

# Metropolitan Police Academy



## 8.3 Hate/Bias

May 29, 2025

## INTRODUCTION

During this lesson students will define hate/bias incidents, offenses, and crimes. Acknowledge the role of the Special Liaison Branch and the effects hate/bias offenses have on society and communities. Students will discuss and describe the elements of hate/bias offenses and how to conduct an investigation of a hate/bias offense.

### 8.3.1 Define the key concepts related to hate/bias incidents and offenses

The Department's function is to preserve the peace and to protect life and property. An important part of this function is to ensure that all members of the community receive protection from potential hate/bias crimes. The policy of the Department is to use the full-range of our law enforcement authority to investigate and attempt to resolve hate/bias crimes. Through this action, the Department ensures individuals who believe they have been a victim of a hate/bias crime are comfortable reporting the incident to police and confident that it will be investigated thoroughly.

The Department places special emphasis on partnerships with various agencies and organizations (such as SAFE/OCAP, discussed more in 9.1 Domestic Violence) and is dedicated to combating hate crimes in the community. The Department also promotes discussion, planning, and immediate action to improve current practices in hate crime reporting and response.

In order to understand and conduct a better investigation of a hate/bias related offense you need to understand some terms. The terms are:

#### Definitions

##### Hate

Hate is an intense dislike, or extreme aversion toward a certain person, place, thing, or group of people. The object hated can be anything from inanimate objects to oneself. Hate is an intense emotion.

##### Bias

Bias is an inclination of temperament or outlook, especially a personal and sometimes unreasoned judgment.

##### Prejudice

Prejudice is a preconceived opinion not based on reason or actual experience. The word prejudice commonly refers to preconceived judgments toward people or a person based on a characteristic or perceived characteristic of that person (e.g., race, religion, sex, gender).

## **Discrimination**

Discrimination involves treating people differently because of prejudices. Discrimination is a behavior whereas prejudice is an opinion based on a person's biased feelings. One's behavior is, in large measure, a product or reflection of their beliefs.

## **Stereotyping**

Stereotyping is an oversimplified standardized image of a person, group of people, or object. Stereotyping is a mental shorthand way of thinking that can be influenced by biased feelings or prejudiced opinions.

The important thing to remember with these terms is that they manifest in many different ways. Some instances may rise to the level of criminality and some may simply be constitutionally protected free speech and expression. When you investigate instances of potential hate/bias, it is important to keep that in mind.

### **8.3.2 Classify hate/bias crimes**

#### **Hate/bias crimes**

It is important for all members to understand that hate/bias crimes are not separate and distinct crimes, but are standard criminal offenses motivated by an offender's bias or hate. If someone commits a hate/bias motivated simple assault for example, it is still a simple assault. The hate/bias motivation for the crime would provide the court a means to hand down an enhanced penalty at sentencing. Any person can be the victim of a hate/bias related crime. The only requirement for reporting a crime as having a hate/bias motivation is the victim or investigating member has a reasonable perception that hate or bias toward any of the protected categories motivated the designated act.

In order for the crime to be considered for the enhanced penalty, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated in whole or in part, by bias or hate. While no single piece of information may establish this, there are certain things, particularly when combined with one another that support a finding that a crime has hate/bias motivation. The U.S Attorney's Office or the Office of the Attorney General will make the final determination as to whether or not to pursue an enhanced hate crime penalty.

#### ***(D.C. Code § 22-3701)***

A "bias-related/hate crime" is a designated act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, disability, matriculation, or political affiliation of a victim of the subject designated act.

## **Protected categories:**

### **1. Race**

Race is “a classification of modern humans, based on any or a combination of various physical characteristics, as skin color, facial form, or eye shape, and now frequently based on such genetic markers as blood groups.” (Dictionary.com)

### **2. Color (of skin)**

Skin color is one of the most conspicuous ways in which humans vary. Melanin accounts for most of the variation in the visual appearance of human skin.

### **3. Religion**

“A system of faith and worship usually involves belief in a supreme being and usually contains a moral or ethical code; especially, such a system recognized and practiced by a particular church, sect, or denomination. In construing the protections under the Establishment Clause and the Free Exercise Clause, courts have interpreted the term religion quite broadly to include a wide variety of theistic and nontheistic beliefs.” (Black’s Law Dictionary, 7th Edition)

### **4. National origin**

“The country in which a person was born, or from which a person’s ancestors came.” (Black’s Law Dictionary, 7th Edition)

### **5. Sex**

Sex refers to biological anatomy. It takes into consideration chromosomal make up, sex organs, and is used to delineate between female, male, and intersex individuals.

