.
- Imposes civil liability on anyone who conspires to deprive another individual or class of people of “the equal protection of the laws or of equal privileges and immunities under the laws.” Compensatory and punitive damages can be awarded under this section.

42 USC Section 3617: Interference, Coercion, or Intimidation in Violation of Fair Housing Act

- Created a statutory civil cause of action for anyone coerced, threatened, intimidated, or interfered with for exercising rights granted under Sections 3603, 3604, 3605, or 3606 of the Fair Housing Act.
- Restricts punitive damages to \$1,000.

State Criminal Statutes

Criminal Penalty Laws generally:

- Criminalize certain acts committed due to prejudice
- Provide enhanced penalties
- Include several types of criminal statutes
 - **Institutional vandalism.** These laws prohibit vandalism and defacement of a variety of locations and institutions including houses of worship, cemeteries, schools, public monuments, and community centers.
 - **Bias-motivated violence and intimidation.** These laws make it illegal to intimidate, harass, trespass on the property of or assault an individual because of the person’s race, religion, natural origin, and, in some states gender, sexual orientation, etc.
 - **Interference with religious worship.** These laws prohibit acts which disrupt an ongoing religious service; they also prohibit stealing a scroll, a religious vestment, or other object normally used in a religious service.

Cross Burning Laws

- Prohibit cross burning or the burning of other symbols

Mask Wearing Laws

- Ban the wearing of hoods, robes, masks, or other disguises in public, except during holidays and parades

Paramilitary Training Laws

- Prohibit military-style training camps, such as those sometimes run by racist organizations

Civil Cause of Action Laws

- Civil remedies may include injunctive relief, compensatory and punitive damages and attorney's fees. These forms of relief may have significant deterrent effect and should encourage victims to bring civil law suits.

Parental Liability Laws

- Make parents financially liable for their children's crimes

Data Collection Laws

- Require state and/or local police agencies to gather and sometimes disseminate statistics on the incidence of bias crimes

Police Training Laws

- Require law enforcement personnel to receive training in identifying, reporting, and investigating bias-motivated crimes

[Source: Adapted from Berrill, Kevin. 1992. *Countering Anti-Gay Violence Through Legislation*. Washington, D.C.: The National Gay and Lesbian Task Force Policy Institute.]

State Statutes

There are different models of state criminal and civil statutes.

Legal Issues

- **Constitutionality and Challenges**

Some federal and state bias crimes laws and municipal ordinances have been challenged in the courts.

- The United States Supreme Court reviewed the case of *R.A.V. v. St. Paul*. An adolescent was accused of burning a cross in the yard of the only African American family in a neighborhood. He was charged with a misdemeanor for violating a city ordinance that bans the display of a swastika, burning cross, or any symbol that "arouses anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender." **The Supreme Court struck down the St. Paul ordinance on the basis that it violated the First Amendment's guarantee of free speech. This ruling has made similar laws in 46 other states and municipalities vulnerable to challenges.**

- In another case reviewed by the Supreme Court, *Wisconsin v. Mitchell*, the constitutionality of bias crime laws was raised. Unlike the St. Paul ordinance that was struck down, at issue in this case was the Wisconsin law which provides stricter sentences for crimes if they are committed out of racial, religious, ethnic, or sexual bigotry.

The issue arose when Todd Mitchell, a black youth, urged several of his friends to “move on some white people.” They subsequently assaulted a 14-year-old white teenager on the street in Kenosha, Wisconsin. Mitchell was sentenced to two years in prison for aggravated battery. Two more years were added to his sentence because the crime was racially motivated. The Wisconsin State Supreme Court deemed the extra punishment unconstitutional and overturned Mitchell’s conviction, ruling that the state’s penalty enhancement law punished offensive thought protected by the First Amendment.

On June 13, 1993, the U.S. Supreme Court disagreed in a ruling that reinstated the Wisconsin law. **In a written opinion, the court said that Mitchell’s constitutional rights had not been violated, that the Wisconsin law was not overly broad, and that it punished conduct, not speech.**

- **Civil Suits Against Organized Hate Groups**

A growing area of civil litigation is being pursued against hate groups. A landmark case was won in Oregon where a jury awarded \$10 million in punitive damages to the estate of a black man who had been beaten to death by “skinheads.” The suit was filed against the murderers but also against Thomas Metzger, the president of the White Aryan Resistance Organization (WAR).

Gender Violence: Issues and Legal Trends

Despite the similar characteristics between gender bias crimes and other bias crimes, crimes motivated by gender bias are not now included in most anti-bias crime legislation at either the federal or state levels. **There is, however, a trend toward including gender in bias crime legislation as a protected category.**

- While women are often the victims of violence for the same reason as men (robbery, burglary, larceny, motor vehicle theft), **women are also victims of violence simply because they are women.**
- Suggestions that violence against women as women should be defined as bias-motivated hate crime and included in anti-bias crime legislation have met with some resistance.
- Concern has been raised about the efficacy of including gender in bias crime legislation, about the usefulness of defining rape, battery, and murder of women as bias-motivated hate crimes, and about the legitimacy of fashioning civil rights remedies for such crimes.
- **Violence against women does indeed meet the requirements of widely accepted definitions of bias crimes, which are acts of terrorism directed not only at the individual victims but at their entire community.**

- **Absence of other motive**
- **Excessive violence/lack of provocation:** Many crimes against women involve the excessive violence, including mutilation, that characterizes bias-motivated crimes. The ultimate example of hate violence against women is that perpetrated by serial murderers, who usually mutilate their victims, frequently binding, raping, and torturing them before they murder them. Three of the four women students murdered in August, 1990 at the University of Florida in Gainesville were mutilated.
- **Community impact:** These murders in Gainesville, Florida, traumatized the entire university community and left women terrorized, fearful, and intimidated as bias crimes are intended to do.
- **Intimidation of an entire group:** Violence against one woman affects all women. Virtually all women, whether or not they have been victims of violence themselves, have been intimidated by the pervasiveness of hate violence.
- **Long-term harm:** Bias crimes are significantly different from other violent acts because of the motivation that provokes them and their long-term impact. Not only do bias crimes victimize entire groups, but their individual victims generally suffer more serious harm than do other crime victims. They are more likely to be attacked by multiple perpetrators and suffer long-term psychological harm than are victims of other crimes [Source: Klanwatch. 1989, November 20. *Special report: Outlawing hate crime.* Montgomery, AL: Southern Poverty Law Center.] The subordination of women and its attendant violence have long term effects on women's psychological as well as physical health.
- While serial murders fit the definitions of bias-motivated crimes, larger numbers of women are murdered every day **in ways that also suggest bias crime by their lack of provocation, lack of apparent motive, severity of attack, existence of mutilation, and obvious intention to terrorize.**

- The guidelines for identifying an act of violence as a bias crime can also be applied to wife (or partner) abuse.

Thirty five states have some legislation on the books that address gender crime as a form of bias. Some states have civil others criminal charges.

