

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



ADDRESSING HATE CRIMES

SIX INITIATIVES THAT ARE ENHANCING THE EFFORTS OF CRIMINAL JUSTICE PRACTITIONERS

BJA Bureau of Justice Assistance
Monograph

H A T E C R I M E S S E R I E S

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THE EFFORTS OF CRIMINAL JUSTICE
PRACTITIONERS**

February 2000

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I. The Pivotal Role of Law Enforcement

Over the past few years the nation has experienced an alarming number of disturbing and sometimes deadly hate crimes. The dragging death of African-American James Byrd, Jr., in Jasper, Texas; the deadly attack on Matthew Sheppard, a gay student in Laramie, Wyoming; the shooting rampage targeting minority citizens in Chicago; and the shootings of children at a Jewish community center in Los Angeles, California, followed by the murder of Joseph Santos Iletto, a Filipino-American mail carrier, have left a trail of dead or wounded victims and traumatized, fearful communities. During this time many other Americans have been the victims of far less publicized hate crimes motivated by their perpetrators' bias toward their perceived racial or ethnic identity, religion, nationality, sexual orientation, gender, or disability. These less well known hate crimes resulted in similar levels of injury and trauma to both the victims and the communities.

The nation has reacted to these hate crimes with energy and ingenuity. Responses include clear and strong condemnation from religious, civic, and governmental leaders; efforts to strengthen state and federal hate crime laws; innovative preventive programs in

schools; and additional resources for training police officers and prosecutors.

Police officers generally are the first professionals responding to the scene of a hate crime. Their actions significantly affect the outcome of the criminal investigation as well as the community's response to the incident. Therefore, law enforcement agencies have a pivotal role in responding to, investigating, prosecuting, and preventing hate crimes. To successfully carry out their roles, police officers and prosecutors must receive training on recognizing and investigating potential hate crimes, have clear protocols on how to respond to hate violence, and develop innovative programs for preventing and responding to hate crimes.

The Bureau of Justice Assistance (BJA) of the U.S. Department of Justice (DOJ) has made it a priority to support police and prosecutorial agencies in responding to hate crimes. Examples of BJA-funded projects in this area include:

- **The International Association of Chiefs of Police (IACP) Summit: Hate Crime in America.** Convened in collaboration with the Office of Justice Programs (OJP) and the Office of

Community Oriented Policing Services, a 2-day summit at which law enforcement, civil rights, and other leaders developed a broad range of recommendations for addressing hate crimes in communities across the country.

- **DOJ's National Hate Crime Training Initiative.** The development of multilevel hate crime training curricula and the creation of a nationwide training program for local law enforcement agencies to implement the curricula.
- **BJA's Roll Call Video: Responding to Hate Crimes.** The production of a 20-minute video covering the initial response to and investigation of possible hate crimes.
- **The International Association of Chiefs of Police's Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention.** The publication of a compact guide designed as a quick reference to address

hate incidents, hate crimes, and how best to assist victims.

- **The American Prosecutors Research Institute's (APRI's) Resource Guide, Prosecutors Respond to Hate Crimes Project.** The publication of a resource guide on hate crimes for local prosecutors.
- **The Maine Department of the Attorney General's Designated Civil Rights Officers Project.** The development of a coordinated statewide system for hate crime investigation and prosecution.

These six efforts to address hate crimes are highlighted in this monograph. Individually, each project constitutes an innovative effort by police and prosecutors to improve systems for responding to hate crimes. Collectively, however, the six projects demonstrate the creativity and the deep commitment of local, state, and federal law enforcement agencies in leading the nation's effort to combat bias-motivated crime.

II. The International Association of Chiefs of Police Summit: Hate Crime in America

In June 1998, the International Association of Chiefs of Police, in partnership with OJP, convened a 2-day national summit in Alexandria, Virginia, titled *Hate Crime in America*. Police, civil rights leaders, and prosecutors were invited to explore the problem of hate crimes and identify the most promising ways to address it.