### **6. Age**

“A period of individual existence or the duration of a person’s life.” (Black’s Law Dictionary, 7th Edition)

### **7. Marital status**

“Marital status means the state of being married, in a domestic partnership, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.” (D.C. Code § 2-1401.02)

### **8. Personal appearance**

“Personal appearance means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public

accommodation, or when uniformly applied to a class of employees for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.” (D.C. Code § 2-1401.02)

## **9. Sexual orientation**

Individual or individuals someone is attracted to physically, emotionally or romantically. (DOJ/CRS)

## **10. Gender identity or expression**

“Gender identity or expression means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.” (D.C. Code § 2-1401.02)

## **11. Family responsibilities**

“Family responsibilities means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support.” (D.C. Code § 2-1401.02)

## **12. Homelessness**

- a. the status or circumstance of an individual who lacks a fixed, regular, and adequate nighttime residence; or
- b. The status or circumstance of an individual who has a primary nighttime residence that is:
  - i. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare motels, hotels, congregate shelters, and transitional housing for the mentally ill; or
  - ii. An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - iii. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.” (D.C. Code § 22-3701)

## **13. Disability**

“Disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such impairment or being regarded as having such impairment. (D.C. Code § 2-1401.02)

## **14. Matriculation**

“Matriculation” means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program. (D.C. Code § 2-1401.02)

## **15. Political affiliation**

Political affiliation means the state of belonging to or endorsing any political party. (D.C. Code § 2-1401.02)

A “Designated act” is a criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry. (D.C. Code § 22-3701)

### **Enhanced Penalty**

A person charged with and found guilty of a hate/bias crime shall be fined not more than one and one-half times the maximum fine authorized for the designated act and imprisoned for not more than one and one-half times the maximum term authorized for the designated act. (D.C. Code § 22-3703)

### **Officer Considerations:**

In order to establish a reasonable perception that hate or bias toward a protected category motivated the designated act, officers should pay close attention to all the facts on scene, including:

- Political Affiliation
- Spoken comments/phrases
- Distributed or displayed publications, flyers, or business cards
- Display of emblems/symbols
- Gestures that indicate hate/bias
- Drawings/markings
- Destruction/defacing religious symbols
- Anniversaries of significant dates
- Worn Items (hate/bias clothing, hoods, cloaks, etc.)
- The offender has prior or known involvement of hate/bias crimes

***Example:** A few members of a group are out planning to rob someone. They see a male they believe to be gay. They rob and assault the victim calling him homophobic slurs and threaten to do it again if they see him again. During your investigation, the complainant tells you he is not gay and does not understand why they assumed he was, but he thinks that is why they attacked and robbed him.*

### **Community Perception:**

It is important that each officer handle hate/bias crimes in a competent and professional manner. Hate/bias crimes can cause fear throughout an entire community.

## **8.3.3 Describe the role of the Special Liaison Branch in hate/bias offense investigations**

The Department is committed to providing every individual with exemplary police service and assisting individuals who have difficulty communicating or reporting crimes to law enforcement. In many cases, police officers are the first to encounter individuals that are unable to communicate effectively due to a limited English proficiency and/or discomfort talking with officers from outside a particular group with

which they identify. General Order 304.18 provides details of member's obligation to provide language services, even when a member of the Special Liaison Branch is not available to respond.

The Department strives to provide every individual with a means of open communication. One of the Department's many tools to enhance communication is the Special Liaison Branch (SLB). SLB falls under the Patrol Service North of the Office of the Patrol Operations Chief and consists of the following units, which are available 24 hours a day to assist members in need:

- Asian Liaison Unit (ALU)
- Deaf and Hard of Hearing Liaison Unit (DHHU)
- Latino Liaison Unit (LLU)
- Lesbian, Gay, Bisexual, and Transgender Liaison Unit (LGBTLU)
- Interfaith Liaison Unit (IFLU)
- African Affairs Liaison Unit (AALU)

Each of these units has "core" and "affiliate" members. "Core" members are members assigned directly to an SLB unit, whereas "affiliate" members are members assigned to various units throughout the department and have special liaison training and experience with the unit or units with which they are affiliated. SLB members or affiliate members are often available within the district on any given shift. If you are in need of services from SLB or an individual directly requests an SLB unit you should make a notification through the dispatcher immediately and request an SLB unit respond to your scene.

