

Roles of Law Enforcement and Victim Assistance Professionals

Overview of the Session: At a Glance

Activity: Discussion of Roles, Responsibilities, and Unique Challenges in Responding to Bias Crimes	20 minutes
Presentation: Investigative Strategies	25 minutes
Presentation: Advocacy on Behalf of Victims and Their Families	15 minutes
TOTAL TIME	60 minutes

Objectives

By the end of this session, participants will be able to:

- Identify the respective roles and responsibilities of law enforcement and victim assistance professionals when responding to bias crimes
- Identify strategies that facilitate the investigation of bias crimes: securing evidence, interviewing victims and witnesses effectively, and interrogating suspects
- Describe essential steps in advocating for bias crime victims

Materials and Equipment



Time: 60 minutes



Handouts: Important Issues to Address When Assisting Bias Crime Victims



Transparencies: Special Considerations When Interviewing Bias Crime Victims; Conducting Effective Victim Interviews; Enhancing Witness Cooperation; Collecting and Preserving Evidence in Bias Crime Investigations; Important Issues to Address When Assisting Bias Crime Victims



Equipment: Flipchart; markers; overhead projector; screen

Instructor's Notes

1. Activity: Discussion of the Roles, Responsibilities, and Unique Challenges in Responding to Bias Crimes (20 minutes)

First, *ask* for volunteers to identify the roles and responsibilities of **law enforcement professionals** in responding to bias crimes.



Record their answers on a flipchart. *Provide* and *explain* other roles and responsibilities that have not been mentioned by participants. Police officers are responsible for the following:

- Identifying a crime as potentially motivated by bias
- Providing support and assistance to bias crime victims
- Conducting thorough investigations of all alleged bias incidents
- Documenting bias crime incidents and preparing quarterly statistical reports for the Federal Bureau of Investigation's Uniform Crime Reports Section
- Contacting and maintaining involvement with the district attorneys responsible for prosecuting these cases
- Interviewing victims and witnesses
- Collecting and preserving evidence
- Interrogating suspects
- Maintaining contact with and referring victims to other support agencies, including victim assistance programs
- Providing bias crime response training to other police officers and other police departments
- Maintaining good community relations through the use of police community liaisons, community policing, and general support to the community

Note to Instructor

This exercise is designed to help law enforcement and victim assistance professionals examine and clarify their roles and responsibilities in responding to bias crime.

It is also designed to help them become more familiar with one another's roles. If time allows, you may wish to have participants brainstorm in small groups before conducting the large-group exercise.

Remove the flipchart page(s) and *hang* it visibly in the front of the room. Then, *ask* for volunteers to identify the responsibilities of **victim assistance professionals** in responding to bias crimes. *Record* their answers on a flipchart. *Provide* and *explain* other responsibilities that have not been mentioned by participants. These should include the following:

- Providing emergency care to victims
- Providing food to victims, and referring them to shelter when necessary

Session E. Roles of Law Enforcement and Victim Assistance Professionals

- Providing safety services, such as helping victims install new locks or replace broken windows
- Providing emergency financial assistance, such as money for phone calls, food, or shelter
- Providing on-the-scene comforting words and gestures, and making home visits shortly after the incident
- Counseling victims immediately following the incident, and providing follow-up counseling after the incident
 - Advocating for victims to ensure they do not lose pay from employers for time spent in recovery and court
 - Facilitating the expedient return of stolen property retained by police departments as case evidence
 - Assisting victims in preparing their victim impact statements
 - Referring victims to other resources, such as legal, psychological, and social services, civil rights and advocacy organizations, and the local religious alliance
 - Assisting victims in filling out claims for compensation, restitution, and/or witness fee assistance
 - Providing court-related services, such as witness reception, court orientation, notification, witness alert, transportation, child care, and escorts to court
 - Providing general advocacy services, such as public education, legislative advocacy, and training of police, prosecutors, and other human service providers

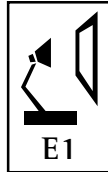


Ask participants to provide examples of common challenges they face in responding to bias crime cases. *Record* their answers on a flipchart, indicating if the example is a challenge experienced primarily by law enforcement professionals, victim assistance professionals, or both.

