


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Civil Rights Violations/ Hate Crimes		AOM:O-216
Massachusetts Police Accreditation Standards Referenced: [55.2.4.b]		Issuing Authority <hr/> John D. Cartledge Chief of Police
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I. Introductory Discussion

It is the policy of the Northampton Police Department to ensure that the civil rights of all its inhabitants and visitors are protected against interference by acts or threats of violence. This Department recognizes the serious impact of such crimes, and their intimidating effect on the victims and the community as a whole.

The investigation of such crimes will be considered a critically important matter. Members of this department will be expected to take immediate action to identify the perpetrators, arrest them when possible, and/or bring them before the court, thereby maintaining community stability and confidence in the rule of law and reducing the potential for serious violence.

In consultation with the District Attorney, this Department shall seek complaints or indictments under other statutes (such as M.G.L. c. 265, §37 and §39 or c. 266, §127A) which are useful tools for deterring future misconduct, securing appropriate penalties, and protecting potential victims of such crimes.

II. Policy

It is the policy of the Northampton Police Department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnicity, disability, sexual orientation or gender, and to treat seriously any acts or threats of violence, property damage, harassment, intimidation, or other crimes that infringe upon these rights. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority.

This agency shall employ all necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.

This agency shall develop a standard system for collecting, analyzing, and reporting incidents of crime that are, in whole or in part, directed against individuals because of race, religion, ethnicity, gender, sexual orientation, gender identity, or disability.

III. Definitions

- A. Civil Rights Violence/Violation: An incident of civil rights violence will include all incidents where there is a violation of:
1. M.G.L. c. 265, §37 (Massachusetts Civil Rights Act);
 2. M.G.L. c. 265, §39 (Racial and Ethnic Intimidation Act);
 3. M.G.L. c. 266, §127A (Defacing or Destroying Religious Facility);
 4. M.G.L. c. 272, §92A (Advertisement, book, notice or sign relative to discrimination in place of public accommodation, resort or amusement); or
 5. Evidence that the incident or injury occurred on account of race, religion, ethnicity, disability, sexual orientation or gender.
- B. Bias Incidents: A bias incident is any non-criminal action against another person, such as name calling, that is motivated by hatred of another's race, religion, ethnicity, disability, sexual orientation or gender. Actions that are not chargeable offenses, which are motivated by bias, should be regarded as bias incidents.
1. Officers responding to bias incidents shall obtain as much detailed information as possible, and document same as a bias incident.

C. Additional Definitions:

Bias: A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Hate Crime: A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person. Most states and the District of Columbia also have hate crime laws. State statutes should be checked for relevant definitions and crime categories.

Hate Incident: Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.

Hate Group: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, ethnicity, national origin, religion, disability, sexual orientation, gender, and/ or gender identity.

Race: A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair; facial features, and so forth, which are genetically transmitted by descent and heredity and that distinguish them as a distinct division of humankind. Examples include Asians, blacks or African Americans, and whites.

Ethnic Group: A group of persons whose members identify with each other through a common heritage, often consisting of a shared language, culture and/or ideology that stresses common ancestry.

Religious Group: A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples include Catholic, Jewish, Protestant, Muslim, Sikh, Hindu, and atheist.

Sexual Orientation: A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex. Examples include homosexual, bisexual, and heterosexual.

Gender: Used synonymously with sex to denote whether an individual is male, female, or non-binary.

Gender Identity: A person's internal sense of being male, female, or a combination of both; this internal sense of gender may be different from physical gender at birth.

