

# RESPONDING TO HATE CRIMES

A ROLL CALL  
TRAINING VIDEO  
FOR POLICE OFFICERS

## Instructor's Guide



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## About the Video

The Bureau of Justice Assistance (BJA) *Responding to Hate Crimes: A Roll Call Training Video for Police Officers* is a 20-minute film covering major steps in responding to and investigating potential hate crimes. The video is designed to be shown either in one session or in two or three shorter segments.

The video begins with an introduction by Attorney General Janet Reno and is narrated by Police Chief Joseph Carter of Oak Bluffs, Massachusetts. BJA funded and produced the video and will distribute more than 16,000 copies to police agencies throughout the country.

## About the *Instructor's Guide*

Although the *Roll Call Training Video* is designed to stand alone as a presentation on hate crime response and investigation, it is likely that after viewing the film officers will have questions about certain aspects of hate crimes. Additionally, many officers will benefit from more practical information on how to identify an incident as a potential hate crime. This *Instructor's Guide* meets both of these needs.

- First, the *Guide* poses many of the questions that police officers frequently ask about hate crimes and, more important, provides sample answers.
- Second, the *Guide* provides additional training for officers on the identification of bias indicators. This material (which can be copied and used as overheads or handouts) includes case studies that are designed to be used in a group discussion of bias indicators.

The material in this *Guide* allows you to supplement the video with up to 30 minutes of additional instruction. The *Guide* is flexible to fit both the time available for training and the information needs of your officers.

## Additional Resources

Two other resources are available for providing officers with information on hate crime response. The U.S. Department of Justice (DOJ) law enforcement training courses and the International Association of Chiefs of Police (IACP) guide *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention* present two excellent options for additional training.

**DOJ's National Hate Crime Training Initiative.** DOJ has created four 8-hour curricula for training police officers on responding to and investigating potential hate crimes. DOJ has trained a group of professionals in every state to present these courses. If you would like information on the availability of this training in your state, call the U.S. Department of Justice Response Center at 1-800-421-6770.

**The IACP Guide *Responding to Hate Crimes*.** The IACP's guide actually contains two separate training tools: (1) a 12-page booklet covering major components of an effective response to and investigation of hate crimes and (2) a smaller detachable pocket guide designed to be placed under a visor, in an officer's pocket, or on a clipboard.

The IACP, with funding from BJA and the Office for Victims of Crime, plans to distribute 450,000 copies of the guide to police agencies across the nation. A copy of the guide is available by calling the IACP toll-free at 1-800-THE-IACP or by accessing the IACP Web site at [www.theiacp.org](http://www.theiacp.org).



## Frequently Asked Questions

Below are the responses to 12 questions about hate crimes frequently asked by police officers. It is suggested that you read through these questions and responses *before* you show the video so that you will be prepared to answer questions that are asked during or after the showing of the film.



**Question 1: Hate crimes are not a problem in our community. Why do we need to be trained on responding to hate crimes?**

**Response:** Police departments have learned that hate crimes occur in every kind of community, from small towns to suburbs to inner-city neighborhoods. The country's experience in recent years underscores this point: James Byrd, Jr., an African-American man, was dragged behind a truck and killed in Jasper, Texas, a small, rural town; Matthew Sheppard, a gay student, was beaten and left to die on the outskirts of Laramie, Wyoming, a large college town; Ricky Byrdson, an African-American man, was shot to death in suburban Chicago by a man who had first shot at several Jewish men and boys and then at a Chinese-American couple; and Joseph Santos Iletto, a Filipino-American mail carrier, was shot to death in Los Angeles by a man who previously had opened fire at children in a Jewish community center. What police departments have found in communities like ours is that the lack of *reported* hate crimes often means that citizens are *not reporting* them or officers are *failing to identify bias indicators*—not that hate crimes never occur.

**Question 2: Are prosecutors going to take hate crimes seriously?**

**Response:** Prosecutors at the local, state, and federal levels are an essential component of law enforcement's efforts to confront hate crimes. Several national projects are in progress to help prosecutors address hate crimes, including training courses, development of protocols for prosecuting hate crimes, and formation of local task forces that bring together police and prosecutors.