- **Gender Bias Crimes: State Statutes** As of August 1997, **sixteen states**, California, Connecticut, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, North Dakota, Vermont, Washington, West Virginia and Wyoming **have passed bias crime statutes that include gender. Three states**, California, Michigan, and Vermont's statutes include **civil penalties. Five states**, Connecticut, Michigan, Minnesota, New Hampshire, and North Dakota **include gender in "Intimidation/Harassment" statutes. Eleven states**, Arkansas, California, Connecticut, Illinois, Iowa, Louisiana, Mississippi, Nebraska, New Hampshire, New Jersey and West Virginia also **have statutes which include penalty enhancement provisions.**
- The bias crime statutes that include gender-bias crimes were identified in 1991 through three major sources: the Anti-Defamation League's 1988 *Law Report* and 1990 *Supplement*; a LEXIS search of state laws; and, telephone interviews with the offices of state attorneys general. Only state laws that specifically address bias-motivated crimes of violence,

including “Intimidation/ Harassment” statutes, are included. The Massachusetts Office of the Attorney General updated this data in 1997.

- **Federal Legislation**

- In September 1994, the President signed the Violent Crime Control Law Enforcement Act of 1994 (The Crime Bill). Title IV of the act entitled Violence Against Women, Section 40302, “**establishes a federal civil rights cause of action for victims of crimes of violence motivated by gender.**” The provision makes the offender liable for compensatory and punitive damages to the victim and authorizes injunctive and declaratory relief to protect the victim.
- The term ‘crime of violence motivated by gender’ is defined as one **committed because of gender and due at least in part to an animus based on the victim’s gender.**
- The civil rights protection does not entitle a person to a use of action for random acts of violence unrelated to gender or those that cannot be demonstrated by a preponderance of evidence.
- Under this section, Federal and State courts have concurrent jurisdiction over actions involving gender-motivated violence. However, any civil action in a State court under the Violence Against Women Act of 1994 may not be removed to a U.S. district court. [Source: *Inside the 1994 Crime Act*. Silver Spring, MD: CD Publications.]

[The above sections on gender violence and legislation were adapted from Copeland, Lois and Wolfe, Leslie R. 1991. *Violence Against Women as Bias-Motivated Hate Crime: Defining the Issues*. The Center for Women’s Policy Study, 8-15.]

Other Legal Trends

- The inclusion of persons with disabilities, seniors
- The inclusion of sexual orientation is a protected category in independent bias crimes or penalty enhancement statutes in eighteen states and the District of Columbia. The states are California, Connecticut, Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Vermont, Washington and Wisconsin.

**STATE BIAS CRIMES STATUTORY
PROVISIONS COMPILED BY
THE MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL**

	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL
Penalty Enhancement	✓	✓			✓		✓	✓	✓	✓				✓
race	✓	✓			✓		✓	✓	✓	✓				✓
sexual orientation					✓			✓		✓				✓
gender		✓			✓		✓	✓						✓
religion	✓				✓		✓	✓	✓	✓				✓
other	✓	✓			✓		✓	✓	✓					✓
Bias or Prejudice							✓	✓		✓				
Target or Select	✓				✓				✓					✓
Misdemeanor to Felony									✓					
Increase for all Violations	✓	✓			✓		✓	✓		✓				✓
Institutional Vandalism			✓	✓	✓	✓				✓		✓	✓	✓
Felony				✓						✓				✓
Desecration of Religious Institutions					✓	✓	✓	✓		✓	✓	✓		
Felony							✓			✓	✓			
Cross-burning				✓			✓	✓		✓	✓			
Felony					✓		✓				✓			
Mask-wearing								✓			✓			
Felony														
Independent General Civil Rights Criminal Statute	✓			✓							✓			
Felony											✓			
Bias or Prejudice														
Target or Select	✓			✓							✓			
Independent Criminal Civil Rights with Category					✓	✓	✓		✓				✓	✓
race					✓	✓	✓		✓				✓	✓
sexual orientation					✓		✓							✓
gender					✓									✓
religion					✓	✓							✓	✓
other					✓				✓					✓
Felony						✓			✓				✓	✓
Bias or Prejudice														
Target or Select					✓	✓							✓	✓

	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL
Civil Action				✓	✓		✓	✓		✓			✓	✓
Private				✓	✓		✓	✓					✓	✓
damages				✓	✓		✓	✓		✓			✓	✓
injunction				✓	✓			✓						✓
Attorney General					✓					✓				
damages					✓					✓				
injunction					✓					✓				
Violations of Injunction is Criminal Penalty														
Data Collection			✓		✓		✓	✓		✓			✓	✓
Training Law Personnel			✓		✓									✓

1. "Race" includes color, ethnicity, creed, national origin or nationality.
2. "Other" includes mental or physical disability or handicap and age.

	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE
Penalty Enhancement		✓									✓		✓	✓
race		✓									✓		✓	✓
sexual orientation		✓												✓
gender		✓									✓			✓
religion		✓									✓		✓	✓
other		✓												✓
Bias or Prejudice														
Target or Select		✓									✓		✓	✓
Misdemeanor to Felony														✓
Increase for all Violations		✓									✓		✓	
Institutional Vandalism	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	
Felony	✓				✓		✓	✓				✓		
Desecration of Religious Institutions			✓	✓		✓	✓	✓			✓	✓		
Felony			✓				✓	✓				✓		
Cross-burning														
Felony														
Mask-wearing								✓						
Felony														
Independent General Civil Rights Criminal Statute		✓						✓						
Felony		✓						✓						
Bias or Prejudice														
Target or Select		✓						✓						
Independent Criminal Civil Rights with Category		✓				✓		✓	✓	✓		✓	✓	✓
race		✓				✓		✓	✓	✓		✓	✓	✓
sexual orientation		✓				✓		✓		✓				✓
gender		✓				✓			✓	✓				✓
religion		✓				✓		✓	✓	✓		✓	✓	✓
other		✓				✓		✓		✓				✓
Felony		✓						✓	✓			✓	✓	
Bias or Prejudice										✓				
Target or Select		✓				✓		✓	✓			✓	✓	✓

	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE
Civil Action				✓		✓		✓	✓			✓		✓
Private				✓				✓	✓			✓		✓
damages				✓				✓	✓			✓		✓
injunction								✓	✓			✓		
Attorney General						✓		✓						
damages														
injunction						✓		✓						
Violations of Injunction is Criminal Penalty						✓		✓						
Data Collection		✓		✓		✓	✓	✓		✓				
Training Law Personnel				✓				✓						

3. Additional programs for hate crime defendants includes sensitivity training, (CA), and diversity awareness program, (MA).