II. Presentation: Investigative Strategies (25 minutes)

Interviewing Victims and Witnesses

Use Transparency E1, "Special Considerations When Interviewing Bias Crime Victims."




SPECIAL CONSIDERATIONS WHEN INTERVIEWING BIAS CRIME VICTIMS

Take the following preliminary steps before interviewing a bias crime victim:

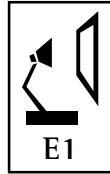
- Provide extra security for the victim, if needed, and assure the victim that he or she is safe.
- Tell the victim that you are sorry the incident happened, and ask the victim for permission to speak to him or her. This is very important, because many victims fear that law enforcement officials will not believe the incident happened or understand how traumatic it was. By saying you are sorry, you validate the victim's feelings.
- Allow the victim to ventilate feelings about the crime, and validate those feelings by expressing your personal concern for the victim and what he or she has experienced. Share the victim's outrage, and let the victim know that the police department takes these crimes seriously and will conduct a full investigation of the incident.
- If the officer cannot communicate in the language of the victim, arrange for a translator or ask the victim to select a friend or family member to act as interpreter. (Be mindful of cultural and privacy considerations that may prohibit a victim from using a younger member of the family, or a family member of a different gender, as a translator, even if that person is the only English-speaking member of the household.)
- Be extremely sensitive to and respectful of the victim, who may be particularly guarded due to cultural perceptions of law enforcement, or may desire to conceal or deny his or her affiliation with the group the offender(s) intended to harm.
- Inform the victim that he or she may experience a range of emotional responses due to the victimization (e.g., anger, sadness, emotional numbness, etc.), and that these responses may manifest themselves immediately following or any time after the incident.

(continued)



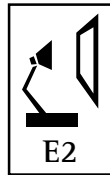
Note to Instructor

Explain that the group is now going to draw on participants' law enforcement and victim assistance experience to identify techniques for enhancing the interviewing of bias crime victims and witnesses. The officers' actions will have a direct bearing on the victim's willingness to cooperate with the investigation. The victim assistance professionals can both support victims in recovery and encourage their cooperation in the investigation.



- Do not attempt to diminish the impact of the crime in any way.
- Explain to the victim what is likely to happen during the course of the investigation, and prepare him or her for any disappointing or frustrating circumstances (e.g., the release of the suspect).
- Protect the victim's anonymity whenever possible. Anonymity is a significant issue for many victims of bias crime; for example, many gay and lesbian bias crime victims are not openly gay, due to family and societal attitudes toward homosexuality.


Use Transparency E2, "Conducting Effective Victim Interviews."



CONDUCTING EFFECTIVE VICTIM INTERVIEWS

- Only one officer should conduct the interview. Any other officers present should remain inconspicuous and not interfere with the interview.
- Allow the victim to tell the whole story in his or her own words. Do not distract the individual or interrupt the story unnecessarily.
- Language is often the key evidence in bias crimes. Have victims recall to the best of their ability the exact words of the offender(s).
- Do not ask a victim, "Was this a bias crime?" or in any way press for an admission that the crime was motivated by bias. The victim may not want to acknowledge the bias motivation of the crime. Instead, ask, "Do you have any idea why this happened to you?" or say, "People sometimes get attacked because of their [race, ethnicity, religion, sexual orientation, etc.]. Was there anything in the incident that might point in that direction?"
- Do not make assumptions about the victim that may be inappropriate, such as assuming the victim's sexual orientation. For example, do not ask, "Are you gay?" Instead, ask victims what they think motivated the attack and why they think they were victimized.

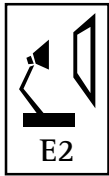
(continued)



Note to Instructor

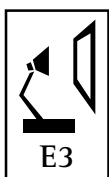
Explain that the basic skills participants have learned for interviewing victims, witnesses, and suspects in other criminal cases apply to bias crime cases as well.

Explain that there are additional considerations when interviewing victims, witnesses, and suspects in bias crime cases.