Past IACP summits on various forms of violent crime brought together police leaders and other experts to discuss pressing national law enforcement issues. The 1998 summit convened 110 participants representing police departments, federal law enforcement agencies (namely, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime (OVC), the Office of Community Oriented Policing Services, DOJ's Civil Rights Division, the Community Relations Service, and the Federal Bureau of Investigation (FBI)), state and county prosecutors, educators, victim assistance professionals, physicians, civil rights advocates, and scholars.

The summit was structured to include both plenary sessions, in which national experts discussed

critical issues involving hate crimes, and breakout sessions, in which participants engaged in facilitated discussions. Professors Jack Levin and Jack McDevitt, both of Northeastern University, presented the keynote address on their groundbreaking research on the typology of hate crime perpetrators. Topics for the eight breakout sessions included communities, schools, colleges and universities, first responders, courts, law enforcement leadership, victim response, and organized hate groups. In the breakout sessions, each group developed recommendations to improve the understanding of, response to, and prevention of hate crimes given its topic.

In January 1999 the IACP published *Hate Crime in America: Summit Recommendations*. The publication provides comprehensive and insightful analysis of hate crimes and a detailed compendium of specific recommendations for action that were developed at the summit. This publication can be obtained from the IACP Web site at www.theiacp.org/pubinfo/Research/hateamer.htm.

Collectively, three of the summit's key recommendations serve

as a blueprint for preventing and responding to future hate crimes:

- Provide broad-based training for police officers at three levels: first responders, investigators, and managers. This recommendation has been implemented through DOJ's National Hate Crime Training Initiative.
- Introduce training for prosecutors. APRI has developed a resource guide to meet this recommendation.
- Assign responsibility for responding to hate crimes to

one officer or one unit in the law enforcement agency. This recommendation has been implemented in Maine and is in the process of being implemented in New Hampshire.

The recommendations established at the IACP 1998 summit will continue to serve as guideposts for law enforcement leaders in developing innovative programs for responding to and preventing hate crimes.

III. DOJ Law Enforcement Training: The Essential Building Block to an Effective Response to Hate Violence

PREVENTING AND COMBATING HATE CRIMES ARE AMONG THE MOST IMPORTANT CHALLENGES FOR LAW ENFORCEMENT AND FOR OUR NATION. VIOLENCE COMMITTED BECAUSE THE VICTIMS LOOK DIFFERENT, PRACTICE A DIFFERENT FAITH, OR COME FROM A DIFFERENT ETHNIC BACKGROUND THREATENS AMERICA'S MOST CHERISHED IDEALS. LAW ENFORCEMENT OFFICERS ARE ON THE FRONT LINES AND PERFORM CRITICAL SERVICES IN RESPONDING TO BIAS-MOTIVATED HATE CRIMES THAT OCCUR IN OUR COMMUNITIES. THE EFFECTIVENESS OF OUR HATE CRIME LAW DEPENDS ON POLICE OFFICERS. THAT IS WHY IT IS ESSENTIAL THAT LAW ENFORCEMENT OFFICERS RECEIVE PROPER TRAINING.

—Janet Reno
Attorney General
October 1999

Law enforcement officers play a key role in responding to hate crimes. Their actions in protecting and assisting the victim at the scene of the hate crime, conducting the initial investigation, and reporting the matter to superiors as a possible hate crime are critical

factors in determining the response of both law enforcement and the community to the incident. The investigation of the incident by either the initial responding officers or detectives can determine whether the case is prosecutable.

The impact of officer training on initial hate crime responses and subsequent investigations cannot be overestimated. Although hate crimes present significant problems and challenges for the nation, the number of hate crimes is small compared with that of other violent crimes. To identify possible hate crimes, respond to victim and community concerns, and conduct effective investigations, police officers need both initial comprehensive training and periodic refresher courses.

Officers who are inadequately trained to handle hate crimes may fail to identify indicators of hate crimes, respond inappropriately to victims, fail to apprehend a perpetrator who may strike again, exacerbate community tensions, and undermine confidence in law enforcement. As law enforcement agencies across the nation have demonstrated, hate crime training must be thorough and widespread.