**Question 3: What good does training do if our state does not have hate crime laws?**

**Response:** The absence of state hate crime laws makes our job more difficult. However, hate crimes can be prosecuted under long-established state criminal statutes. Moreover, in certain circumstances, hate crimes can be prosecuted under federal criminal civil rights laws.

**Question 4: Do hate crime laws protect whites?**

**Response:** The simple answer is “yes”; hate crimes are “color blind.” Racially motivated crimes targeted at whites, although far less common than hate crimes targeting persons of color, occur and are prosecuted. Additionally, it is important to remember that hate crimes motivated by bias against a victim’s religion, nationality, gender, or sexual orientation are often directed at whites.

**Question 5: Do victims frequently fabricate complaints of hate crimes?**

**Response:** Fabricated complaints occur but only *very rarely*. Police have found that victims often are reluctant to report hate crimes or even acknowledge that what appears to others to be a hate crime is, in fact, motivated by bias. The fear and isolation felt by hate crime victims more often leads to under-reporting rather than to fabrication.

**Question 6: Why are we being trained to deal with hate crimes against gays and lesbians when our state hate crime laws do not cover sexual orientation?**

**Response:** Regardless of whether our state hate crime laws cover crimes motivated by bias against gays or lesbians, we as police officers need to respond to those crimes. Remember, hate crimes can be prosecuted under both hate crime laws and conventional crime laws.

**Question 7: Why should hate crime laws protect someone like a gay or lesbian who *chooses* to be in a minority group by deciding to be homosexual?**

**Response:** There is considerable disagreement about whether gays or lesbians choose their sexual orientation or whether sexual orientation is genetic. The resolution of this controversy is not relevant to our responsibility as police officers to enforce the laws. Hate crime laws prohibit violence, threats, or property damage motivated by bias. Our job is to identify potential hate crimes and investigate fully to determine if the crime was, in fact, motivated by bias. Moreover, hate crime

laws have always applied to persons who choose to be in a “targeted” group—such as by converting to a different religion.

**Question 8: Do hate crime laws confer “special rights” on certain groups?**

**Response:** Hate crime laws protect every person in our state and country. Anyone, including you, could be a victim of a hate crime because of their racial identity, nationality, ethnicity, gender, sexual orientation, disability, or religious beliefs. Hate crime laws do not confer any “special rights” but rather protect the rights of individuals to conduct their everyday activities—living in their homes, doing their jobs, going to school—without being subject to violence because of who they are.

**Question 9: Are police officers protected against hate crimes?**

**Response:** Hate crime laws protect police officers against crimes motivated by bias to the same extent as any other person. For example, a police officer who is assaulted because of his or her racial identity, ethnicity, or sexual orientation is a victim of a hate crime. However, a hate crime has not been committed if a police officer is assaulted because the perpetrator dislikes the police. This type of assault would be prosecuted as a conventional crime or under criminal statutes that specifically address violence against law enforcement officers.

**Question 10: Is domestic violence or sexual assault against a woman considered a hate crime?**

**Response:** Domestic violence or sexual assault can be prosecuted as a hate crime if gender is included in the hate crime laws and if evidence can be obtained demonstrating that the assault was *motivated* by bias against the victim because of her gender.

**Question 11: Does bias have to be the only motivation to charge someone with a hate crime?**

**Response:** In general, no, although the answer may depend on how courts in our jurisdiction have interpreted our hate crime laws. It is not uncommon for people to commit crimes for more than one reason. Many hate crimes are successfully prosecuted even when motivations in addition to bias are present.

**Question 12: Can a hate crime be committed with nothing more than words?**

**Response:** The use of bigoted and prejudiced language does not in and of itself violate hate crime laws. This type of offense is frequently classified as a bias incident. However, when words *threaten* violence, hate crime laws apply.

## **How To Identify Bias Indicators**

Identifying bias indicators and confirming bias motivation are the *essential* building blocks to responding to the needs of victims and the community and successfully prosecuting hate crimes. Bias crime indicators are objective facts, circumstances, or patterns attending a criminal act that, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by bias. The following nine factors may indicate bias motivation.

### **Racial, Ethnic, Gender, and Cultural Differences Between Perpetrator and Victim.**

- Racial identity, religion, ethnicity/national origin, disability, or sexual orientation of the victim differs from that of the offender.
- Victim is a member of a group overwhelmingly outnumbered by members of another group in the area where the incident occurred.
- Victim was engaged in activities promoting his or her group.
- Incident coincided with a holiday or date of particular significance to the victim's group.