- If the victim identifies the crime as motivated by bias, acknowledge that attacks motivated by prejudice can be especially devastating.
- Do not allow personal value judgments of the victim's behavior, lifestyle, or culture to intrude. Do not blame the victim for the incident. If the victim blames him or herself for the incident, gently respond that the incident was not the victim's fault.
- Do not question the victim's judgment in terms of his or her own safety. What you may interpret as victims placing themselves in unsafe situations, they may interpret as exercising their rights.
- Use appropriate terminology. Do not use stereotyped or biased terms that can revictimize the victim, shut down communication, or otherwise impede the investigation.
- Ask the victim if he or she has been victimized in prior incidents.
- Continually update the victim on the status of the case and what is being done by the police department. Victims of bias crime are often particularly sensitive to law enforcement's responsiveness to their needs. Victims from other cultures may need more direct involvement from law enforcement to overcome cultural and linguistic barriers.
- Refer the victim to individuals or organizations that can provide support and assistance. These may include victim assistance agencies, social service organizations, and clergy in the victim's religious denomination.

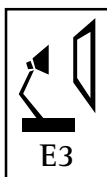
Explain that the same strategies for interviewing victims in bias crime cases also apply to interviewing witnesses. In addition, there are other strategies you can use to enhance witness cooperation. Use Transparency E3, "Enhancing Witness Cooperation."



ENHANCING WITNESS COOPERATION

- Canvas the entire community, using interpreters as needed. Appeal to community members' sense of civic responsibility and the chance for them to assist in ridding their community of these crimes. Canvassing the entire community sends a message to the community and potential offenders that the police department does not tolerate such crimes.
- Offer rewards for information regarding the case.
- Remember that bias crimes often involve individuals of races and/or ethnicities different from the witnesses of the incident. The stereotypes and biases of witnesses may consciously or subconsciously influence their perceptions of the incident.

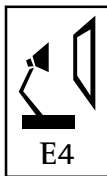
(continued)



- Be aware that witnesses with the same prejudices and stereotypes of the offender(s) may present a distorted or inaccurate view of what occurred. Witnesses who want to deny the existence of hatred in their community may also provide inaccurate versions.
- Establish memoranda of understanding (MOUs) with local civil rights groups that spell out referral policies, mutual support of call-in procedures, etc.

Collecting and Preserving Evidence¹

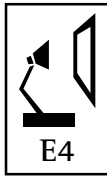
Explain that the group is now going to draw on the combined expertise of law enforcement and victim assistance professionals to identify techniques for enhancing the collection and preservation of evidence in potential bias crimes. The same techniques for collecting and preserving evidence used in other investigations should be used for the investigation of bias crimes. *Use* Transparency E4, “Collecting and Preserving Evidence in Bias Crime Investigations.”



COLLECTING AND PRESERVING EVIDENCE IN BIAS CRIME INVESTIGATIONS

- *Language:* Law enforcement officers should pay particular attention to any words or phrases that may be bias-related. Exact words and expressions should be documented as evidence. Note: Language is often the most critical evidence in a hate crime prosecution.
- *Graffiti:* Photographs of graffiti consisting of racial, ethnic, religious, gender-related, or sexual orientation-related epithets and/or symbols should be taken immediately following the incident. This secures evidence and allows offensive language and symbols to be removed quickly before other community members are victimized by them.
- *Property damage:* As with graffiti, photographs of property damage should be taken immediately following reporting of the incident. The extent of property damage may affect whether the crime can be charged as a felony or misdemeanor.
- *Personal injuries:* Arrange to have the victim’s visible physical injuries photographed. This may serve as important evidence at the time of trial. Ask the victim what would make her or him the most comfortable, e.g., having a police officer of the same gender gathering this type of evidence.
- *Symbols:* It is important to become familiar with and recognize symbols or insignias (such as a swastika or the letters KKK) that

(continued)



indicate bias. These symbols may be found in graffiti, etched or painted into property, or contained in threatening letters or phone calls. Numbers and numerology have also been used as part of hate messages. You may need to consult an expert to determine if a number or symbol has significance.

