	<b>Boylston Police Department Policy Manual Standard Operating Procedure</b>	
	<b>Chapter: 200 – General Rules and Regulations</b>	
	<b>Directive: 200 – 24 Hate Crimes</b>	
<b>Authorized by: Chief Anthony G. Sahagian</b>	<b>Effective Date: 05/08/2018</b>	
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## General Considerations and Guidelines

- A. This policy is designed to assist officers in identifying crimes motivated by bias toward an individual's race, religion, ethnicity, handicap, sexual orientation or gender and to define appropriate steps for assisting victims and apprehending suspects.
  
- B. The key to a successful law enforcement response to hate crimes is building a partnership with victimized communities. There needs to be a relationship of trust and cooperation between the police and these communities. Citizens need to be encouraged to come forward whenever a hate crime occurs and to have confidence that the police will handle these matters with the seriousness and concern they deserve. Citizens need to look at the police, as allies in the fight against hate violence.
  
- C. Hate crimes are viewed very seriously by the Boylston Police Department and will be given high priority. The department will use every necessary resource rapidly and decisively to identify the perpetrators, arrest them, and take vigorous enforcement action.
  
- D. Recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence, and the possible far-reaching negative consequences of these acts on the community and the department, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.

## Policy

It is the policy of the Boylston Police Department to safeguard the State and Federal Rights of all individuals irrespective of their race, religion, ethnicity, handicap, sexual orientation or gender and to treat seriously any acts or threats of violence, property damage, harassment, intimidation, or other crimes that are designed to infringe upon these rights.

### I. Definition

The following phrases shall have the following meanings:

- A. **Advocacy Organization:** Any non-profit or not-for-profit group which represents or serves constituencies targeted in hate crimes motivated by the forms of bias enumerated at 520 CMR 13.02(3); or gathers information relating to the incidence, circumstances, patterns, causes, or nature of hate crimes or incidents or any specific type(s) of hate crime or incidents.
- B. **Bias indicators:** Objective facts, circumstances, or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias enumerated at 520 CMR 13.02.
- C. **Bias Motive:** Hatred, hostility, or negative attitudes towards, or prejudice against any group or individual on account of race, religion, ethnicity, handicap, or sexual orientation or gender, which is a contributing factor, in whole or in part, in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators. The specific forms of bias covered by the Hate Crime Reporting Act are:
  - 1. **Racial/Ethnic/National Bias**
    - a. Anti-Black
    - b. Anti-White
    - c. Anti-Asian
    - d. Anti-Hispanic
    - e. Anti-Arab
    - f. Anti-Other Racial/Ethnic/National Group

**2. Religious Bias**

- a. Anti-Jewish
- b. Anti-Catholic
- c. Anti-Protestant
- d. Anti-Islamic (Moslem)
- e. Anti-Other Religion

**3. Sexual Orientation Bias**

- a. Anti-Gay (Male)
- b. Anti-Lesbian (Female)
- c. Anti-Other Sexual Orientation

**4. Handicap Bias**

- a. Anti-Person with AIDS
- b. Anti-Physically Disabled
- c. Anti-Mentally Disabled (i.e., mental illness, mental retardation)

**5. Gender Bias**

- a. Anti-Male
- b. Anti-Female

A bias motive may also consist of an intent to interfere with, disrupt, or deprive another person(s) of his or her Constitutional Rights by threats, intimidation, harassment or coercion.

**6. Hate Crime**

- a. Any criminal act to which a bias motive is evident as a contributing factor, or
- b. Any act which constitutes a violation of:
  - 1) MGL 265 Section 37 or 39;
  - 2) MGL 266 Section 127A; and
  - 3) MGL 272 Section 92A

7. Hate Incident: Any act whether consisting of conduct, speech or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.
8. Hate Group: An organization, formal or informal, which promotes bias, animosity, hostility, or malice against persons belonging to a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group (e.g., the Ku Klux Klan, American Nazi Party, etc.).
9. Hate Crime Report: An account of a hate crime from a law enforcement source received or collected by the Department Crime Reporting Officer.
10. Hate Incident Report: An account of a hate incident from a civil rights agency or advocacy organization received or collected by the Department Crime Reporting Officer.