- Victim, although not a member of the targeted group, is a member of an advocacy group that supports the targeted group or was in the company of a member of the targeted group.
- Long-established animosity exists between the victim's group and the offender's group.

#### **Comments, Written Statements, and Gestures.**

- Bias-related comments, written statements, or gestures were made by the offender.

#### **Drawings, Markings, Symbols, and Graffiti.**

- Bias-related drawings, markings, symbols, or graffiti were left at the scene of the incident.

#### **Involvement of Organized Hate Group or its Members.**

- Objects or items that represent the work of an organized hate group were left at the crime scene.
- 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 at the time of the crime.



#### **Previous Existence of Bias Crimes/Incidents.**

- Victim was visiting a location where bias crimes had been committed against members of the victim's group.
- Several incidents occurred in the same area, and victims were members of the same group.
- Victim had received harassing mail or phone calls previously or had been subjected to verbal abuse based on his or her affiliation with a targeted group.

### **Victim/Witness Perception.**

- Victims or witnesses perceive that the incident was motivated by bias.

### **Motive(s) of Suspect.**

- Offender was involved in a similar incident or is a member of, or associates with members of, an organized hate group.
- Victim was in the company of, or married to, a member of a targeted group.
- Offender believed the victim was violating or breaking from traditional conventions or working in nontraditional employment.
- Offender has a history of committing crimes with a similar modus operandi, and there have been multiple victims with the same racial identity, religion, ethnic/national origin, disability, sexual orientation, or gender.

### **Location of Incident.**

- Victim was in or near an area or place commonly associated with or frequented by individuals of a particular racial identity, religion, ethnic/national origin, disability, sexual orientation, or gender.
- The incident occurred at or near a place of worship, a religious cemetery, the home of a minority family living in a predominantly white neighborhood, or a gay bar.

### **Lack of Other Motives.**

- No clear economic or other motive for the incident exists.

## **Comments**

Responding officers are not responsible for determining whether a hate crime was committed. Rather, responding officers must be able to identify bias indicators and *report* to a supervisor that a possible hate crime has been committed. Further investigation by the responding officers or detectives can confirm whether the crime was motivated by bias.

Sometimes victims either do not understand or do not want to admit that they have been the target of a hate crime. Victims may search for other reasons to explain the crime because their membership in a group represents a part of themselves they cannot and do not want to change. Because victims will be a member of that group forever and, consequently, vulnerable to hate violence again, they may be scared to admit that the crime was motivated by bias.

If an officer is investigating a robbery and learns that robbery was neither mentioned nor attempted until well into the encounter, there is a good possibility that bias indicators were present.

It is not essential in a bias crime investigation to determine whether the victim was actually a member of the targeted group. A bias crime can still be proved if the offender mistakenly targeted a victim based on his or her perception that the victim belonged to a particular group.

When mixed motivations are present, it is often more difficult to determine whether a hate crime was committed. The responding officer should identify all possible motivations, including bias motivations. Subsequent investigation will determine whether bias was, in fact, a motivating reason for the crime.

## **Case Illustrations: An Exercise To Assist Officers in Analyzing Bias Indicators**

Discuss the following three case illustrations with officers after viewing the video. Ask the officers to identify the bias indicators existing in each case and information they would want to obtain to determine whether other bias indicators are present.

You can present this exercise by:

- Reading the cases to the officers.
- Handing out copies of the cases.
- Showing the cases as overheads.

You may decide to copy the text in these sections and the three case studies for use as handouts or overheads.

### Definition of Bias Crime Indicators

Objective facts, circumstances, or patterns attending a criminal act that, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by bias.



### Bias Crime Indicators

- Racial, ethnic, gender, and cultural differences between perpetrator and victim.
- Comments, written statements, and gestures.
- Drawings, markings, symbols, and graffiti.
- Involvement of organized hate group or its members.
- Previous existence of bias crimes/incidents.
- Victim/witness perception.
- Motive(s) of suspect.
- Location of incident.
- Lack of other motives.



## Case 1

A white youth drives his car across the front lawn of the home of an African-American family that has recently moved into the neighborhood. The youth says he simply lost control of the car. The African-American family members tell the police officer that they believe the youth deliberately drove across their lawn because they are African-American.