- **Threatening letters:** If a threatening letter is received, advise the victim to preserve potential fingerprint evidence:
 - Touch the letter as little as possible
 - Avoid faxing or copying the letter
 - Place the letter in a paper, not plastic, bag
 - Arrange to have an officer pick up the letter to ensure that the chain of evidence is maintained
- **Coordination:** The overall effectiveness of law enforcement agencies' response to bias crime can be enhanced through policies that promote interagency training, information exchange, and multiagency law enforcement cooperation. For example,
 - Agencies should develop cooperative relationships with county prosecutors and other concerned federal, state, and local law enforcement agencies, as appropriate.
 - The investigation should be coordinated with other law enforcement agencies in the area to analyze bias crime patterns and to determine whether an organized hate group is involved.

III. Presentation: Advocacy on Behalf of Victims and Their Families (15 minutes)



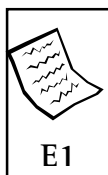
Distribute Handout E1, “Important Issues to Address When Assisting Bias Crime Victims,” and *use* Transparency E5 to discuss what professionals can do to address victim impact.



IMPORTANT ISSUES TO ADDRESS WHEN ASSISTING BIAS CRIME VICTIMS

- Address the victim's physical injuries (if applicable).
- Acknowledge the unique impact of crimes motivated by hatred or prejudice. In addition to acknowledging the physical, emotional, and financial impact of hate crime, victims need professionals to address directly the prejudice motivating the offender. Professionals should address the victim's feelings of objectification and degradation and acknowledge that these issues are particularly difficult for the victims of bias crime to discuss.
- Acknowledge that the perpetrator may commit other crimes against the victim, especially in retaliatory and reactive hate crimes.

(continued)



Note to Instructor

*Bias crimes impact victims in many ways. The impact on individual victims, their families, and their communities is discussed in more detail in **Session B, Victim Impact**. The following section is designed primarily for victim assistance professionals but is also essential training for law enforcement officials.*

*Guidelines for addressing cultural concerns related to victim advocacy and counseling are presented in **Session F, Cultural Issues and Community Strategies for Dealing with Bias Crime**.*

- Address the victim's safety. Assist in developing a safety plan and network of support.
- Be aware of the possibility of prior victimization. Victims of hate crime have often been previous victims of hate crime by the same perpetrator or experienced other incidents of victimization. Frequently, victims have not reported these prior incidents to the police.
- Acknowledge that victims may feel the long-term impact of prior victimization and discrimination.
- Address the level of fear the victim may feel. Because hate crimes are message crimes, they terrorize victims. Directly address with the victim what steps may be taken to reduce this fear.
- Address issues relating to the media. Because hate crimes often attract media attention, ask the victim if someone can act as a media liaison for him or her.
- Tell the victim that this type of crime is treated very seriously, and explain your department's or agency's response protocol.
- Acknowledge institutional prejudice and its impact on the victim. Inquire as to any barriers to accessing services; for example, the victim may encounter physical, linguistic, or cultural barriers in pursuing a legal case or obtaining services.
- Acknowledge victims' potential fear in reporting the crime and pursuing their cases in the court system. Victims of crime who are immigrants without legal papers may fear deportation. Victims of homophobic hate crime may fear disclosure. All groups may fear dealing with legal authorities.
- Refer victims to culturally appropriate services.
- Educate yourself about the medical and legal systems in your jurisdiction. Learn about reporting procedures from the police or sheriff. Obtain copies, if possible, of the crime/hate crime reporting form to determine what kinds of information law enforcement will need to build a case, and what types of questions the victim must be prepared to answer.
- Understand the laws relating to civil rights violations and hate crimes and what is required to convict an offender under those laws. Help the victim develop realistic

(continued)



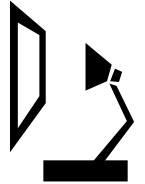
expectations about his or her role, time frames, and potential outcomes relative to the criminal justice system.

- As hate crimes affect entire communities, consider your role in organizing community members to respond to the crime and work on prevention initiatives. Options include the following:
 - Organize a community response, public awareness effort, or victim vigil to show support of both the victim and the entire community affected by the crime.
 - Develop coalitions and/or networks to support hate crime victims.
 - Coordinate with human relations commissions and specialized advocacy groups to address victimization:
 - Advocate for victims within systems
 - Train citizens to provide peer support
 - Develop self-help groups for victims
 - Refer victims for support and counseling services
 - Provide translation services
 - Provide court monitoring and advocacy
 - Develop multilingual representation and education
 - Provide media advocacy
- Educate health care providers, including pre-hospital care providers, emergency department personnel, and primary care providers, about the unique impact of bias crime and the special needs of victims. The *Annals of Emergency Medicine* has published guidelines for health care professionals on treating bias crime victims.²

References

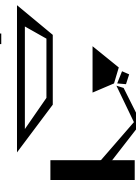
¹ Portions of this section were adapted from: U.S. Department of Justice (1998). *National hate crimes training curriculum: Multilevel state and local law enforcement professionals*. Washington, D.C.: U.S. Department of Justice.