In response to this need for officer training, BJA provided funds and support to three projects targeting law enforcement:

- DOJ's National Hate Crime Training Initiative.
- BJA's *Roll Call Video*.
- The IACP's *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*.

The breadth of these projects demonstrates law enforcement's commitment and creativity in developing a multifaceted approach to hate crimes.

DOJ's National Hate Crime Training Initiative

In 1997, under the direction of Attorney General Janet Reno, DOJ called together a working group comprising representatives of prosecution, law enforcement, victim services, and training agencies. The Attorney General charged the working group to develop four training curricula on hate crimes, each designed for a different level of law enforcement: patrol and responding officers, investigators and detectives, supervisors and command officers, and an audience of all levels of law enforcement professionals. The working group included representatives of several agencies within DOJ (the FBI, the Community Relations Service, and OVC) and additional federal and state agencies including the National Association of Attorneys General, the U.S.

Department of Treasury's Federal Law Enforcement Training Center, and the International Association of Directors of Law Enforcement Standards and Training. The working group met regularly over summer and fall 1997 to develop the four hate crime training curricula.

On November 10, 1997, President Clinton announced the training initiative at the White House Conference on Hate Crimes. The working group continued editing the curricula and began to develop the national train-the-trainer program to be implemented in fall 1998.

The curricula for patrol and responding officers, investigators and detectives, and a mixed audience of law enforcement professionals have been printed and distributed, and the fourth, for supervisors and command officers, is scheduled to be printed in 2000.

Each curriculum provides trainers with lesson plans and training materials for an 8-hour course that covers the following topics:

- History of bias crimes.
- Identifying hate crimes: definitions, bias crime indicators, and offender typology.
- Legal issues.
- Guidelines for an effective response.
- Investigative strategies and guidelines for collection and preservation of evidence.

- Victim trauma.
- Community strategies and relationships.
- Case studies.

The curricula, using a mix of teaching approaches including lectures, class activities, and videos, can be modified by trainers to fit a shorter time period other than the full 8-hour presentation.

The working group realized that to ensure that the hate crime curricula would be used widely and effectively, a national training initiative had to be developed and implemented. The working group drew up a plan to train teams of trainers who would commit to conducting a minimum of four hate crime trainings within their states. The first two steps in this process were to select the state training teams and to hold three regional train-the-trainer conferences.

The selection process began in early 1998 when DOJ sent letters to key law enforcement leaders in every state, including the U.S. Attorney, the state attorney general, the director of the state IACP organization, and the director of the state law enforcement training organization. DOJ asked these leaders to recommend individuals who had expertise in law enforcement, victim assistance, civil rights advocacy, or community relations to serve on their state's training team. The working group then selected the training teams from the recommendations. In total, 78 teams were selected from 50

states and the District of Columbia. The training teams were then assigned to attend one of the three regional train-the-trainer conferences.

The intensive, 2½-day train-the-trainer conferences were held in September and October 1998 in Chicago, Orlando, and Phoenix. The faculty, consisting of members of the DOJ Hate Crime Law Enforcement Working Group, represented a diverse group of professionals with extensive experience in hate crimes training. Conference participants were extremely impressed with both the skill and energy of the instructors and the breadth and scope of the curricula.

THE CUMULATIVE IMPACT OF THESE SCORES OF TRAININGS TO THOUSANDS OF OFFICERS CANNOT BE OVERESTIMATED. IN POLICE DEPARTMENTS THROUGHOUT THE COUNTRY OFFICERS NOW ARE PREPARED TO RESPOND TO AND INVESTIGATE POTENTIAL HATE CRIMES WITH SPEED, KNOWLEDGE, AND SKILL. THE RESULT IS NOT ONLY MORE EFFECTIVE ENFORCEMENT OF HATE CRIME LAWS BUT, JUST AS IMPORTANT, IMPROVED RESPECT FOR POLICE DEPARTMENTS FROM THE COMMUNITIES THEY SERVE.