4. The following states Criminalize interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, VA and WV.

	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD
Penalty Enhancement	✓	✓	✓								✓			
race	✓	✓	✓								✓			
sexual orientation	✓	✓	✓											
gender		✓	✓											
religion	✓	✓	✓								✓			
other	✓		✓											
Bias or Prejudice														
Target or Select	✓	✓	✓								✓			
Misdemeanor to Felony														
Increase for all Violations	✓	✓	✓								✓			
Institutional Vandalism	✓		✓		✓	✓		✓			✓	✓		
Felony	✓		✓					✓			✓	✓		
Desecration of Religious Institutions	✓		✓	✓				✓	✓	✓	✓	✓		
Felony			✓	✓				✓	✓			✓		
Cross-burning						✓							✓	
Felony														
Mask-wearing						✓								
Felony														
Independent General Civil Rights Criminal Statute													✓	
Felony													✓	
Bias or Prejudice														
Target or Select													✓	
Independent Criminal Civil Rights with Category	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓		✓
race	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓		✓
sexual orientation	✓		✓							✓				
gender			✓				✓							
religion	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓		✓
other	✓		✓						✓					
Felony			✓		✓				✓			✓		✓
Bias or Prejudice												✓		
Target or Select	✓		✓		✓	✓	✓	✓	✓	✓	✓			✓

	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD
Civil Action	✓		✓		✓			✓		✓	✓	✓		✓
Private	✓		✓		✓			✓		✓	✓	✓		
damages	✓		✓		✓			✓		✓	✓	✓		
injunction			✓							✓	✓			
Attorney General					✓						✓			
damages					✓									
injunction											✓			
Violations of Injunction is Criminal Penalty											✓			
Data Collection			✓						✓	✓	✓	✓		
Training Law Personnel												✓		

5. Institutional Vandalism is knowingly defacing, damaging, deforming or destroying the real or personal property of any other person.
6. Religious institutions includes tombs, burial vaults, urns, memorials, vases, foundations, bases or other similar items in a cemetery.

	TN	TX	UT	VT	VA	WA	WV	WI	WY						
Penalty Enhancement		✓	✓				✓	✓							
race							✓	✓							
sexual orientation								✓							
gender							✓								
religion							✓	✓							
other								✓							
Bias or Prejudice		✓													
Target or Select			✓				✓	✓							
Misdemeanor to Felony			✓												
Increase for all Violations		✓					✓	✓							
Institutional Vandalism	✓	✓	✓		✓	✓		✓							
Felony		✓	✓		✓	✓		✓							
Desecration of Religious Institutions	✓	✓			✓			✓							
Felony		✓			✓			✓							
Cross-burning				✓	✓	✓									
Felony				✓	✓	✓									
Mask-wearing	✓				✓		✓	✓							
Felony					✓			✓							
Independent General Civil Rights Criminal Statute		✓	✓												
Felony		✓													
Bias or Prejudice		✓													
Target or Select			✓												
Independent Criminal Civil Rights with Category	✓			✓	✓	✓	✓		✓						
race	✓			✓	✓	✓	✓		✓						
sexual orientation				✓		✓									
gender				✓		✓	✓		✓						
religion	✓			✓	✓	✓	✓								
other						✓									
Felony				✓		✓	✓								
Bias or Prejudice															
Target or Select				✓		✓	✓		✓						

	TN	TX	UT	VT	VA	WA	WV	WI	WY					
Civil Action	✓			✓	✓	✓		✓						
Private	✓			✓	✓	✓		✓						
damages	✓			✓	✓	✓		✓						
injunction				✓	✓									
Attorney General														
damages														
injunction														
Violations of Injunction is Criminal Penalty														
Data Collection		✓			✓	✓								
Training Law Personnel						✓								

7. States without Hate Crime Statutes are: AZ, HI, IN, LA and NM.

This chart reprinted with permission of the Massachusetts Office of the Attorney General.

SESSION D NOTES

Describe rationales on why law enforcement needs to know about Federal and State laws on hate crimes:

1.

2.

3.

4.

5.

6.

7.

8.

9.

(Insert relevant State Law on Hate Crimes here)

Describe 18 U.S.C§ 241, Conspiracy Against Rights:

Describe 18 U.S.C.§245, Interference Against Federally Protected Activities:

Describe 18 U.S.C.§247, Damage to Religious Property/Obstruction of Religious Activity:

Describe 28 U.S.C.§534, Federal Hate Crimes Statistics Act:

Session E

GUIDELINES FOR AN EFFECTIVE RESPONSE

Objectives

By the end of this session, you will be able to:

- Recognize the role of the first responder regarding the handling of a hate/bias crime incident.
- Identify the preliminary investigative steps to be taken upon arrival at the scene.
- Recognize the elements of a hate/bias crime in order to document circumstances surrounding the incident.
- Identify the special role of the officer with the victim.

The enforcement of laws against hate/bias crimes are a top priority. The initial response to a bias incident is pivotal for successfully disposing of a bias incident.

How Hate/Bias Crimes are Different From Other Crimes:

- Uniquely violent and assaultive characteristics.
- Trauma to victims.
- Threat to community stability.
- Potential for community unrest and political problems for a police department.

The Preliminary Steps a Patrol Officer Should Take Upon Arrival at the Scene

- **Needs the first responding Officer has at the scene of a bias crime might include the following:**
 - Information on the perpetrator(s)
 - Evidence that the crime was motivated by bias
 - History of the victim (has this happened before)
 - History of the area (has this happened before)
- **Basic responsibilities of responding officer include:**
 - Respond promptly.
 - Apprehend perpetrator or keep incident from escalating.
 - Notify supervisor of the hate/bias incident. If in doubt, report as possible hate crime. Let your supervisor decide if it is or isn't a hate crime.
 - Preserve the crime scene. Protect any evidence (Cross, literature, spray paint can, broken bottle). If statements were made, ascertain what they were as early and as thoroughly as possible.
 - Stabilize the victim by providing physical and emotional first-aid. These cases are similar to dealing with a victim of sexual abuse or child abuse, so the victim may feel:
 - Degraded Frightened Suspicious of others Sad
 - Isolated Powerless In a state of denial

- Maintain a non-critical, non-judgmental attitude.
 - Permit the victim to ventilate. Remember this might very well be one of the worst experiences of their life. The hate crime is a degrading experience which strips them of their dignity. Some victims will deny that the crime is a hate/bias incident. Some victims, particularly gay victims, will be concerned about confidentiality. Your initial response will not only make a difference in the healing process, but will also affect the victim's level of cooperation in prosecution.
 - Be supportive throughout the process. Make it known that this is a priority. Don't make it a double victimization. Victims need to be reassured that this is important to the police department.
 - The responding officer should provide the victim with information about community organizations available, the phone numbers of the victim witness coordinator and the local Human Relations Commission or other appropriate community groups.
 - Conduct a preliminary investigation. Contact neighbors of the victim, seeking information about the incident (unless confidentiality or investigative concerns override). This helps send a message to the community, the victim and the perpetrator that your police department places a high priority on hate crimes.
 - File an appropriate report.
- **Approaches, mannerisms, or other aspects of a first responding Officer that might inhibit getting all the information the Officer needs from a victim might include the following:**
 - Appearing too abrupt
 - Not seeming to care about the physical safety of the victim
 - Appearing uninterested
 - Appearing to be in a hurry
 - Rejecting the victim's claim that the crime was a bias crime
 - Belittling the incident
- **The most common mistakes police make in initially responding to hate crimes:**
 - Misidentification
 - Failure to collect evidence
 - Failure to adequately respond to victims
 - Failure to ask the appropriate questions
 - Loss of credibility with the affected community
- **Approaches, or actions that a first responding Officer might take to encourage the victim to meet all of the information needs law enforcement might have:**
 - Respect the victim
 - Show concern for the victim's safety
 - Show concern for the victim's family (if applicable)
 - Address the victim's feelings
 - Ask if the victim has anyone they could call to be with them
 - Have ready referrals for the victim
 - Explain that you need to ask questions but that if the questions are too hard you can answer them later

