

CAMBRIDGE POLICE DEPARTMENT

Title: ***HATE CRIME RELATED INCIDENTS***

Procedure: 4.005

Date Issued:

Date Revised:

POLICY:

It is the policy of the Police Department to protect the constitutional rights of all citizens regardless of their race, color, ethnicity, or religion. When the rights of any citizen are infringed upon by intimidation, force, or violence, the Department shall expend resources necessary to conduct a thorough investigation, identify the perpetrators, and bring them before the court.

There will be special emphasis placed on victim assistance and community cooperation to reduce the fears of the victim and the community.

The Police Department will not tolerate malicious or criminal incidents that are racially or religiously motivated. The Department will also investigate incidents, non-criminal in nature, that adversely affect the community.

DEFINITION:

A hate crime related incident is an act or a threatened or attempted act by any person or persons against the person or property of another individual or group which may in any way constitute an expression of hostility toward the victim because of the person's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin. Such acts include, but are not limited to, vandalism, cross burning, fire bombings, bomb threats, assaults, battery, threatening phone calls, and any other incidents where the result of the action is real or perceived.

FACTORS TO BE CONSIDERED IN IDENTIFYING HATE CRIME RELATED INCIDENTS:

The motivation behind the act determines whether an incident is hate related. Although no one factor is conclusive, the following criteria, applied singularly or in combination, should be used to determine if probable cause exists to believe that an incident was motivated entirely or in part by animosity toward the victim because of his actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability or national origin.

1. Were words, symbols, or acts that are or may be offensive to an identifiable group used by the perpetrator, or are they present as evidence? For example, is there a burning cross or a painted swastika, or were derogatory words or slurs or graffiti directed at a particular racial, religious, ethnic or other minority group?
2. Are the victim and the suspected perpetrator members of different racial, religious or ethnic groups?
3. Has the victim or victim's group been subjected to past similar incidents? Has there been tension or hostility between the victim's group and another particular racial, religious or ethnic group?
4. Is the victim the only minority group member in the neighborhood or one of just a few such persons?
5. Did the victim recently move into the area? Is the victim acquainted with

neighbors and or local community groups?
Has there been evidence of hostility toward the victim by neighbors?

identifiable hate group symbol or insignia or hate group address?

6. When multiple incidents occur at the same time, are all the victims of the same race, ethnicity, religion, national origin or sexual orientation?

Is there any documented or suspected organized hate group activity in the area?

7. Does a meaningful portion of the community perceive and respond to the situation as a hate crime related incident?

PROCEDURE:
REPORTING OF HATE CRIME RELATED INCIDENTS

1. A written report and thorough follow-up investigation will be made for all hate related incidents. The report will be made regardless of the victim's desire for prosecution. In some cases, the motivation behind the act will be unclear.

8. Does the incident appear to be timed to coincide with a specific holiday or date of significance (e.g. Martin Luther King Day, Rosh Hashanah)?

REPORTING OFFICER'S RESPONSIBILITY

1. When an incident is determined to be hate related, the reporting officer is responsible for the following:

9. Has the victim been involved in recent public activity that would possibly make him a target? Has the victim been associated with any prominent recent or past activities relating to his race, ethnicity, religion or sexual orientation, (e.g., NAACP, gay rights rally, demonstrations by or against the KKK)?

Aid the injured, stabilize the victim, provide necessary assistance;

10. Has there been prior or recent news coverage of events of a similar nature?

apprehend the offender, when possible;

11. What was the manner and means of attack, (e.g., color of paint, symbols or signs used, unusual spelling of the words used)? Is the modus operandi similar to other documented incidents?

take steps to prevent the incident from escalating;

12. Is there an ongoing neighborhood problem that may have initiated or contributed to the act, (e.g., could the act be retribution for some conflict between neighbors or with area juveniles)?

protect the crime scene;

request that a supervisor respond to the scene;

13. Does the perpetrator responsible have a true understanding of the impact of the crime /incident on the victim or other group members? Are the perpetrators juveniles?

conduct a preliminary investigation;

prepare the appropriate report; and

provide assistance in accordance with the Department's procedure for victim/witness assistance.

14. Does the crime/incident indicate possible involvement by an organized hate group, (e.g., KKK, American Nazi Party)? For example:

SUPERVISOR'S RESPONSIBILITY

1. When informed that a hate motivated incident has occurred, the supervisor will:

Respond to the scene to determine the seriousness of the incident;

Is the literature printed or handwritten? Does it contain an

determine whether additional personnel are needed;

notify a Staff Officer and the Criminal Investigation Division Supervisor.

take whatever steps are necessary to prevent the incident from escalating;

supervise the preliminary investigation;

review and approve all initial reports; and

assist in carrying out any necessary community relation functions as directed by a Staff Officer.

4. The Operations Division will have the responsibility of keeping the community leadership informed on the nature of any racially motivated act that occurs within the City limits.

INVESTIGATOR'S RESPONSIBILITY

1. When called to the scene of a hate motivated incident, the investigator will:

Assume control of any necessary follow-up investigations;

conduct all necessary crime scene searches, surveillances, or activities to secure evidence and apprehend the offender;

contact the appropriate federal, state, and local law enforcement agencies for assistance if necessary;

submit all follow-up reports and prepare the case for prosecution; and

keep the Chief of Police and the victim informed of the status and any changes in the case.

2. The Criminal Investigations Division is responsible for maintaining a file on all hate motivated incidents and establishing a liaison with the appropriate federal, state, and local agencies for intelligence information exchange.

3. A follow-up investigation will be conducted by a member of the Criminal Investigations Division on all reports of hate crime related incidents.