Disability: A physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

IV. Procedures

- A. Civil Rights Officer: The department shall have an identified Civil Rights Officer selected by the Chief of Police. This officer will serve as a community liaison, will participate in community outreach, will review incident reports for potential hate crimes, will serve as a resource on hate crimes within the agency, and will enter data on hate crimes into the statewide reporting system. The Civil Rights Officer will attend specialized training.
- B. Goals: All officers shall conduct a thorough, prompt, and complete investigation in all suspected and confirmed hate crimes and assist the local prosecutor. Evidence related to all hate incidents should be thoroughly documented. All officers of this agency shall receive instruction on both hate crime investigation and community-police relations. Investigators shall make every effort to become familiar with organized hate groups operating in the community.
- C. Initial Response Procedures: Initial responding officers at the scene of a suspected hate crime shall follow this agency's standard protocol for responding to a crime scene. In particular, officers shall:
1. Collect physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
 2. Recognize the potential need for and request the assistance of a translator, where necessary.
 3. Notify the Officer-in-Charge (OIC) that an incident of civil rights violence has occurred. The OIC shall ensure that the OIC of the Detective Bureau is informed of such incident as soon as reasonably possible.
 4. Ensure that all statements made by suspects are recorded verbatim; exact language is critical.
 5. Identify prior bias-motivated occurrences in the immediate area or against the same victim.
 6. Assist investigators in complying with any federal or state hate crime data collection reporting requirements.
 7. Notify the department's designated Civil Rights Officer.
- D. Supervisory Responsibilities: The supervisor shall do the following:
1. Notify the chief executive or their designee and 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.
 2. Provide updated information on the status of the investigation and the community impact within 48 hours.
 3. Provide immediate assistance to the victim as outlined by this agency's policy on victim response.

4. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed hate crime.
 5. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergy, or a departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
 6. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.
- E. Investigator's Responsibilities: The investigator shall follow this agency's standard protocol for responding to a crime scene. In particular, investigators shall do the following:
1. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photographs should be taken and the owner of the property should be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The investigator shall follow up to ensure that this is accomplished in a timely manner.
 2. Work closely with the prosecutor's office to ensure that a legally sound case is developed for prosecution.
 3. Coordinate the investigation with other units of this agency, as well as other local, state, and regional intelligence operations in order to identify any patterns, organized hate groups, and suspects potentially involved in the offense.
 4. Make a final determination based on evidence and facts as to whether the incident should be classified as a hate crime.
 5. Determine the primary elements of the crime and obtain the information necessary to complete the federal and state hate crime data collection requirements.
 6. Request additional resources from the federal government as necessary and available.
 7. Take steps to ensure that appropriate assistance is being provided to hate crime victims.
 8. The victim should be promptly advised of the results of the investigation and prosecution, if any, and should be assured of prompt police response in the event of further incidents. [55.2.4,b]
- F. Community Relations and Crime Prevention: Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Towards this end, this agency's community relations function, or officers so assigned, including the Civil Rights Officer, shall perform the following:
1. Continue to provide assistance to the victim, including protecting their privacy and that of their family as much as possible.
 2. Work with segments of the larger community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage

- any other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.
3. Especially in the most serious crimes, meet with neighborhood groups, residents in target communities, and other identified groups as soon as possible to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.
 4. Engage the media as soon as possible as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
 5. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
 6. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

Note: *If the OIC of the Detective Bureau determines a civil injunction appears to be appropriate for the circumstances, they shall consult with the Civil Rights Division of the Department of the Attorney General.*

V. Reporting Procedures

- A. Any incident of civil rights violence should be noted as such in the incident report.

Additionally, officers shall fill in the appropriate bias indicators on an offense report for all instances of Civil Rights Crimes and notify the OIC of the Shift, who shall review such reports and notify the OIC of the Detective Bureau.

- B. A copy of the incident report and all appropriate documentation shall be furnished to the OIC of the Detective Bureau for determination of further investigation and charges to be sought. A copy of the incident report should also be sent to the District Attorney's Office.
- C. A copy of the report shall be left for the department's designated Civil Rights Officer. The Civil Rights Officer shall enter hate crime offense information into the Executive Office of Public Safety and Security's statewide reporting system.

VI. Public Information

The Chief or appointed designee, shall act as the sole public spokesperson for the department regarding investigation of civil rights violence. As appropriate, civic, community and religious leaders will also be informed.

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