- Explain the probable sequence of events (Detectives will come, there may be more questions, the media may become involved, etc).
- Be prepared
- Be professional
- Display neutrality
- Be proactive
- Be supportive

Any law enforcement officer can be a first responding Officer on the scene of a bias crime. The way this Officer responds to the victim often dictates the amount and accuracy of information gathered.

We have demonstrated that there are times when any Police Officer might be a first responder to a bias crime. We have established that bias crimes have some unique features. We have outlined some of these singular impacts, and shown some of the similarities to victim impact from other crimes.

SESSION E NOTES

Identify four ways that hate crimes are unique as compared to other crimes:

- 1.
- 2.
- 3.
- 4.

Describe four ways that a hate crime victim might feel after being victimized:

- 1.
- 2.
- 3.
- 4.

List three benefits of an effective response to hate crimes:

- 1.
- 2.
- 3.

Describe common mistakes that law enforcement makes in responding to hate crimes:

Session F

INVESTIGATIVE STRATEGIES AND COLLECTION AND PRESERVATION OF EVIDENCE

Objectives

By the end of this session, you will be able to:

- Identify strategies that facilitate the investigation of bias crimes: securing evidence, interviewing victims and witnesses cooperatively, and interrogating suspects.
- Practice techniques for interviewing bias crime victims/witnesses.
- Identify methods and strategies for proper bias crime documentation and report writing.

Preliminary Steps in Interviewing the Victim

- **Tell the victim that you are sorry the incident happened**, and ask the victim for permission to speak to him/her. Just stating that you are sorry the victim has suffered can very often allow the victim to feel more comfortable and able to remember more details.
- Provide extra security for the victim if needed, and **assure the victim that he/she is safe**.
- If the officer can not communicate in the language of the victim, use a translator or ask the victim to select a friend or family member to act as interpreter. Be mindful of cultural and privacy considerations that may prohibit a victim from using a younger member of the family as a translator, even if they are the only English-speaking member of the household.
- **Do not attempt to diminish the impact of the crime in any way.**
- **Allow the victim to ventilate feelings about the crime** and validate his or her feelings by expressing your personal concern for the victim and what they have experienced. Share the victim's outrage, and let the victim know that the police department takes these crimes seriously and will conduct a full investigation of the incident.
- **Inform the victim** that he/she may experience a range of emotional responses due to their victimization (e.g., anger, sadness, emotional numbness, etc.), and that these responses may manifest themselves immediately following or any time after the incident.
- **Be extremely sensitive to and respectful** of the victim, who may be particularly guarded due to cultural perceptions of law enforcement, or may desire to conceal or deny their affiliation with the group the offender(s) intended to harm.
- **Explain to the victim** what is likely to happen during the investigation, and prepare him or her for any disappointing or frustrating circumstances (e.g., the suspect is released).

- **Protect the victim’s anonymity whenever possible.** Anonymity is a significant issue for many victims of bias crime. For example, many gay and lesbian bias crime victims are not openly gay due to family and societal attitudes toward homosexuality.

Strategies for Conducting Effective Bias Crime Investigatory Interviews of Victims

- Only one officer should conduct the interview. Any other officers present should remain inconspicuous and not interfere with the interview.
- Allow the victim to tell the whole story in his/her own words. Do not distract the witness or interrupt the story unnecessarily.

- **Do not ask a victim “Was this a bias crime?” or in any way press for an admission that the crime was motivated by bias.** The victim may not want to acknowledge the motivation of their victimization. **Instead, ask “Do you have any idea why this happened to you?”** or say “People sometimes get attacked because of their [race, ethnicity, religion, sexual orientation]. Was there anything in the incident that might point in that direction?”

Asking a victim if they think it was a bias crime may jeopardize your case - defense lawyers can suggest that the Officer influenced the victim unduly.

- Do not make assumptions about the victim that may be inappropriate, such as assuming the victim’s sexual orientation. For example, do not ask, “Are you gay?” Instead, ask the victims what they think motivated the attack and why they think they were victimized.
- Do not allow personal value judgments of the victim’s behavior, lifestyle, or culture to intrude. Do not blame the victim for the incident. If the victim blames himself or herself for the incident, gently respond that the incident was not their fault.
- Do not question the victim’s judgment in terms of his/her own safety. What you may interpret as victims placing themselves in unsafe situations, they may interpret as exercising their rights.

- **In the case of bias crimes, language is often the key evidence. Have the victims recall to the best of their ability the exact words of the offender(s).**

Language is a key bias indicator and can be very useful in the prosecution of hate/bias cases.

- Use appropriate terminology. Do not use stereotyped or biased terms that can revictimize the victim, shut down communication, or otherwise impede the investigation.
- Continuously update the victim on the status of the case and what is being done by the police department. Victims of bias crimes are often particularly sensitive to law enforcement

responsiveness to their needs. Victims from other cultures may need more direct involvement from law enforcement to overcome cultural and linguistic barriers.

- Refer victim to individuals or organizations that can provide support and assistance. These may include victim assistance agencies (court-affiliated or community-based), social service organizations, and clergy in the victim's religious denomination.

Strategies for Enhancing Witness Cooperation in Bias Crime Cases

- Canvas the entire community, utilizing interpreters as needed. Appeal to community members' sense of civic responsibility and the chance for them to assist in ridding their community of these crimes. Canvassing the entire community sends a message to the community and potential offenders that the police department does not tolerate such crimes.
- Offer rewards for information regarding the case.
- Remember that bias crime cases often involve individuals of different races and/or ethnic groups from the witnesses of the incident. The stereotypes and biases of witnesses may consciously or subconsciously influence their perception of the incident.
- Be aware that witnesses with the same prejudices and stereotypes of the offender(s) may present a distorted or inaccurate view of what occurred. Be aware also that witnesses who want to deny to themselves and/or to others the existence of hatred in their community may provide inaccurate versions, as well.
- Establish memoranda of understanding (MOUs) with local civil rights groups that spell out referral policies, mutual support of call-in procedures, etc.