—Nancy Gist
Director, Bureau of Justice Assistance

BJA has since dedicated personnel and funding to coordinate local trainings to be conducted by

train-the-trainer workshop participants. In the past 12 months, state training teams in 31 states have conducted more than 138 trainings. More than 4,000 law enforcement and other professionals have received training.

Refresher Training

Both BJA and the IACP recognize that a truly comprehensive approach to hate crime training must go beyond the classroom. Officers who do not receive the 8-hour training on hate crime investigation and response need practical and readily available resources for learning the basics of responding to hate crimes. Similarly, officers who have taken the full-day course will benefit from periodic short refresher programs. BJA and the IACP have met these needs with two training projects, BJA's *Roll Call Video* and the IACP's publication *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*, production of which was funded by BJA and OVC.

Roll Call Video: Responding to Hate Crimes

BJA's *Roll Call Video*, a 20-minute film, is designed to be shown either in its entirety or in shorter segments at roll calls or on other occasions when officers are gathered. The video begins with an introduction by Attorney General Janet Reno and is narrated by Oak Bluffs, Massachusetts, Police Chief Joseph Carter. It covers major areas of hate crime investigation and response:

- Identification of *bias indicators*.
- Initial *response* to a potential hate crime.
- *Investigation* of a potential hate crime.
- Collection and presentation of *evidence*.
- Importance of understanding and responding to *victim trauma*.
- Maintenance of good *community relations* when responding to hate crimes.
- *Resources* that are available to officers.

In early 2000, BJA will send a copy of the video (in excess of 14,000 copies) to every state, county, and municipal law enforcement agency in the nation.

Accompanying the video is a short instructor's handbook, which provides answers to frequently asked questions about hate crimes and explains how to analyze bias indicators at a crime scene. The

I WAS VERY IMPRESSED WITH BOTH CHIEF CARTER'S CLEAR AND CONCISE PRESENTATION AND THE REALISTIC VIDEO SEGMENTS SHOWING ACTUAL CRIMES. THE VIDEO COVERS THE MAJOR AREAS OF HATE CRIME RESPONSE IN A SHORT AMOUNT OF TIME. SIMPLY PUT, THIS IS A VERY EFFECTIVE TRAINING TOOL.

—David A. Loranger, Detective Sergeant
Saco, Maine, Police Department

handbook also includes supplementary instructions.

BJA's *Roll Call Video* is a quick and effective way to provide concrete information in a visually compelling format. Police officers have found the video to be both explicit and instructive.

Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention

The IACP's publication, *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*, contains two training tools: a 12-page guidebook that covers major components of an effective response to an investigation of hate crimes and a smaller, detachable pocket guide outlining specific investigative procedures, designed to be placed in an officer's pocket, under a visor, or on a clipboard.

The 12-page guide is intended to be kept in an officer's briefcase or cruiser. The booklet includes clearly written comprehensive checklists, and covers the essential components of an effective response to hate crimes:

- Definition of hate crimes.
- Difference between hate crimes and bias incidents.
- Key indicators of bias motivation.
- Steps to take at the scene of a possible hate crime.
- Effective approaches to assisting victims of hate crimes.

- Strategies police departments and officers can take in their communities to prevent hate crimes.

The small detachable pocket guide is designed to be kept in an officer's pocket or cruiser for quick reference when an officer is called to respond to a possible hate crime. It addresses the key issues an officer faces at the scene of a hate crime. The officer can quickly review the essential components of effective hate crime response: the definition of hate crimes, actions to be taken at the crime scene, key indicators of hate crimes, and ways to meet the needs of hate crime victims.