## II. Bias Indicators

- A. The following criteria can assist law enforcement officers in determining whether a particular crime should be classified as a hate crime. These criteria are not all inclusive and each case must be examined on its own facts and circumstances. Common sense judgment should also be applied in making the determination whether a crime should be classified as a hate crime.
  1. The offender and the victim were of different racial, religious, ethnic/national origin, handicap, and sexual orientation or gender groups. For example, the victim was black and the offenders were white.
  2. Bias-related oral comments, written statements or gestures were made by the offender, which indicate his or her bias. For example, the offender shouted a racial or anti-gay epithet at the victim.
  3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.
  4. Certain objects, items, or things which indicate bias were used (e.g., the offenders wore white sheets and white hoods) or left behind by the offender(s) (e.g., a burning cross was left in front of the victim's residence).

5. The victim is a member of a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group, which is overwhelmingly outnumbered by members of another group in the area where the victim lives and the incident took place.
6. The victim was visiting a location where previous hate crimes had been committed against other members of his or her racial, religious, ethnic/national origin, handicap, sexual orientation or gender group and where tensions remain high against his or her group.
7. Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic/national origin, handicap, sexual orientation or gender group.
8. Victims or witnesses perceive that the incident was motivated by bias.
9. The victim was engaged in activities promoting a racial, religious, ethnic/national origin, and handicap, sexual orientation or gender group. For example, the victim is a member of the NAACP, participated in gay rights demonstrations, etc.
10. The incident coincided with a holiday relating to or a date of particular significance to a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group (e.g., Martin Luther King Day, Rosh Hashanah, Gay/Lesbian Pride Day, etc.)
11. The offender was previously involved in a similar bias crime or is a member of, or associates with, a hate group.
12. 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.
13. A historically established animosity exists between the victim's group and the offender's group.
14. The victim, although not a member of the targeted racial, religious, ethnic/national origin, handicap, sexual orientation or gender group, is a member of the advocacy group supporting the precepts of the victim group, or is friendly with members of a victim group.

15. The victim was in or near an area or place commonly associated with or frequented by a particular racial, religious, ethnic/national origin, handicap, sexual orientation or gender group (e.g., a gay bar).
16. There was no clear economic motive for an assault and battery.
17. The victim was in the company of, or married to, a member of a targeted group.
18. The victim has received harassing mail or phone calls or has been the victim of verbal abuse based on his or her affiliation with a targeted group.

### III. Factors to Aid in Identifying Possible Hate Crimes/Incidents

In attempting to determine whether a particular crime or incident should be classified as a Hate Crime/Incident, the responding officer should evaluate the presence of the following factors:

#### A. The crime/incident involves:

1. An act, threat or attempt:
  - a. That constitutes an expression of racial, religious, ethnic or sexual orientation hostility; or
  - b. To injure, intimidate, interfere with or oppress any person or group in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or Laws of the Commonwealth of Massachusetts or the United States;
2. Against the person or property of another; or
3. By an individual or a group.

#### B. The crime/incident involves:

1. Telephone calls or writings that contain racial, religious, ethnic/national origin, handicap, sexual orientation or gender slurs or epithets;
2. Assaults or vandalism attributable to the victim's race, religious, ethnicity, handicap, sexual orientation or gender group; or

3. Symbolic gestures, drawings, markings, or graffiti with racial, religious, ethnic/national origin, handicap, sexual orientation or gender connotations.

#### IV. Officer Responsibilities

**A.** When an officer at the scene of an incident believes that it may have been motivated by racial, religious, ethnic/national origin, handicap, sexual orientation or gender bias, the officer shall take any preliminary actions necessary, such as:

1. Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures;
2. Restoring order to the crime scene and taking any necessary actions to gain control of the situation;
3. Identifying any injured parties and taking steps to provide medical assistance;
4. Identifying any witnesses or others who have knowledge of the crime;
5. Protecting the crime scene;
6. Summoning the Shift Supervisor or the Officer-in-Charge to the scene; and,
7. Conduct the preliminary investigation of the incident and file a complete and detailed report according to departmental procedures. Note specifically in the title of the report that the incident appears to be a possible hate crime.