Collecting and Preserving Evidence

Special Considerations for the Collection and Preservation of Evidence in Bias Crime Investigations

- **Language:** Law enforcement officers should pay particular attention to any words or phrases that may be bias-related. **Exact words and expressions should be documented as evidence because:**
 - Documents offender motives
 - Helps victim recall other details
 - Provides prosecution useful material
 - Can assist in establishing grounds for enhanced penalties
- **Graffiti:** Photographs of graffiti consisting of racial, ethnic, religious, gender, or sexual orientation epithets and/or symbols **should be taken immediately following the incident.** This secures evidence and allows offensive language and/or symbols to be removed quickly before other community members are victimized.

- **Coordination:** The overall effectiveness of law enforcement agencies responding to bias crimes can be enhanced through policies that promote interagency training, information exchange, and multi-agency law enforcement cooperation.
 - Agencies should develop cooperative relationships with county prosecutors and other concerned federal, state, and local law enforcement agencies, as appropriate.
 - The investigation should be coordinated with other law enforcement agencies in the area to analyze patterns of bias crimes and to determine if an organized hate group is involved.

The Importance of Standardized Law Enforcement Reporting and Documentation of Bias Crimes

- **Standardized Reporting and Documentation:**
 - Assists in law enforcement's identification of conduct as a bias crime
 - Assists prosecutors in making charging decisions
 - Enhances likelihood of success of prosecution at trial, if incident report reflects bias indicators
 - Improves the prosecution's ability to obtain a favorable plea bargain or to succeed at trial
 - Enables law enforcement professionals to analyze patterns and trends of bias crime in a community
 - Increases the reporting of these crimes by victims who might otherwise be reluctant to come forward
 - Demonstrates to the community that law enforcement professionals are committed to vigorously pursuing the offenders
 - Sharpens community awareness of bias crime, resulting in greater community efforts to reduce such crime

SESSION F NOTES

Describe steps or considerations an Officer might make in interviewing a bias crime victim:

Describe three strategies for enhancing witness cooperation in bias crime cases:

- 1.
- 2.
- 3.

Describe special considerations for the collection and preservation of evidence in a bias crime investigation:

Describe the importance of press and community relations as related to hate crimes:

Session G

VICTIM TRAUMA

Objectives

By the end of this session, you will be able to:

- Identify elements of victim trauma.
- Identify the unique features of bias crimes.
- Understand the impact of this crime on bias crime victims.
- Articulate the impacts of hate crimes on the community.

Bias crime victims experience many of the same difficulties and traumas as victims of other crimes, but **bias crimes also have a unique impact. Note that the impact of bias crimes has been discussed in previous sessions (See Sessions A and E)** This portion of the curriculum will look at the considerations involved in responding to victims of bias crimes.

Crisis of Victimization

- Many victims experience a crisis as a result of their victimization. Morton Bard, author of the *Crime Victim's Book*, defines the crisis of victimization as “**a sudden, arbitrary, unpredictable event that is threatening to the self and produces a disruption in the emotions and behaviors of the threatened person.**” [Source: Bard, Morton and Sangrey, Dawn. 1986. *The Crime Victim's Book*. Brunner/Mazel, 37.]
- Crime victims experience this crisis as a result of the primary and secondary injury or harm.

Types of Victim Trauma/Injury

- Physical injury
- Financial loss
- Psychological trauma:
 - initial crisis
 - long-term stress reactions

Reasons a Patrol Officer might want to know about trauma of victims:

- Recognize potential physical problems
- Officer safety
- Protection against possible law suits
- Provide more assistance in less time
- Be able to document evidence more readily

Secondary injury is the victim's perceived rejection by and lack of expected support from the community.

- Victim trauma may be exacerbated by the insensitivity of others. This is known as "secondary injury."
- Most crime victims experience some type of secondary injury as they attempt to deal with the systems that provide physical or mental health care, process insurance claims to recover losses, or prosecute crime offenders. Hate crime victims may feel discounted by mental health providers, or the CJS (as in 'it was just an assault not a hate crime').
- Bias crime victims may experience more severe secondary injury because professionals who work within the system that serves the victim tend to have the same prejudices and biases as the rest of society.
- As a result of personal bias and prejudice, professionals like other individuals may minimize the impact of the crime on the individual.
- Bias crime victims frequently feel betrayed and hopeless when they confront institutional prejudice.
- Secondary injury can also occur as victims of bias crimes interact with family, friends, and acquaintances, as well as the clergy, the media, educators, and others.

Unique Features of Bias Crime

Just as bias crimes have unique impacts on the victim, they also have unique criminal features.

- Bias crime is more likely to be **seriously injurious or lethal** than any other personal injury crime.
- Bias crime, in part **motivated by fear**, often escalates when the members of the dominant culture think they are under attack. This issue emerged during the 1991 Gulf War, when some Arab-Americans were harassed or even physically abused.
- Bias crimes are usually **perpetrated in groups**. (The notable exception is found in sex offenders who commit acts of sexual assault or abuse out of a clear hatred of their victims.)
Group-instigated crime has a significant impact on the victim for several reasons:
 - First, there is a diffusion of responsibility so that no one person must take the blame. Second, the group seems to generate courage, particularly among those who fit the description of "cowardly."
 - Third, groups tend to exacerbate the viciousness of the crimes committed.

Hate crime is unique, which calls for special considerations to be made by Patrol Officers.

- The most egregious type of victim trauma of all hate crimes are mass murders and/or assaults. Hatred has been thought to be one of the primary motives in the following mass crimes:
 - In 1989, 300 children were playing when Patrick Part walked onto the Stockton, California, playground and fired 66 rounds in their midst. Five children died and twenty-nine children and one teacher were wounded in less than two minutes. Many have thought it was Part's racial hatred that caused him to attack the school, where close to 70 percent of the student body and of Part's victims were of Southeast Asian origin.
 - On December 6, 1989, a young man walked into the Engineering School at École Polytechnique in Montreal, Canada, and started firing an automatic weapon. After separating male students from females, he fired on the women, killing fourteen and wounding thirteen others before killing himself. As the shooting occurred he expressed out loud his hatred of women.
- Bias crimes have also emerged in response to the AIDS epidemic. According to the Presidential Commission on the Human Immunodeficiency Epidemic, "Increasing violence against those perceived to carry HIV, so-called "hate crimes" are a serious problem."
- A large number of bias crimes seem to be aimed at individuals who are not only members of an identified group but who are perceived as infringing on another group's sovereignty. Northeastern Professor Jack McDevitt has analyzed 452 cases of bias crime that occurred in Boston from 1983 to 1987 and found that 57 percent of the crimes were attacks on persons walking, driving through, or working in a neighborhood, or on a family moving into the area. [Source: McDevitt, J. and Levin, J. 1993. *Hate Crimes: The Rising Tide of Bloodshed & Bigotry*. New York: Plenum Publishers.]