TO BE TRULY EFFECTIVE FOR LARGE NUMBERS OF POLICE OFFICERS, TRAINING MUST BE MULTILEVEL, MULTIMEDIA, FLEXIBLE, AND PRACTICAL. THE ARRAY OF TRAINING OPTIONS AVAILABLE TO POLICE OFFICERS—FROM AN 8-HOUR TRAINING AND A 20-MINUTE VIDEO TO AN 8-PAGE BOOKLET AND A SMALL POCKET INSERT—MEETS EACH OF THESE CRITERIA. WE NOW, FOR THE FIRST TIME, HAVE THE TOOLS WITH WHICH TO ENSURE THAT ALL LAW ENFORCEMENT OFFICERS THROUGHOUT OUR NATION RECEIVE NEEDED INFORMATION AND TRAINING ON RESPONDING TO AND INVESTIGATING HATE CRIMES.

—Mike Robinson
Superintendent of Michigan State Police
President, IACP

The IACP, with funding from BJA and OVC, plans to print 450,000 copies of the publication (including

the pocket insert) and distribute them to police departments and victims advocates across the nation.

IV. The American Prosecutors Research Institute's Resource Guide for Prosecutors

PROSECUTORS HAVE TREMENDOUS POTENTIAL TO PREVENT HATE CRIMES AND RESTORE JUSTICE TO BOTH VICTIMS AND COMMUNITIES. WHILE MANY PROSECUTORS HAVE GAINED SOME EXPERIENCE WITH THE PROSECUTION OF HATE CRIME CASES, MOST PROSECUTING OFFICERS DO NOT HAVE WRITTEN POLICIES ON HANDLING HATE CRIMES.

—APRI Project Overview

The goal of the American Prosecutors Research Institute project, supported by funding from BJA, is to provide prosecuting offices with a comprehensive resource guide for responding to and preventing hate crimes. In January 1999 APRI established an 18-member advisory group to create a resource guide and develop training for prosecutors. The advisory group includes 10 local prosecutors as well as representatives from the IACP, the Anti-Defamation League, the Center on Hate and Extremism, the National Center for Victims of Crime, Facing History, a county sheriff's office, the FBI, and the DOJ Community Relations Service. The advisory

group, together with staff from the APRI, is in the process of writing a resource guide that will be published in early 2000.

When completed, the more than 100-page resource guide will be bound in a 3-ring binder to facilitate updating (such as new legislation and court decisions). It will cover several issues that arise during hate crime prosecutions:

- Working with outside agencies and organizations.
- Case screening and investigation.
- Case assignment and preparation.
- Victim and witness impact and support.
- Trial preparation.
- Sentencing alternatives.
- Prevention efforts.

APRI plans to distribute a copy of the resource guide to all 3,100 local and state prosecutor's offices in the country.

By highlighting model protocols and procedures from offices around the nation, the resource guide will help prosecutor's offices develop policies and procedures on handling hate crime investigations

and prosecutions. It also will provide a comprehensive roadmap to individual prosecutors who are handling hate crime cases. Both prosecutors who are working on their first hate crime case and more experienced prosecutors of bias crimes will find the resource guide helpful.

After the resource guide is published, APRI and its advisory group will turn its attention to the development of training on hate crime response and prosecution. The

initial effort will be to hold a training conference for teams from prosecutorial districts. The teams will include prosecutors, police officers, and victim service professionals. The training will follow a team approach. Investigation, victim outreach and support, and prosecution will be integrated into one coordinated system that will provide more effective enforcement of hate crime laws and increased responsiveness to both victims and the community.

V. The Maine Civil Rights Officers Project: A Coordinated System of Training, Reporting, Investigation, and Prosecution

THE TANGIBLE RESULTS OF MAINE'S EFFORTS HAVE BEEN EXTRAORDINARY— A HIGH LEVEL OF REPORTING OF POTENTIAL HATE CRIMES BY POLICE AGENCIES AND A LARGE NUMBER OF ENFORCEMENT CASES BROUGHT SUCCESSFULLY TO COURT BY PROSECUTORS. BUT PERHAPS EVEN MORE IMPORTANT HAS BEEN THE STRONG UNIFIED MESSAGE SENT BY LAW ENFORCEMENT AT ALL LEVELS THAT HATE CRIMES WILL NOT BE TOLERATED WITHIN OUR STATE.