² Hutson, H. R., Anglin, D., Stratton, G., and Moore, J. (June 1997). Hate crime violence and its emergency department management. *Ann Emerg Med* 29, 786–791.



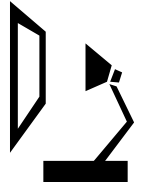
SPECIAL CONSIDERATIONS WHEN INTERVIEWING BIAS CRIME VICTIMS

- Provide extra security for the victim.
- Tell the victim you are sorry the incident happened.
- Allow the victim to ventilate feelings, and explain that the police department takes these crimes seriously.
- Use an interpreter, if necessary.
- Be extremely sensitive to and respectful of the victim, especially regarding cultural differences.
- Inform the victim about the usual range of emotional responses to victimization.
- Do not attempt to diminish the impact of the crime.
- Explain what is likely to happen during the investigation.
- Protect the victim's anonymity whenever possible.



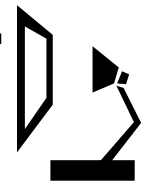
CONDUCTING EFFECTIVE VICTIM INTERVIEWS

- Only one officer should conduct the interview.
- Allow victims to tell the whole story in their own words.
- Language is often the key evidence. Have victims recall the exact words of the offender(s), if possible.
- Ask if he or she has been victimized previously.
- Do not ask “Was this a bias crime?”
- Do not make assumptions about the victim.
- Do not blame the victim or allow personal value judgments to intrude.
- Do not question victims’ judgment of their own safety.
- Use appropriate terminology; do not use biased terms.
- Regularly update victim on case status.
- Refer victim for support and assistance.



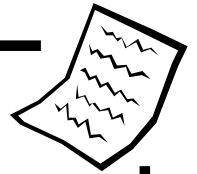
ENHANCING WITNESS COOPERATION

- Canvas the entire community, using interpreters as needed.
- Offer rewards for information.
- Remember that biases of witnesses may influence their perceptions.
- Be aware that witnesses may provide inaccurate accounts, for various reasons.
- Establish memoranda of understanding with local civil rights groups.



COLLECTING AND PRESERVING EVIDENCE IN BIAS CRIME INVESTIGATIONS

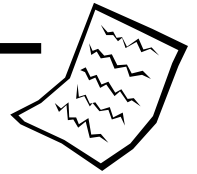
- **LANGUAGE:** Pay particular attention to any words or phrases that may be bias-related. Document exact words and expressions as evidence.
- **PHOTOGRAPHS:** Take photographs immediately of:
 - graffiti
 - property damage
 - victim’s visible personal injuries
- **SYMBOLS:** Recognize symbols indicating bias (e.g., swastika, KKK, significant numbers). Call in expert if necessary.
- **THREATENING LETTERS:** Advise victim to:
 - touch letter as little as possible
 - avoid faxing or copying letter
 - place letter in paper (not plastic) bag
 - have officer pick up letter
- **COORDINATION:** Work with other law enforcement agencies to analyze bias crime patterns.