[Source: Marlene A. Young, NOVA. 1993. *Victim Assistance: Frontiers and Fundamentals*. Dubuque, Iowa: Kendall/Hunt Publishing Company, 123-126.]

The Unique Impact of Bias Crimes

- Similar to all victims, bias crime victims often suffer from shock, disbelief, and denial. Their emotional turmoil is comprised of rage, terror, confusion, frustration, blame, and grief. These emotional reactions are compounded in several ways:
 - Attack was because of who I am, (race, gender, sexual orientation, religion, etc.)
 - A widespread belief that courts care less about this crime than they do about traditional crimes
 - The attack may happen again to me or members of my family.
 - The victim now distrusts all persons who are like the attacker (race, religion, sexual orientation, etc.)
- One psychological defense many victims use is that the criminal chose his or her target randomly and without purpose. In contrast, there is a purpose to bias crime, and that purpose adds an **extra dimension of fear for the victim**.
- Terror is exacerbated because **society has been slower to respond** to bias crimes than to the random "stranger crime." **Bias crimes put all members of a certain group in fear.**

- There is an **extra dimension of devaluation** or diminishment of victims when they realize that a crime not only targeted them, but also their culture, gender, sexual orientation, or other characteristic.
- Bias crime victims' grief can be more intense than other reactions, arising in part because **victims lose their sense of community** or feel betrayed by the American system.

[Source: Marlene A. Young, NOVA. 1993. *Victim Assistance: Frontiers and Fundamentals*. Dubuque, Iowa: Kendall/Hunt Publishing Company, 126-127.]

Bias crime victims may experience especially acute effects of primary and secondary victimization. The particular effects of primary victimization, resulting from the impact of the crime itself, are reviewed below.

Bias Crimes: Victim and Community Impact

Victim Impact

- Victims of bias crimes have been attacked for being different, for being misunderstood, and for being hated. Because the **basis for their attack is their identity**, they may suffer a deep personal crisis.
- Victims of bias crime are **targeted due to a core characteristic of their identity** which is immutable. This may lead to increased vulnerability.
- **Victims may reject the aspect of themselves** that was the target for their attack.
- When a bias crime is committed against a member of a minority group, the **victim frequently perceives the offender as representative of the dominant culture** in society who may frequently stereotype the victim's culture.
- If their membership in a target group is readily visible, victims of bias crimes may **feel particularly vulnerable to a repeat attack**. This heightened sense of vulnerability may result in the feeling of hopelessness.
- Victims **may become afraid to associate with other members of the group** that has been targeted or may fear seeking needed services, believing that these actions increase their vulnerability.
- As a result of the victimization, bias crime victims **may respond by more strongly identifying with their group** or, conversely, by attempting to disassociate themselves or deny a significant aspect of their identity.

The impacts of hate crime are also unique on the victim.

- Assumptions about **life/world view may be shattered**. For bias crime victims who are minorities this may be particularly devastating because their world view may have been very different than the dominant culture's world view.
- It is very difficult for the bias crime victim to resolve that the crime was motivated by hatred as opposed to another motive such as economic.

Community Impact

- When individuals are targets of hate because of their race, religion, ethnicity, gender, or sexual orientation, their **victimization is projected outward to all members of their wider community**.
- **Other members of the same group feel victimized**; members of other commonly targeted groups are reminded of their vulnerability to similar attacks.
- Places of worship are often targeted by bias crime offenders; these attacks on sacred spiritual symbols **may harm victims more than other acts of vandalism**, also harm other members of the community.
- **Some ways a hate crime might impact a community:**
 - Cost millions of dollars annually
 - Polarizes the community into a “we vs they”
 - Impedes community spirit, morale, growth
 - Perpetrates racism in America
 - Produces unnecessary tensions
 - Creates anger, fear, and outrage on the part of some victims
 - Destroys property
 - Lowers property values (real estate value)
 - Reduces time available for positive community programming
 - Limits opportunities for positive social interaction
 - Increase security needs at schools, churches, businesses, homes, et.al.
 - Requires increased police and court attention
 - Reduces community involvement

SESSION G NOTES

Define the crisis of victimization:

How did your answer compare with the course definition?

List the three types of victim trauma/injury:

1.

2.

3.

List six reasons that an officer may want to know about victims' trauma:

1.

2.

3.

4.

5.

6.

Define *secondary injury*:

How does your answer compare with the course definition?

List six impacts of bias crimes on the victim:

1.

2.

3.

4.

5.

6.

List three impacts of bias crime on the community:

1.

2.

3.

Session H

COMMUNITY STRATEGIES AND PARTNERSHIPS

Objectives

By the end of this session, you will be able to:

- Recognize the benefits of and strategies for establishing good Patrol Officer/community partnerships and disadvantages of bad relations.
- View the impact of bias crimes from the community's perspective.
- Identify the police community relations skills that should be demonstrated in response to a hate crime incident.
- Define and/or identify the effected community and actual or perceived community leaders.
- Describe community/law enforcement relations mechanisms.
- Identify/discuss department resource directories and how they can be used to make appropriate referrals in hate crime cases.
- Identify successful techniques for entering/handling various community situations (i.e., cultural and regional differences).
- Articulate characteristics of effective first officer response.

Poor police/community relations has been cited in every major civil disturbance in this country since the 1960's. Many leaders in policing today are encouraging police departments to rethink their roles as "professional crime fighters", and look toward community oriented policing. This session addresses some of the basics about police/community relations. We will address proactive options a Patrol Officer might consider, development of community based resources that can be used in addressing the needs of hate crime victims, and ways the Patrol Officer can involve community leadership in addressing community wide racial tensions caused by hate crimes.

Point of this section is to give the participants an appreciation of how community partnerships are useful in a PD's response to hate crimes.

Community Leaders and Community Groups

- **Definition of "Community"**, as it applies to individual jurisdictions.
 - Religious groupings
 - Racial groupings
 - Economic groupings
 - Vocational groupings
 - Political groupings
 - Social groupings

Participants have now begun to identify various communities that exist in their jurisdictions

Definition of "Community Leader".

- **List the "Real" Leaders from your Jurisdictions, by Descriptive Title.** Examples may be:
 - Political types
 - Ministers
 - Civil rights leaders
 - Teachers
 - Business leadership
 - Social leaders
 - Chiefs of police
 - Youth workers

- **How Community Leaders are Identified.** Some examples may be:
 - By office/position
 - By reputation
 - By their actions
 - By community consensus
 - By the media
 - By parents
 - By other leaders

- **How Community Leaders might be Useful in Responding to a Hate Crime:**
 - To help calm citizens
 - As a source of additional information
 - As resource persons to assist hate crime victims
 - As ethnic experts to assist PD in understanding unique cultural/ethnic differences.