### Case 1 Questions

Lead a discussion among the officers.

#### 1. What bias indicators are present?

- The offender and the victims come from different racial groups.
- The offender is a young white male (a large proportion of hate crimes are committed by young white males).
- The victims' perception is that the incident was motivated by racial bias.

#### 2. What questions would officers want answered to determine whether additional bias indicators exist?

- After reconstructing the incident, does it appear likely that the youth could have lost control of his vehicle?
- Did the car damage the lawn?
- Why does the African-American family believe the incident was racially motivated? Has the youth had any prior encounters with the family? Did the youth ever express racial bias toward the family or to African-Americans in general?
- What is the composition of the neighborhood? Is the neighborhood primarily white or is the neighborhood racially mixed?
- Does the youth live close to the family's house?

- When did the incident occur? Did the incident occur on or around the birthday of Martin Luther King, Jr.?
- Have neighbors or witnesses heard the youth express any bias or prejudice?
- Does the youth have a criminal or driving record?
- Are there any other reasons for a dispute between the youth and the family? For example, has the youth had an argument with a member of the family? Does the youth attend school with a member of the family?



### **3. Discuss the benefits of conducting a full investigation to determine whether a bias crime was committed.**

- The investigation may determine whether a bias crime can be charged.
- The investigation will increase the confidence of the African-American family and the African-American community that the police are treating possible hate crimes seriously.
- Interviewing neighbors and witnesses, even if a bias crime case cannot be proved, will serve as a deterrent to the youth (if, in fact, his conduct was motivated by bias) and others who share his views by sending a strong message that hate crimes will be investigated and prosecuted.

## Case 2

At approximately 11 p.m., a 32-year-old man was walking away from a bar when two teenagers began following him. The two teens began yelling antigay slurs at the man. The man turned and said that he is not gay. The two teens then attacked the man, kicking him viciously in the head. The man cannot remember what, if anything, the two teens said during the attack. During the police investigation, the man said that he did not believe the attack was motivated by antigay bias because he is not gay.

### Case 2 Questions

Lead a discussion among the officers.

#### 1. What bias indicators are present?

- The two teens yelled antigay slurs at the victim.
- The attack was particularly vicious.

#### 2. What questions would officers want answered to determine whether the crime was motivated by bias?

- Was the victim walking away from a gay bar?
- Had the victim been in the bar?
- Had the teens been in the bar? If so, did they do or say anything indicating bias?
- Did any witnesses hear what the teens said, if anything, during or after the attack?
- Was the victim robbed?
- Were there other reasons for the attack?
- Do the teens have a history of antigay conduct?
- Did anything lead the teens to believe that the man is gay?
- Was the victim walking with another man before the attack?



**3. In investigating Case 2, you may want to examine why the victim stated that he is not gay.**

- He may not be out to his family and friends.
- If your state does not have antidiscrimination protections in employment or housing based upon sexual orientation, the man might reasonably fear that acknowledging that he is gay could lead to legal discrimination.

**4. You may also want to ask whether a bias crime case could be pursued if the victim, in fact, is not gay.**

- The offenders' motivations are critical. A bias crime can be committed even when the offender mistakenly attacks someone who does not belong to the targeted group.

## Case 3

An elderly couple who recently immigrated to the United States has opened a small store in a city neighborhood. On several occasions, young men from the neighborhood have broken windows at the store and yelled at the elderly couple. You have heard that the couple does not believe these incidents are motivated by bias.

### Case 3 Questions

Lead a discussion among the officers.

#### 1. What bias indicators are present?

- The victims are recent immigrants.
- The offenders are young men.

#### 2. What questions would officers want answered to determine whether the crime was motivated by bias?

- Are the offenders and the victims from different racial or ethnic groups?
- Are most people in the neighborhood from an ethnic or racial group different from that of the victims?
- Did witnesses hear what the young men said when they yelled at the couple? Did they yell any ethnic or racial slurs?
- Does the couple understand and speak English? (You may need an interpreter to conduct an interview.) Did the couple understand what the young men said? (Sometimes victims do not want to repeat the degrading words used by the offenders.)
- Are there any other motives for the vandalism?