### **8.3.4 Appreciate the effects of hate/bias incidents and offenses on society**

#### **Impact of Hate/Bias Crimes**

Washington, DC is a diverse city and when hate/bias crimes occur, they demean the civil liberties inherent to each individual and erode the ties that bind our community together. The impact typically goes beyond the individual victim and adversely affects a larger population of people possessing similar characteristics or traits. Hate/bias crimes are not simply crimes against an individual, but they are crimes against the entire class of people.

Perpetrators of hate/bias crimes demonstrate reckless disregard for their victims and the community and thrive on the ability to intimidate, injure or instill fear through bias or hate. A victim of a hate/bias crime may be vulnerable and can suffer physical, financial and even psychological effects.

Hate/bias crimes can create turbulence and friction in communities. If not investigated thoroughly by law enforcement, this friction can generate distrust between the community and the police. Distrust between the community and the police can make it difficult for police to perform their duties, including investigating crime and making arrests. If situations are not resolved in timely manner, this could lead to retaliation against innocent people, and ultimately deplete resources unnecessarily.

#### **Collection and publication of data (DC Code § 22–3702)**

The Department is required to give each victim of an alleged hate/bias crime the opportunity to submit a written statement that contains information to support a claim that the designated act constitutes a bias-related crime. The Mayor's Office is required to collect and compile data on bias-related crimes for research and statistical purposes. While the law requires the Mayor's Office to publish an annual summary of the data collected and transmit the summary and recommendations based on the summary to the City Council, the report will not contain any information that could reveal the identity of crime victims.

Additionally, the U.S. Hate Crime Statistics Act of 1999 requires collection and publication of nationwide hate crime statistics, as part of the FBI's Uniform Crime Reporting System (UCR).

### **8.3.5 Describe a hate/bias event investigation**

When handling a call that an officer believes to have been motivated by hate/bias they must adhere to Special Order 11-22 "Bias-related/Hate crimes," which states:

1. Complainants are not required to prove that hate/bias motivated an incident. The complainant need only have a reasonable perception that the incident is bias-related/hate motivated.
2. If complainants state, or responding members ascertain, that an incident may be motivated by hate/bias, responding members shall:
  - a) Request that a district sergeant and an investigator/detective respond to the scene.
  - b) When the victim is a member of one of the communities served by the SLB, request that an appropriate SLB member or affiliate SLB member respond, if available.
  - c) Prepare an incident-based event report:
    - i. Indicate the facts and circumstances leading the complainant or member to perceive the presence of hate/bias motivation;
    - ii. Ensure the "suspected hate crime" field is completed to indicate the possible existence of hate/bias; and
    - iii. Note the names of the official and detective who responded to the scene.
  - d) Request that an evidence technician from the Department of Forensic Sciences (DFS) respond to photograph and process all evidence as necessary in cases where there is any type of evidence including graffiti, notes and messages.
  - e) Before leaving the scene, advise the victim that an initial determination as to whether the offense qualifies as a bias-related/hate crime will be made following additional review by the MPD Hate Crimes Coordinator, but that the U.S. Attorney's Office or the Office of the Attorney General will determine whether to pursue a hate crime enhanced penalty for anyone arrested for the offense.
  - f) Make telephone notifications to the Real Time Crime Center (RTCC) (202-727-9099) and the Hate Crimes Hotline (202-727-0500) to include:



- i. Location of the incident;
- ii. Date and time of the incident;
- iii. Nature of the Incident;
- iv. CCN number; and
- v. Responding member's name.

[Write the name of the RTCC officer who you notified in your notebook and include the name of the RTCC officer and notification time in the offense report.]

- g) In the event of an arrest, check the "hate" box on the Arrest Prosecution Report.
- h) If the victim is a member of one of the communities served by the SLB:
  - i. Notify the appropriate SLB unit providing the information about the case.
  - ii. Advise the victim that the appropriate unit of the SLB may be able to assist the victim in identifying community support services and resources.
- i) Advise the victim that in accordance with D.C. Official Code § 22-3702, the victim may submit his/her complaint in a statement that contains information to support a claim that the designated act constitutes a bias-related/hate crime; provide the central complaint number (CCN) to the victim, and advise the victim that the CCN must be affixed to all written statements.
- j) Follow the guidelines established in General Order 304.1 (Operation and Management of Criminal Investigations) and request the assistance of the appropriate investigator to prepare the statement when a complainant requests the opportunity to make a statement.
- k) Advise complainants who do not wish to make a statement at the time the offense occurs that they may either schedule an appointment through the Hate Crimes Coordinator to provide a statement at a later time by calling 202-724-1424 or they can mail their statement to the following address:

Metropolitan Police Department  
 Criminal Intelligence Branch  
 Attn: Hate Crimes Coordinator  
 441 4<sup>th</sup> Street NW, Suite 1100S  
 Washington, D.C. 20001

- l) Notify the watch commander of the alleged bias-related/hate crime and provide him/her with a copy of the offense report.