- **How Community Leaders can Assist in Addressing Hate Crimes.** Answers might be:
 - As ethnic experts to assist in pre-incident training
 - As on-site help (language, religion, etc) at the hate crime scene
 - As a part of a community advisory board

- **How Community Leaders might be Enlisted to Assist in Responding to Hate Crimes.** Answers might be:
 - Through a Departmental advisory board
 - As part of a Departmental community oriented policing effort
 - As part of a Department's Community Relations Office
 - As a function of a formal Memorandum of Understanding with the PD
 - As a result of Patrol Officer initiated contact

Community oriented policing may not be embraced by each PD. Community relationships can be established in a variety of ways. The point of this section is to underscore the importance of police/community cooperation in addressing hate crime.

Effects of Hate/Bias Crime on Communities, and Who is Affected

- **Communities Affected by a Hate/Bias Crime and the Effect of Hate/Bias Crime on a Community:**

- Hate/bias crime affects everybody.
- Victim feels fear, anger, intimidation, confusion, et al.
- Neighbors feel some of same.
- City is embarrassed.
- City may be polarized.
- Community spirit is diminished.
- Tensions overall are increased.
- Police attention is removed from other issues.
- Opportunities for social interaction are limited.
- Property values are reduced.
- Security needs at schools, homes, churches, etc., are increased.
- Community involvement is reduced.

Hate crime impacts the whole community. We have discussed what communities exist, and who the leadership of these communities might be.

At this point, we have:

- Agreed on a definition of "community leader".
- Reached a consensus on the term "community", as it applies to their jurisdictions.
- Described the effects of a hate/bias crime beyond just the victim.

Community Relations Skills

Participants leaving session should be able to **identify successful techniques** for entering/handling and responding to hate crime, and recognize the benefits of good community relations and disadvantages of bad relations.

We have suggested that communities are impacted by hate crime. We have shown the value of involving community leaders proactively and in response to hate crime.

- **Techniques, Approaches and Skills Law Enforcement Officers Want Demonstrated or Utilized in Enter/Handling Hate Crimes.** Some examples may be:

- Respect for diversity
- Caution for cultural differences
- Immediate establishment of law enforcement presence
- Calming effect
- Conflict resolution skills
- Communication skills

- **What is Community Relations?** One definition might be:
 - Community relations are those policies, procedures, and practices in a Police Department which demonstrate that the Police Department is a part of the community, not apart from the community.

- **Some Advantages of Good Community Relations:**
 - Increases safety of staff
 - Increased community satisfaction with PD
 - Increases amount of information to PD
 - Increases amount of information to community
 - Increase in officer level of job satisfaction
 - Increases community involvement in CJS
 - Increase in community awareness of PD limits
 - Increases positive PD/community contact
 - Decreases levels of fear in community

- **Some Disadvantages of Poor Community Relations:**
 - Compromise staff safety
 - Compromise citizen safety
 - Decreases amount of community involvement
 - Decreases amount of info into PD
 - Limit PD effectiveness
 - Create opportunities for law suits
 - Create a we/they attitude toward the community

We have now:

- Reached a group consensus on the concept of community relations.
- Identified those qualities and skills desirable for officers to have in responding to various situations involving cultural and regional differences.
- Identified the advantages and disadvantages of good and poor community relations.

Community/Law Enforcement Relations Mechanisms

- **One Definition of a Community/Law Enforcement Relations Mechanism** (These are programs or methods that police might employ to facilitate community cooperation in responding to hate crime.)
 - A community/law enforcement relations mechanism is cooperative endeavor undertaken by police and community members to address concerns effecting crime, disorder, or quality of life issues in a community.

- **List Programs, Efforts, or Projects in your PD which meet the definition agreed upon.** Some examples may be:
 - Neighborhood Watch
 - Drug Awareness Resource Education
 - Ride-Along
 - Community Assessments

- Cultural awareness/Community Involvement activities, i.e., City Days, School Celebrations, Cleanup Campaigns, Cultural celebrations/events
- Memorandums of Understanding(MOU)
- **Possible Organizations or Groups to Establish MOUs:**
 - With other public agencies, as in Social Service, Schools, Office of Emergency, Housing Authority, Sanitation, etc.
 - With community groups, as in National Association for the Advancement of Colored People (NAACP), Latin United Latin American Council (LULAC), Knights of Columbus, Veteran's of Foreign Wars (VFW), etc.
 - With church organizations
 - With local citizen groups, i.e., Tenant Councils, Boy Scouts, Little League, etc.

We have now:

- Identified some mechanisms or means of police/community cooperation (community relations).

Using Department Resource Directories

- **What is a Resource Directory?**
 - A Police Department resource directory is a listing of community based resources that might be called on to assist in a variety of events or crimes that require or can be positively addressed by the police.
- **Resource Directories may include the following:**
 - Community Leaders
 - Social Service agencies
 - Local churches
 - Drug/alcohol treatment
 - Federal agencies
 - Translators
 - Medical assistance
 - Self help organizations
 - Cultural organizations
 - Civil Rights organizations

An **appropriate referral** by a Patrol Officer is a referral which provides the public an opportunity to resolve their issue or concern.

- **Why is the Patrol Officer Responsible for Making any Referrals?**
 - Order Maintenance
 - Crime Prevention
 - Public Education
 - Delivery of Service
 - Enforcement of Law

We have now reached a consensus on what a resource directory is; what is included in such a directory; what an "appropriate referral" is; why an officer makes a referral based on the traditional roles of police; and have had a brief overview discussion on PD missions and PD values.

Cultural Awareness Principles and Methods:

The purpose of this section is to give a **very brief overview** of principles and methods for a law enforcement officer to consider in dealing with diverse cultures. These methods and principles are common sense reminders on how to deal with diversity.

- **Officers by virtue of their constant requirement to interact with the population need to be as culturally aware as possible.** Some of the reasons might include:
 - May enhance Officer safety
 - Could help Officers' communicate more effectively
 - Could make citizens feel more comfortable
 - May assist an Officer in explaining differences to citizens in conflict

- Since it is not possible to know everything about every culture, the Officer needs to have knowledge about how to find out information (methods) about diverse groups on an as needed basis. **These are the methods of cultural awareness:**
 - By observing how people interact
 - By researching
 - By going to classes and orientations
 - By asking questions

- **The methods of cultural awareness are enhanced if the Officer is aware of the following principles of cultural awareness:**
 - Being non-judgmental
 - Being respectful
 - Being neutral
 - Valuing diversity
 - Recognizing differences

It is important to know that these are simple common sense practices that Officers can hone on the job. These practices allow Officers to know the people he or she is dealing with at more useful levels.

The principles of finding out information from other people are also common sense.

SESSION H NOTES

List five communities in your jurisdiction:

- 1.
- 2.
- 3.
- 4.
- 5.

Define what a community leader is:

How did your answer compare with the course definition?

List three ways community leaders can be helpful in responding to hate crimes:

- 1.
- 2.
- 3.

List three ways that community leadership can be enlisted by law enforcement to assist in responding to hate crimes:

- 1.
- 2.
- 3.