## Concluding Comments

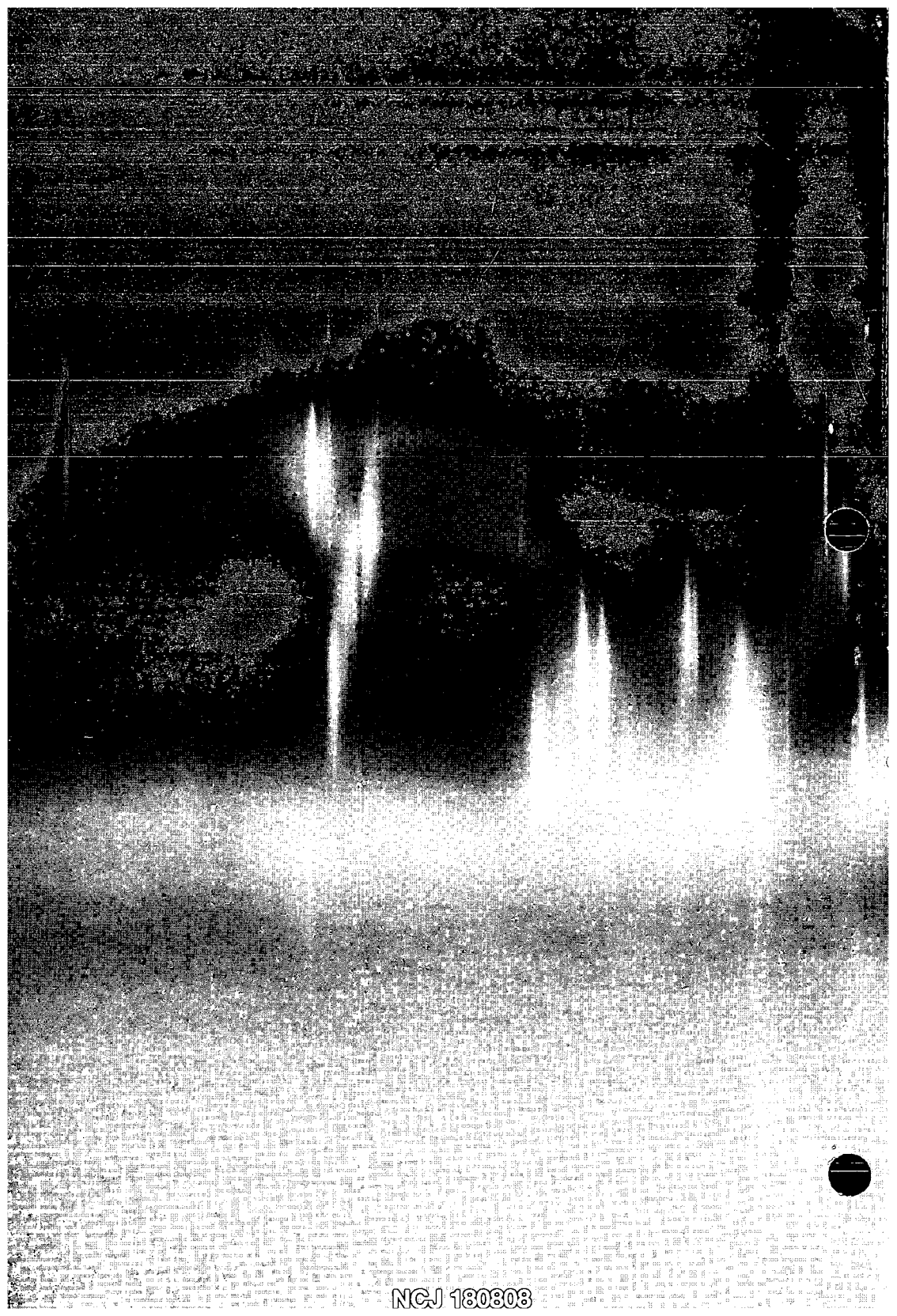
Your officers will play a key role in identifying potential hate crimes, reporting them to supervisors, conducting followup investigations, and determining the victim's and the community's responses. Your efforts in showing the video

*Responding to Hate Crimes: A Roll Call*

*Training Video for Police Officers* and conducting a discussion after the video will provide officers with important skills and information to carry out their responsibilities more effectively.







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