#### V. Responsibilities of the Supervisor / Officer in Charge

**A.** The Shift Supervisor or the Officer in Charge shall respond immediately to the scene of the incident and shall:

1. Confer with the initial responding officer;
2. Take measures to ensure that all necessary preliminary actions have been taken and inform their immediate supervisor of the incident;

3. Request any appropriate additional personnel necessary to complete the preliminary investigation and begin the follow-up investigation;
4. Provide immediate assistance to the crime victim;
5. Supervise the preliminary investigation to include preliminary interviews of the victim and any witnesses to the incident; and
6. Ensure that all relevant facts are documented on the offense and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime.
7. Notify the Department Civil Rights Officer/Investigator and brief him/her of the situation.

VI. Responsibility of the Department Civil Rights Officer/Investigator

**A. The Department Civil Rights Officer/Investigator** assigned to the alleged hate crime and/or incident shall be responsible for the following:

1. Assure that the scene is properly protected, preserved, and processed and that all physical evidence of the incident is photographed, collected, labeled, and submitted according to current departmental procedures. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall) the owner of the property shall be contacted to remove such material as soon as possible once it has been photographed.
2. Conduct a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvass the neighborhood for additional sources of information;
3. Notify 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;
4. Work closely with the District Attorney's Office to ensure that a legally adequate case is developed for prosecution;
5. Coordinate the investigation with other appropriate law enforcement agencies in an effort to obtain an analysis of any discernible



patterns, organized groups, and/or suspects potentially involved in the offense;

6. Make the final determination as to whether the incident should be classified as a hate crime or incident; or
7. Complete any reports necessary to comply with statistical reporting requirements for hate crimes.

**B.** The Department Civil Rights Officer/Investigator shall also take the lead role in providing ongoing assistance to the crime victim to include:

1. Providing ongoing information to the victim about the status of the Criminal investigation; and,
2. Contacting the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.

## **VII.** Community Relation Efforts by Department Personnel

**A.** Hate crimes and incidents are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim's racial, religious, ethnic/national origin, and handicap, sexual orientation or gender group as a whole. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional hate crimes and/or incidents, and encourage any other previously victimized individuals to step forward and report those crimes. Towards this end, the department shall:

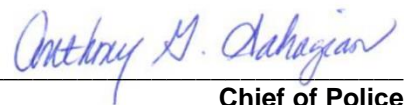
1. Meet with neighborhood groups and other identified groups to allay fears, relay the department's concerns over and response to this and related incidents, reduce the potential for counter-violence, and provide safety, security, and crime prevention information;
2. Provide direct and referral assistance to the victim and his or her family;
3. Conduct public meetings on race, religious, ethnic, and sexual orientation threats and violence in general, and as it relates to specific incidents;
4. Establish liaison with formal organizations and leaders; and
5. Expand, where appropriate, existing preventive programs such as antihate seminars for school children.

VIII. Records Reporting

- A. It shall be the responsibility of the Boylston Police Department's Records Section or officer assigned by the Chief of Police to ensure that all Hate Crimes are properly reported to the Crime Reporting Unit of the Criminal History Systems Board and the Department of Public Safety on a monthly basis.
1. The Massachusetts Hate Crime Reporting Form shall be used to report Hate Crimes to the Crime Reporting Unit.
  2. If additional information becomes available, an amended report or additional data or information shall be submitted to the Crime Reporting Unit.
  3. Names of victims and perpetrators of Hate Crimes should not be reported to the Crime Reporting Unit on the prescribed form. Crimes shall be referenced and identified by the offense number assigned by the police department, the time and date of the incident, and other particularized information deemed relevant by the Crime Reporting Unit.

IX. Governing Authority

- A. 501 CMR Chapter 4  
Hate Crimes
- B. MGL 265 Section 37  
Crimes against the person; Violation of Constitutional Rights
- C. MGL 265 Section 39  
Assault and Battery for the purpose of intimidation
- D. MGL 272 Section 92A  
Crimes against Chastity, Morality, Decency and Good Order;

  
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Chief of Police

05/08/2018

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Date