


INVESTIGATING HATE CRIMES

	<h2 style="margin: 0;">HULL POLICE DEPARTMENT</h2>
<p>POLICY & PROCEDURE NO.</p> <p style="font-size: 1.2em;">88.0</p>	<p>ISSUE</p> <p>DATE: 22 AUG 2019</p>
<p>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</p> <p>REFERENCED: PENDING</p>	<p>EFFECTIVE</p> <p>DATE: 22 AUG 2019</p> <p>REVISION</p> <p>DATE: ANNUALLY</p>

I. PURPOSE

The purpose of this policy is to establish guidelines for identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim’s recovery.

II. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by Hull Police Department and will be given high priority. The Hull Police Department shall employ all necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, The Hull Police Department shall be mindful of and responsive to the security concerns of victims and their families.

The Hull Police Department shall develop a standard system for collecting, analyzing, and reporting incidents of crime that are, in whole or in part, directed against individuals because of race, religion, ethnicity, gender, sexual orientation, gender identity, or disability.

III. DEFINITIONS¹

¹ These definitions are based on the FBI’s *Hate Crime Data Collection Guidelines and Training Manual*, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime-data-collection-guidelines-and-training-manual.pdf> (accessed August 1, 2016).

Bias: A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Hate Crime: any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation. Hate crime shall also include, but not be limited to, acts that constitute violations of sections thirty-seven and thirty-nine of chapter two hundred and sixty-five, section one hundred and twenty-seven A of chapter two hundred and sixty-six and chapter two hundred and seventy-two.

Hate Crime Data: information, incident reports, records and statistics relating to hate crimes, collected by the crime reporting unit.

Incident Report: an account of occurrence of a hate crime received or collected by the crime reporting unit.

Hate Incident: Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.

Hate Group: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, ethnicity, national origin, religion, disability, sexual orientation, gender, and/or gender identity.²

Race: A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair; facial features, and so forth, which are genetically transmitted by descent and heredity and that distinguish them as a distinct division of humankind. Examples include Asians, blacks or African Americans, and whites.

Ethnic Group: A group of persons whose members identify with each other through a common heritage, often consisting of a shared language, culture and/or ideology that stresses common ancestry.

Religious Group: 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. Examples include Catholic, Jewish, Protestant, Muslim, Sikh, Hindu, and atheist.

Sexual Orientation: A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex. Examples include homosexual, bisexual, and heterosexual.

Gender: Used synonymously with sex to denote whether an individual is male or female.

Gender Identity: A person's internal sense of being male, female, or a combination of both; this internal sense of gender may be different from physical gender at birth.

Disability: A physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

² Hate groups are tracked by the Southern Poverty Law Center, Anti-Defamation League, and the FBI.

IV. PROCEDURES

A. Goals

1. Officers shall conduct a thorough, prompt, and complete investigation in all suspected and confirmed hate crimes and assist the local prosecutor. Evidence related to all hate incidents should be thoroughly documented.
2. All officers of the Hull Police Department shall receive instruction on both hate crime investigation and community-police relations.
3. Investigators shall make every effort to become familiar with organized hate groups operating in the community.

B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall follow the Hull Police Department's standard protocol for responding to a crime scene. In particular, officers shall:

1. Collect physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Recognize the potential need for and request the assistance of a translator, where necessary.
3. Notify a supervisor and brief him or her on actions taken thus far.
4. Ensure that all statements made by suspects are recorded verbatim; exact language is critical.
5. Identify prior bias-motivated occurrences in the immediate area or against the same victim.
6. Assist investigators in complying with any federal or state hate crime data collection reporting requirements.

C. Supervisory Responsibilities

The supervisor shall do the following:

1. Notify the chief executive or his or her designee and other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
2. Provide updated information on the status of the investigation and the community impact within 48 hours.
3. Provide immediate assistance to the victim as outlined by the Hull Police Department's policy on victim response.³
4. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed hate crime.
5. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergy, or a departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.

³ See the IACP *Model Policy and Concepts and Issues Paper on Response to Victims*.

6. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.

D. Investigators' Responsibilities

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

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

E. Community Relations and Crime Prevention

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Towards this end, the Hull Police Department's community relations function, or officers so assigned, shall perform the following:

1. Continue to provide assistance to the victim, including protecting his or her privacy and that of his or her family as much as possible.
2. Work with segments of the larger community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any

⁴ Under the Hate Crime Statistics Act of 1990, as amended by the HCPA, the FBI's UCR Program now collects and reports statistics on hate crimes directed at individuals because of race, religion, disability, sexual orientation, ethnicity, gender, or gender identity—as well as hate crimes committed by and directed against juveniles.