The Department also maintains a Hate Crimes Hotline (202-727-0500) for individuals who may be reluctant to report hate/bias crimes. The Hate Crimes Hotline serves as an additional tool for the community but is not meant to replace the 911 system. Individuals should call 911 in the event of an emergency to ensure prompt police service.

You CANNOT refer complainants to the hotline when asked to take a report of crime with bias or hate indications. The hotline is not a substitute for on-scene reports.

### 8.3.6 Classify the elements of offenses commonly encountered in the context of hate/bias offenses

#### Offenses that may relate to Hate/Bias Crimes

##### **Defacing or burning cross or religious symbol; display of certain emblems. (DC Code § 22-3312.02)**

It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a religious or secular symbol, or to place or display a sign, mark, symbol, impression, or other emblem, including a Nazi swastika, noose, or real or simulated burning cross, on the private property of another, without the permission of the owner or the owner's designee, or on public property, where the person acts reckless to the fact that a reasonable person would perceive that the intent of the person acting is to::

1. Deprive a person or class of persons of equal protection under federal or District law;
2. Hinder or interfere with, or retaliate for, a person's exercise of any right secured by federal or District law;
3. Threaten to injure, break, or destroy a **person's property** or harm a person's financial interests; or
4. Threaten to do bodily harm to a person.

*Any person who violates any provision of this law shall be guilty of a misdemeanor, punishable by imprisonment not to exceed 180 days.*

#### **Hate/bias Incidents:**

Members who respond to hate/bias incidents must contact the SLB who will work with the affected community and refer the incident for further investigation, if appropriate. Some examples of bias-related incidents are:

- Writing derogatory comments or slurs pertaining to race, sexual orientation or any of the protected categories on a chalkboard
- Wearing clothing that displays recognized hate symbols
- Passing out hateful flyers or propaganda
- Continuous activities that target a certain member or members of society such as loitering around someone's home or place of business, passing out fliers, and creating an atmosphere that is borderline but not necessarily causing unreasonable fear.

Members aware of a real or simulated noose or swastika, anything resembling a noose or swastika, or other item that may fall under this offense, on public or private space, regardless of the purpose of the space's use, shall:

1. Secure the scene and any witnesses, as if it were the scene of a crime.
2. Notify an official, who shall respond to the scene.

3. Notify the element watch commander, who shall note the crime or incident on the PD Form 150 (Tour of Duty Supervisor's Report).
4. Notify a detective, who shall respond to the scene.
5. Notify the Special Liaison Branch via the RTCC.
6. Classify the crime or incident in RMS as "Defacing Public or Private Property", indicate that it is a suspected hate crime, and note the presence of a noose or swastika in the public narrative.
7. Follow all procedures as they appear in SO-11-22, including making notification to hate.crimes@dc.gov or 202-727-0500.

### 8.3.7 Complete required reports for hate/bias offense

#### (Practical Exercise and complete forms)

#### LINK ON HATE/BIAS CRIME IN DC.

<https://mpdc.dc.gov/hatecrimes>

#### Closing Activity

Please complete based on instructions from your instructor.

You will be watching the video on "The Danger of a Single Story" and completing a writing assignment.

#### Summary

Hate/Bias crimes affect an entire community and as an officer you will need to be able to define and classify hate/bias incidents and offenses. The Special Liaison Branch will serve as a valuable resource during hate/bias investigations and as officers you must know how to complete a report for a hate/bias offense or incident.

#### References

GO-PER-304.01	Operation and Management of Criminal Investigations	10/11/1987
GO-OPS-304.08	Crime Scene Response and Evidence Collection	08/28/2023
GO-HSC-803.06	Real Time Crime Center Operations	03/28/2024
SO-11-15	Special Liaison Division	07/13/2011
SO-11-22	Bias-related/ Hate Crimes	12/01/2011
EO-17-032	Response to Bias – Related Crimes and Incidents	11/17/2017
CIR-24-01	Secure DC Omnibus Emergency Amendment Act of 2024	03/12/2024

Black's law dictionary, 11th edition. Bryan A Garner. Thomson West, St Paul, MN, 2019.