List five ways a community may be impacted by hate crimes:

- 1.
- 2.
- 3.
- 4.
- 5.

Define *community relations skills*:

How did your answer compare with the course definition?

List three community relations skills:

- 1.
- 2.
- 3.

Define *community relations*:

How did your answer compare with the course definition?

List five advantages of good community relations:

- 1.
- 2.
- 3.
- 4.
- 5.

List five disadvantages of poor community relations:

- 1.
- 2.
- 3.
- 4.
- 5.

List five methods of cultural awareness:

- 1.
- 2.
- 3.
- 4.
- 5.

List five principles of cultural awareness:

- 1.
- 2.
- 3.
- 4.
- 5.

SESSION I CASE STUDY/NOTES

Resource Appendix

HATE CRIME TRAINING PROGRAMS:

Hate/Bias Crime Training Program: Small Town and Rural Training Services, National Center for State, Local, and International Training (FLETC), the Federal Law Enforcement Training Center, U.S. Department of Treasury

For information contact FLETC, Glynco, GA 31524, telephone (912) 267-2100 or toll free (800) 743-5382 or FAX (912) 267-2894.

Educational Development Center, Inc., National Bias Crimes Training for Law Enforcement and Victim Assistance Professionals

For information contact Bias Crime Project, Educational Development Center, Inc., 55 chapel Street, Newton, MA 02458, telephone (800) 225-4276 or (617) 969-7100, Ext. 2421.

National Criminal Justice Reference Service (NCJRS) Clearinghouse, Department of Justice National Curricula on Hate Crime Training, Student Manuals (After Summer of 1999)

For more information contact NCJRS, Box 6000, Rockville, MD 20850, telephone (800) 851-3420.

FEDERAL AND STATE ENFORCEMENT AGENCIES:

**Civil Rights Division
U.S. Department of Justice
Office of the Assistant Attorney General
Room 5643
P.O. Box 65808
Washington, DC 20035-5808
(202) 514-2151**

**Criminal Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66018
Washington, DC 20035-6018
(202) 514-3204**

**Criminal Justice Information Services Division
Federal Bureau of Investigation
U.S. Department of Justice
Clarksburg, WV 26306
(304) 625-2700**

**Hate Crime Unit
Federal Bureau of Investigation
Headquarters
J. Edgar Hoover Building
10th and Pennsylvania Avenue, NW
Washington, DC 20535
(202) 324-1143**

**National Association of Attorney's General
750 First Street NE., Suite 1100
Washington, DC 20002
(202) 326-6000**

**National District Attorney's Association
99 Canal Center Plaza, Suite 510
Alexandria, VA 22314
(703) 549-9222**

VICTIM ASSISTANCE RESOURCES:

**United States Department of Justice
Office for Victims of Crime (OVC)**
810 Seventh Street, NW
Washington, DC 20531
(202) 307-5947

**United States Department of Justice
Community Relations Service (CRS)**
Headquarters, Bicentennial Building
600 E Street, NW., Suite 2000
Washington, DC 20530
(202) 305-2935 FAX (202) 305-3009

SOURCES FOR FURTHER INFORMATION:

Anti-Deamation League
823 United Nations Plaza
New York, NY 10017
Phone: (212) 490-2525

Arab American Institute
918 16th Street, NW., Suite 601
Washington, DC 20006
Phone: (202) 429-9210
Fax: (202) 429-9214

Bureau of Justice Assistance (BJA)
810 7th Street, NW
Washington, DC 20531
Phone: (202) 616-6500
<http://www.ojp.usdoj.gov/BJA>

**Bureau of Justice Assistance
Clearinghouse**
P.O. Box 6000
Rockville, MD 20849-6000
Phone: (800) 688-4252
Fax: (301) 579-5212
E-mail: askncjrs@ncjrs.org

Disability Law Center
11 Beacon Street, Suite 925
Boston, MA 02108
Phone: (617) 723-8455
Fax: (617) 723-9125

**Facing History and Ourselves National
Foundation**
16 Hurd Road
Brookline, MA 02146
Phone: (617) 232-1595
Fax: (617) 232-0281

**Federal Bureau of Investigation
Criminal Justice Info. Services Division**
Attn: Uniform Crime Reports
1000 Custer Hollow Road
Clarksburg, WV 26306
Phone: (304) 625-4995
Fax: (304) 625-5394

Human Rights Campaign
1101 14th Street, NW, Suite 200
Washington, DC 20005
Phone: (202) 628-4160
Fax: (202) 347-5323

**International Association of Chiefs of
Police**
515 N. Washington Street
Alexandria, VA 22314-2357
Phone: (800) THE-IACP
Fax: (703) 836-4543

**The National Center of Christians and
Jews**
71 Fifth Avenue, Suite 1100
New York, NY 10003
Phone: (212) 206-0006
Fax: (212) 255-6177

National Congress of American Indians
2010 Massachusetts Avenue, NW
Second Floor
Washington, DC 20036
Phone: (202) 466-7767
Fax: (202) 466-7797

National Council of La Raza
1111 19th Street, NW., Suite 1000
Washington, DC 20036
Phone: (202) 785-1670
Fax: (202) 776-1792

National Criminal Justice Association
444 North Capitol Street, NW., Suite 618
Washington, DC 20001
Phone: (202) 624-1440
Fax: (202) 508-3859

National Gay and Lesbian Task Force
2320 17th Street, NW
Washington, DC 20009-2702
Phone: (202) 332-6483
Fax: (202) 332-0207

National Network of Violence Prevention
55 Chapel Street
Newton, MA 02158
Phone: (617) 969-7100
Fax: (617) 244-3436

National Women's Law Center
11 Dupont Circle, NW, Suite 800
Washington, DC 20036
Phone: (202) 588-5180
Fax: (202) 588-5185

**Office of Juvenile Justice and
Delinquency Prevention**
810 7th Street, NW
Washington, DC 20531
Phone: (202) 307-5911
Fax: (202) 307-2093

Simon Wiesenthal Center
9760 West Pico Boulevard
Los Angeles, CA 90035
Phone: (310) 553-9036
Fax: (310) 553-8007

U.S. Commission on Civil Rights
624 9th Street, NW., Suite 700
Washington, DC 20425
Phone: (202) 337-0382
Fax: (202) 376-7558

U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202
Phone: (202) 205-5557
Fax: (202) 205-5381

**U.S. Department of Housing and Urban
Development**
451 7th Street, NW., Room 10000
Washington, DC 20531
Phone: (202) 708-0417
Fax: (202) 708-2476

Violence Against Women Office
TechWorld, N. Bldg.
K Street
Washington, DC 20531
Phone: (202) 616-8894
Fax: (202) 307-3911

Women's Legal Defense Fund
1875 Connecticut Avenue, NW
Suite 710 Washington, DC 20009
Phone: (202) 986-2600
Fax: (202) 986-2539