Important Issues To Address When Assisting Bias Crime Victims

- ✓ Address the victim's physical injuries (if applicable).
- ✓ Acknowledge the unique impact of crimes motivated by hatred or prejudice. In addition to acknowledging the physical, emotional, and financial impact of hate crime, victims need professionals to address directly the prejudice motivating the offender. Professionals should address the victim's feelings of objectification and degradation and acknowledge that these issues are particularly difficult for the victims of bias crime to discuss.
- ✓ Acknowledge that the perpetrator may commit other crimes against the victim, especially in retaliatory and reactive hate crimes.
- ✓ Address the victim's safety. Assist in developing a safety plan and network of support.
- ✓ Be aware of the possibility of prior victimization. Victims of hate crime have often been previous victims of hate crime by the same perpetrator or experienced other incidents of victimization. Frequently, victims have not reported these prior incidents to the police.
- ✓ Acknowledge that victims may feel the long-term impact of prior victimization and discrimination.
- ✓ Address the level of fear the victim may feel. Because hate crimes are message crimes, they terrorize victims. Directly address with the victim what steps may be taken to reduce this fear.
- ✓ Address issues relating to the media. Because hate crimes often attract media attention, ask the victim if someone can act as a media liaison for him or her.
- ✓ Tell the victim that this type of crime is treated very seriously, and explain your department's or agency's response protocol.
- ✓ Acknowledge institutional prejudice and its impact on the victim. Inquire as to any barriers to accessing services; for example, the victim may encounter physical, linguistic, or cultural barriers in pursuing a legal case or obtaining services.
- ✓ Acknowledge victims' potential fear in reporting the crime and pursuing their cases in the court system. Victims of crime who are immigrants without legal papers may fear deportation. Victims of homophobic hate crime may fear disclosure. All groups may fear dealing with legal authorities.
- ✓ Refer victims to culturally appropriate services.

(continued)



Important Issues To Address When Assisting Bias Crime Victims (cont'd)

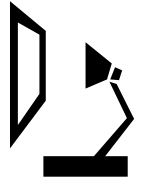
- ✓ Educate yourself about the medical and legal systems in your jurisdiction. Learn about reporting procedures from the police or sheriff. Obtain copies, if possible, of the crime/hate crime reporting form to determine what kinds of information law enforcement will need to build a case, and what types of questions the victim must be prepared to answer.
- ✓ Understand the laws relating to civil rights violations and hate crimes and what is required to convict an offender under those laws. Help the victim develop realistic expectations about his or her role, time frames, and potential outcomes relative to the criminal justice system.
- ✓ As hate crimes affect entire communities, consider your role in organizing community members to respond to the crime and work on prevention initiatives. Options include the following:
 - Organize a community response, public awareness effort, or victim vigil to show support of both the victim and the entire community affected by the crime.
 - Develop coalitions and/or networks to support hate crime victims.
 - Coordinate with human relations commissions and specialized advocacy groups to address victimization:
 - Advocate for victims within systems
 - Train citizens to provide peer support
 - Develop self-help groups for victims
 - Refer victims for support and counseling services
 - Provide translation services
 - Provide court monitoring and advocacy
 - Develop multilingual representation and education
 - Provide media advocacy
- ✓ Educate health care providers, including pre-hospital care providers, emergency department personnel, and primary care providers, about the unique impact of bias crime and the special needs of victims. The *Annals of Emergency Medicine* has published guidelines for health care professionals on treating hate crime victims.



IMPORTANT ISSUES TO ADDRESS WHEN ASSISTING BIAS CRIME VICTIMS

- ✓ Address the victim's physical injuries (if applicable).
- ✓ Acknowledge the unique impact of attacks motivated by hatred or prejudice.
- ✓ Acknowledge that the perpetrator may commit other crimes against the victim, especially in retaliatory and reactive hate crimes.
- ✓ Address the victim's safety.
- ✓ Be aware of possible prior victimization.
- ✓ Acknowledge that victims may feel the long-term impact of prior victimization and discrimination.
- ✓ Address the level of fear the victim may feel.
- ✓ Address issues relating to the media.

(continued)



IMPORTANT ISSUES TO ADDRESS WHEN ASSISTING BIAS CRIME VICTIMS (cont'd)

- ✓ Tell the victim that this type of crime is treated very seriously, and explain your department's or agency's response protocol.
- ✓ Acknowledge institutional prejudice and its impact on the victim, and inquire as to any barriers to accessing services.
- ✓ Acknowledge victims' potential fear in reporting the crime and pursuing their cases in the court system.
- ✓ Refer victims to culturally appropriate services.
- ✓ Educate yourself about the medical and legal systems in your jurisdiction.
- ✓ Understand the laws relating to civil rights violations and help victim develop realistic expectations.
- ✓ Organize the community to work on prevention initiatives.
- ✓ Educate health care providers on the special needs of bias crime victims.