⁵ Under the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (HCPA), at the request of a state, local, or tribal law enforcement agency, the attorney general may provide technical, forensic, prosecutorial, or any other form of assistance in hate crime investigations or prosecutions.

other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.⁶

3. Especially in the most serious crimes, meet with neighborhood groups, residents in target communities, and other identified groups as soon as possible to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.
4. Engage the media as soon as possible as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
5. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
6. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
7. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

F. Hate Crime Data Collection and Reporting

The Hull Police Department shall do the following:

1. The Massachusetts Hate Crime Reporting Form will be completed by the investigating officer, and forwarded to the Chief of Police for review
2. The Office of the Chief of Police will submit the completed Massachusetts Hate Crime Reporting Form to the Crime Reporting Unit, Commonwealth Fusion Center. This will be completed monthly when applicable.
3. Submit a monthly report to the FBI on all hate crime occurrences, in accordance with guidelines established pursuant to the federal Hate Crime Statistics Act.
4. Make information, records, and statistics collected available to any appropriate local or state agency and to the public, subject to all confidentiality requirements otherwise imposed by law.

⁶ This is particularly important among marginalized minority groups who may be less likely to report hate crimes to the police, including members of LGBT communities and new immigrants. It is important to remember that all victims of hate crimes, *regardless of immigration status*, are entitled to full protection under the law.

Massachusetts Hate Crime Law
MGL Chapter 265 Section 39 states:

"(a) Whoever commits an assault or a battery upon a person or damages the real or personal property of a person with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, or disability shall be punished by a fine of not more than five thousand dollars or by imprisonment in a house of correction for not more than two and one-half years, or by both such fine and imprisonment. The court may also order restitution to the victim in any amount up to three times the value of property damage sustained by the owners of such property. For the purposes of this section, the term "disability" shall have the same meaning as "handicap" as defined in subsection 17 of section one of chapter one hundred and fifty-one B; provided, however, that for purposes of this section, the term "disability" shall not include any condition primarily resulting from the use of alcohol or a controlled substance as defined in section one of chapter ninety-four C.

(b) Whoever commits a battery in violation of this section and which results in bodily injury shall be punished by a fine of not more than ten thousand dollars or by imprisonment in the state prison for not more than five years, or by both such fine and imprisonment. Whoever commits any offense described in this subsection while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison for not more than ten years or in the house of correction for not more than two and one-half years. For purposes of this section, "bodily injury" shall mean substantial impairment of the physical condition, including, but not limited to, any burn, fracture of any bone, subdural hematoma, injury to any internal organ, or any injury which occurs as the result of repeated harm to any bodily function or organ, including human skin.

There shall be a surcharge of one hundred dollars on a fine assessed against a defendant convicted of a violation of this section; provided, however, that moneys from such surcharge shall be delivered forthwith to the treasurer of the commonwealth and deposited in the Diversity Awareness Education Trust Fund established under the provisions of section thirty-nine Q of chapter ten. In the case of convictions for multiple offenses, said surcharge shall be assessed for each such conviction.

A person convicted under the provisions of this section shall complete a diversity awareness program designed by the secretary of the executive office of public safety in consultation with the Massachusetts commission against discrimination and approved by the chief justice for administration and management of the trial court. A person so convicted shall complete such program prior to release from incarceration or prior to completion of the terms of probation, whichever is applicable."

Massachusetts Hate Crime Reporting Form - Summary UCR Reporters ONLY!

Agency Name:					ORI:		Case #		
Date most recent incident:					Time (military format)				
Location of incident (use codes on back):									
Target of the hate crime	Individual (I)	Business (B)	Financial Institution (F)	Government (G)	Religious Org (R)	Society/Public (S)	Police Officer (L)	Other (O)	Unknown (U)
Weapon(s) used?	Firearm (11)	Knife/cutting (20)	Blunt Obj (30)	Motor Veh (35)	Hands/feet/fist (40)	Poison (50)	Explosives (60)	Fire/incendiary (65)	Other (90)

Specific Bias Type – CRIME WAS ANTI-_____ : [Circle all that apply]

Race/Ethnicity	Religious		Sexual Orientation	Handicap	Gender Identity
11 Anti-Black	21 Anti-Semitic	27 Anti-Atheist/Agnostic	41 Anti-Gay(male)	51 Anti-Mental	71 Anti-Transgender
12 Anti-White	22 Anti-Catholic	28 Anti-Mormon	42 Anti-Lesbian	52 Anti-Physical	72 Anti-Gender Non-conforming
13 Anti-Asian	23 Anti-Protestant	35 Anti-Jehovah's Witness	44 Anti-Heterosexual	53 Anti-AIDS	Gender
14 Anti-Hispanic	24 Anti-Islamic	33 Anti-Buddhist	45 Anti-Bisexual	59 Other	61 Anti-Male
15 Anti-Arab	25 Anti-Sikh	31 Anti-Eastern Orthodox	49 Other		62 Anti-Female
16 Anti-Hawaiian	26 Anti-Hindu	32 Anti-Other Christian			
17 Anti-American Indian	29 Anti-Other Religion	34 Anti-Mult.Religious Groups			
19 Other					

