

Metropolitan Police Academy



8.3 Hate/Bias

Scenario-Based Training Recruit Instructional Aid

August 14th, 2023

INTRODUCTION

During this lesson, students will define hate/bias incidents, offenses, and crimes. Students will also 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 its 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 in **Lesson 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:

- **Hate** - Hate is an intense dislike or extreme aversion toward a certain person, place, thing, or group of people. The object of hatred 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 upon 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 one's 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

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 charged as simple assault. The hate/bias motivation for the crime provides the court a means to hand down an *enhanced penalty at sentencing*.

In order for a crime to be considered for an 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 a hate/bias motivation.

The US 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.

Bias-Related Crime (§ 22-3701)

A bias-related 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." 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 that the victim or investigating member has a reasonable perception that hate or bias toward any of the protected categories motivated the designated act.

Some examples of bias-related incidents are:

- Written 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.

Protected Categories

- **Race** – Race is "a classification of modern humans, based on any or a combination of various physical characteristics, such as skin color, facial form, or eye shape, and now frequently based on such genetic markers as blood groups."

- **Color** – 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.
- **Religion** – According to Black’s Law Dictionary, religion is “[a] system of faith and worship usually involv[ing] belief in a supreme being and usually contain[ing] 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.”
- **National Origin** – According to Black’s Law Dictionary, national origin refers to “[t]he country in which a person was born, or from which a person’s ancestors came.”
- **Sex** – Sex takes into consideration chromosomal make up and sex organs, and is used to delineate female, male, and intersex individuals.

Age – According to Black’s Law Dictionary, age refers to “[a] period of individual existence or the duration of a person’s life.”

- **Marital status** – According to the DC Code, “[m]arital 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.” (§ 2-1401.02)
- **Personal Appearance** – According to the DC Code, “[p]ersonal 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.” (§ 2-1401.02)
- **Sexual Orientation** – According to the DC Code, sexual orientation “[m]eans male or female homosexuality, heterosexuality and bisexuality, by preference or practice.” (§ 2-1401.02)
- **Gender Identity or Expression** – According to the DC Code, “[g]ender identity or expression means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.” (§ 2-1401.02)
- **Family Responsibilities** – The DC Code states that “[f]amily 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.” (§ 2-1401.02)

- **Homelessness** – According to the DC Code, “Homelessness is:
 - 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;
 - 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.” (§ 22-3701)

- **Disability** – The DC Code provides that “[d]isability 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.” (§ 2-1401.02)

- **Matriculation** – The DC Code states that “[m]atriculation means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, and technical or vocational school; or in an adult education program.” (§ 2-1401.02)

- **Political Affiliation** – According to the DC Code, “[p]olitical affiliation means the state of belonging to or endorsing any political party.” (§ 2-1401.02)

Additional Definitions

- **Designated Act** – 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.” (§ 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.” (§ 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:

- Display of 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 of religious symbols
- Anniversaries of significant dates
- Worn items (hate/bias clothing, hoods, cloaks, etc.)
- Whether the offender has prior or known involvement in hate/bias crimes

For 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.

Remember, in order for a crime to be considered for an 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 a hate/bias motivation. In this example, the offenders believed the male was gay, called him homophobic slurs, and threatened to rob and assault him again if they saw him again. The complainant also reported that he believed the offenders' perception of his sexual orientation was the motivation behind their attack and robbery.

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

As noted, many times, the MPD 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 members' 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)**. The SLB is located at 801 Shepherd Street, NW, Washington, DC, 20011 and can be reached at **(202) 727-5427**. It falls under the Strategic Change Division of the Executive Office of the Chief of Police. The SLB consists of the following units, which are available 24 hours a day to assist members in need:

- African Affairs Liaison Unit (AALU) (202) 727-9099
- Asian Liaison Unit (ALU): (202) 724-8009
- Deaf and Hard of Hearing Liaison Unit (DHHU): (202) 553-7874
- Interfaith Liaison Unit (IFLU) (202) 727-9099

- Latino Liaison Unit (LLU): (202) 673-4445
- Lesbian, Gay, Bisexual, and Transgender Liaison Unit (LGBTLU): (202) 727-5427

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 who have special liaison training and experience with the unit or units with which they are affiliated. SLB members and affiliate members are often available within a 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 that an SLB unit respond to your scene.

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

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; they are crimes against an entire class of people.

Perpetrators of hate/bias crimes demonstrate reckless disregard for their victims and the community, and they 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 officers to perform their duties, including investigating crimes 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 (§ 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 does not contain any information that could reveal the identity of any crime victims.

Additionally, the US 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, the officer 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. DFS response is required for all suspected bias-related incidents.
 - 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 US 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 Command Information Center (CIC) (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 CIC officer who you notified in your notebook and include the name of the CIC 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 DC 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
300 Indiana Avenue NW, Room 3000
Washington, DC 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**. 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.

NOTE: You *cannot* refer complainants to the hotline when asked to take a report of a 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

Defacement of Certain Symbols; Display of Certain Emblems. (§ 22-3312.02)

The DC Code provides that “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 any public property,” where it is probable that a reasonable person would perceive that the intent is:

- a) To deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing to all persons within the District of Columbia equal protection of the law;
- b) To injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia law, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia law;
- c) To threaten another person's property or harm another person's financial interests whereby the threat is a serious expression of an intent to inflict harm; or
- d) To cause another person to fear for his or her personal safety, or where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability.

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

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:

- Secure the scene and any witnesses, as if it were the scene of a crime.
- Notify an official, who shall respond to the scene.
- Notify the element watch commander, who shall note the crime or incident on the **PD Form 150 (Tour of Duty Supervisor's Report)**.
- Notify a detective, who shall respond to the scene.
- Request DFS to respond.
- Notify the Special Liaison Branch via the Command Information Center.
- Classify the crime or incident in Cobalt 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.
- 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 a hate/bias offense

(Practical exercise and completion of forms)

Link to information about hate/bias crimes in DC: <https://mpdc.dc.gov/hatecrimes>

Closing Activity

Watch the video on *The Danger of a Single Story* and complete a writing assignment.

Summary

Hate/bias crimes affect the 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 though as officers you must know how to complete a report for a hate/bias offense or incident.

REFERENCES

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|-----------|---|------------|
| SO 11-22 | Bias-related/Hate Crimes | 12/01/2011 |
| EO 17-032 | Response to Bias – Related Crimes and Incidents | 11/17/2017 |
| SO 11-15 | Special Liaison Division | 07/13/2011 |
| GO 304.08 | Crime Scene Response and Evidence Collection | 12/18/2018 |
| GO 304.01 | Operation and Management of Criminal Investigations | 10/11/1987 |
- Black’s Law Dictionary, 11th edition. BRYAN A GARNER. THOMSON WEST, St Paul, MN, 2019.