—Andrew Ketterer
Attorney General, State of Maine

Maine is 1 of 15 states with a civil hate crime law. This law authorizes the state attorney general to obtain restraining orders or injunctions against persons who engage in bias-motivated violence, threats, or property damage. In 1992, with support from BJA, the Maine Attorney General's Office designed a coordinated enforcement system with local, county, campus, and state police agencies. This system relies on designated civil rights officers from each of these law enforcement agencies to report hate crimes and

bias incidents to the Attorney General's Office and coordinate the response of their departments with the enforcement efforts of the Attorney General's Office and other prosecutorial agencies.

The program was put into place in fall 1992 when the Maine attorney general sent a letter to every police chief and sheriff in the state requesting that he or she designate an officer as the civil rights officer for the department and send the officer to a full-day training session conducted by the Attorney General's Office.

The Attorney General's Office conducts two types of training: full-day biannual trainings and certification of designated civil rights officers and shorter trainings at the department, regional, or police academy level. Since 1992, the Attorney General's Office has conducted full-day training sessions for more than 670 civil rights officers from law enforcement departments located throughout the state and more than 80 shorter trainings for local and regional departments and at police training academies. More than 1,500 officers have attended these latter trainings.

As of fall 1999, at least 1 civil rights officer had been trained and certified in 147 of the 153 police departments at the municipal, county, state, and campus levels. Early in 2000 the New Hampshire Attorney General's Office will begin implementation of a similar civil rights officers system.

The Maine enforcement system coordinates the response of police and prosecutors at local, state, and federal levels. When civil rights officers report possible hate crimes to the Attorney General's Office, that office quickly determines

whether to pursue the matter as a possible civil rights violation. If the matter is pursued, an assistant attorney general is assigned to work with the civil rights officer from the reporting department to coordinate the investigation. The Attorney General's Office then notifies the county district attorney and the U.S. Attorney if the matter appears to violate either state hate crime laws or federal criminal civil rights laws. These actions result in investigations that are thorough and efficient and are coordinated among three levels of prosecutors.

VI. Conclusion

WHILE LAW ENFORCEMENT'S ACCOMPLISHMENTS HAVE BEEN SIGNIFICANT, THEY ARE MADE WITH A KEEN UNDERSTANDING OF THE NEED FOR PERSEVERANCE AND A CONSTANT RENEWED COMMITMENT TO PERSEVERE IN AMERICA'S FIGHT AGAINST HATE AND VIOLENCE.

—Janet Reno
Attorney General

Unfortunately the nation's work in confronting bias and prejudice and the violence that they engender

is not over. Hate crimes present a challenge to law enforcement to design mechanisms and systems for responding to the divisive and destructive impact of hate violence. Recently, law enforcement, with financial, technical, and professional support from DOJ, has mobilized to meet this challenge by designing comprehensive and flexible training programs, developing protocols for fast and effective response, and implementing systems for coordinated enforcement and prosecution.

VII. For More Information

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Facing History and Ourselves National Foundation

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Human Rights Campaign

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**National Congress of American
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National Council of La Raza

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**National Criminal Justice
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**National Gay and Lesbian
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**National Network of Violence
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National Women's Law Center

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**Office of Juvenile Justice and
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**U.S. Department of Housing and
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Bureau of Justice Assistance Information

General Information

Callers may contact the U.S. Department of Justice Response Center for general information or specific needs, such as assistance in submitting grant applications and information on training. To contact the Response Center, call 1-800-421-6770 or write to 1100 Vermont Avenue NW., Washington, DC 20005.

Indepth Information

For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with state and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

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- NCJRS World Wide Web**
<http://www.ncjrs.org>
- E-mail**
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- JUSTINFO Newsletter**
E-mail to listproc@ncjrs.org
Leave the subject line blank
In the body of the message,
type:
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The logo for the Bureau of Justice Assistance (BJA) features the letters 'BJA' in a large, bold, serif font. The letters are black and have a slightly stylized appearance with some internal shading or texture.