Information about the Victim(s) and Offender(s)

Victim	Age	Race	Sex	Inj	Perp	Age	Race	Sex	Arrest made
#1			M/F		#1			M/F	Y/N
#2			M/F		#2			M/F	Y/N
#3			M/F		#3			M/F	Y/N
If other victims, TOTAL number: _____					If other preps, TOTAL number _____				

Criminal Offenses that occurred during the Hate Crime (circle all that apply)

Murder 09A	Rape 11A	Robbery 120	Agg. Assault 13A	Burglary 220	Larceny 23
MV Theft 240	Simple Assault 13B	Intimidation 13C	Other Sexual Offenses 11X	Property Damage/Vandalism 290	Arson 200
Disorderly Person 90C	General Civil Rights 90Z	Other, explain:			

Narrative: (attach additional sheets as necessary)

If Nothing To Report (ZERO REPORT), for the Month of: _____, 20__

Filled out by: _____ Chief/designee signature: _____

**NOTE: This form is to be used ONLY for agencies submitting Summary UCR Data
Instructions and Definitions**

Hate crimes are any crime principally motivated by hatred of another because of race, religion, ethnicity, sexual orientation, handicap status, or gender. *All hate crimes would still be crimes even if the bias motivation were absent.* They have the added element of choosing a victim because of bias against the victim. Any criminal action motivated by bias should be recorded on the Hate Crime Reporting Form.

Situation

- Agency:** The name of the organization submitting the form.
Agency Case #: The case number assigned by the reporting agency.
Date most recent inc: The date the incident occurred (to closest day) or the most recent incident if one of a series.
Time: Time of the event (to nearest hour or minute) using a 24 hour notation.

Location

01 = Air/Bus/Train Terminal	16 = Lake/Waterway/Beach	42 = Camp/Campground
02 = Bank/Savings and Loan	17 = Liquor Store	44 = Daycare Facility
03 = Bar/Nightclub	18 = Parking lot/Garage	45 = Dock/Wharf/Freight/ Terminal
04 = Church/Synagogue/ Temple/Mosque	19 = Rental Storage Facility	46 = Farm Facility
05 = Commercial/Office Building	20 = Residence/Home	47 = Gambling Facility/Casino/Race Track
06 = Construction Site	21 = Restaurant	48 = Industrial Site
07 = Convenience Store	22 = School/College	49 = Military Installation
08 = Department/Discount Store	23 = Service/Gas Station	50 = Park/Playground
09 = Drug Store/Doctor's Office/Hospital	24 = Specialty Store	51 = Rest Area
10 = Field/Woods	25 = Other/Unknown	52 = School – College/University
11 = Government/Public Building	37 = Abandoned/Condemned Structure	53 = School – Elementary/Secondary
12 = Grocery/Supermarket	38 = Amusement Park	54 = Shelter – Mission/Homeless
13 = Hyway/Road/Alley/Street/Sidewalk	39 = Arena/Stadium/Fairgrounds	55 = Shopping Mall
14 = Hotel/Motel/Etc.	40 = ATM Separate from Bank	56 = Tribal Lands
15 = Jail/Prison/Corrections Facility	41 = Auto Dealer New/Used	57 = Community Center

- Target of incident:** Check principal target.
Weapon(s) Used: Check all that apply.
Crime Motivation: Check apparent motivation(s), that is, was crime motivated by racial, religious, or other bias. Check all that apply.

Victim(s) and Offender(s)

- Age:** Code to nearest year or use best estimate.
Race/Ethnicity: Use the following codes W (white), B (black), H (Hispanic, Latin American, or Spanish Surname), A (Asian: including Chinese, Japanese, Korean, Vietnamese, Cambodian, Other Southeast Asian, or Pacific Islander), O (Other: any other not classifiable) U (unknown).
Sex: Circle code letter: M (male) F (female)
Physical Injury: Code the most serious category. Use the following codes:
 1. Apparent broken bones 2. Possible internal injuries 3. Severe lacerations
 4. Other major injuries 5. Other minor injuries 6. None visible
Arrest/Summons: Check if arrest made or summons sought.
Other crimes committed: Check all that apply.
Narrative: Use this to provide clarifying details or explanations. Attach additional sheets as necessary

Zero Reporting: If your agency had NO Hate Crimes in this month, indicate the month and year which had zero hate crimes; sign, date, and submit form

Signature and date: Agency head or designee should SIGN the report, and the date of the report filled out

This Hate Crime reporting form should be submitted every month to:

Crime Reporting Unit
 Commonwealth Fusion Center
 124 Acton St
 Maynard, MA 01754