

SPECIAL ORDER



Title
Bias-Related/Hate Crimes

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DISTRICT OF COLUMBIA

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I. Background

Bias-related/hate crimes are not separate and distinct crimes, but are criminal offenses motivated by an offender's bias or hate.

Bias-related/hate crimes demean the civil liberties inherent to each citizen and erode the ties that bind our society together. The impact of these offenses typically goes beyond the individual victim(s) or group(s) to adversely affect society as a whole. Victims of hate crimes often do not realize that a crime is a bias/hate crime or are reluctant to report a crime as a bias/hate crime. Officers have an independent obligation to assess whether a bias/hate crime investigation is warranted based on the known evidence. Perpetrators of bias-related/hate crimes demonstrate reckless disregard for their victims and the community and thrive on the ability to intimidate, injure or instill fear through bias or hate. Hate crimes tear at the country's foundation and destroys our neighborhoods and communities. As America rapidly becomes the world's first true multiracial democracy, the threat of hate crimes is even more omni present.

II. Policy

The Metropolitan Police Department's mission is to preserve the peace and to protect life and property extending to the safeguarding of all members of the community from bias-related/hate crimes. It shall be the policy of this department that all members, both sworn and civilian, make every effort to assist victims of bias-related/hate crimes with reporting and investigating these incidents. The department will place special emphasis on partnership with various law enforcement agencies; organizations dedicated to combating hate crimes and the community to reduce victim and community fear and trauma as well as fighting back. The Department will also promote the discussion, planning, immediate action to improving current practices in hate crime reporting and responses of hate crime to assist against hate in the community.

III. Definitions

When used in this directive, the following terms shall have the meanings designated:

- A. Bias-related Crime – A designated act that demonstrates an accused’s prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibility, physical handicap, matriculation, or political affiliation of a victim of the subject designated act. (D.C. Code Section 22-4001)
- B. Designated Act – A criminal act including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft or unlawful entry, and attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft or unlawful entry. (D.C. Code Section 22-4001)
- C. Enhanced Penalty – Provides that a person charged with and found guilty of a bias-related crime shall be fined not more than one and a half times the maximum fine authorized for the designated act (D.C. Code Section 22-4003)

IV. Regulations

- A. The Bias-Related Crime Act of 1989 provides that the Metropolitan Police Department shall afford each crime victim the opportunity to submit with the complaint a written statement that contains information to support a claim that the designated act constitutes a bias-related crime. (D.C. Code 22-4002)
- B. Before an offense can be reported as a suspected bias-related/hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender’s action was motivated, in whole or in part, by bias/hate.
- C. While no single piece of information may be conclusive, items such as the following, particularly when combined, are supportive of a finding of bias/hate:
 - 1. The offender and the victim were of different racial, color, religious, ethnic/national origin, age or sexually oriented groups;
 - 2. The offender’s actions were motivated by the victim’s perceived marital status, personal appearance, sex, family responsibility, sexual orientation, physical handicap, matriculation or political affiliation;
 - 3. Bias-related spoken comments/phrases, publications, flyers, business cards, display of certain emblems (e.g., Nazi swastika) gestures were made or passed out by the offender(s) which indicated his/her bias/hate;

4. Bias-related burning cross, drawings, markings, or symbols are present or were left at the crime scene as well as the destruction/defacing of a religious symbol;
5. The incident occurred on the anniversary of, or the same date or time as, prior incidents or public events related to a particular racial, color, ethnic, age, sexually oriented group or on a religious holiday;
6. Certain objects or items which indicate bias/hate were worn or used by the offender(s) such as a white sheet, hood or masks or device whereby any portion of the face is hidden, concealed or covered as to conceal the identity of the wearer;
7. A substantial portion of the community where the crime occurred perceives that the incident was motivated by bias; or
8. The offender previously was involved in a similar bias-related/hate crime or is a member of a hate group.

V. Procedural Guidelines

- A. The complainant is not required to prove that the incident is motivated by bias/hate. The complainant need only have a “reasonable perception” that the incident is bias-related/hate motivated. If a complainant states or a responding member ascertains that the incident may be bias/hate motivated, the responding member shall:
 1. Conduct the preliminary investigation of the suspected bias-related/hate crime and forward the matter to the appropriate investigative unit for a follow-up investigation.
 2. Prepare a PD Form 251 and advise the victim that a final determination as to whether the offense qualifies as a bias-related/hate crime will be made following additional review by the Hate Crimes Coordinator.
 3. Check the appropriate (Hate Crime) block on the PD Form 251 (Event Report) to indicate the possible existence of bias/hate.
 - a. The facts and circumstances leading the complainant or officer to perceive the presence of bias/hate motivation shall be fully described in the narrative section of the report.
 - b. Members shall provide a PD Form 245 (Hate Crime Victim Services), copy attached, to each victim and/or witness of a suspected bias-related/hate crime.

4. In the event of an arrest, check the appropriate (Hate Crime) block on the PD Form 163.
5. Advise victims of bias-related/hate crimes that, in compliance with D.C. Code 22-4002, the Department shall afford each victim the opportunity to submit his/her complaint in a written statement that contains information to support a claim that the designated act constitutes a bias-related crime.
6. Follow the guidelines established in General Order 304.1 (Operation and Management of Criminal Investigations) and request the assistance of the appropriate investigator to prepare the statement, when a complainant requests the opportunity to make a statement at the time the original report is prepared.
7. Advise complainants who do not wish to make a statement at the time the offense occurs that they may either schedule an appointment through the Hate Crimes Coordinator to provide a statement at a later time by calling 202727-1424 or mail a written statement, including the Central Complaint Number (CCN), to the attention of the Hate Crimes Coordinator at the following address:

Hate Crimes Coordinator
Intelligence Section
Metropolitan Police Department
300 Indiana Avenue NW Room 3006
Washington, D.C. 20001

- B. The Metropolitan Police Department will maintain a Hate Crimes Hotline in which citizens who may be reluctant to report bias-related crimes to a member at the time the crime occurs can report the crime. A public awareness campaign by representatives of the Community Outreach Section and Gay and Lesbian Liaison Unit will be instituted to promote the MPD Hate Crime Hotline. The hotline number is:

202-727-0500

Note: Members shall not refer complainants to the hotline when they are approached in person to take a report of a bias-related/hate crime. **The hotline is not intended as a substitute for on-scene reports.**

1. A citizen may call the Hotline and report a bias-related/hate crime.
 - a. An anonymous complaint will be taken to the extent the citizen is willing to provide information concerning the incident.

- b. A citizen identifying him/herself will be handled according to the established procedures for taking telephone reports or as indicated below.
 2. Information obtained from anonymous reports will be documented. The original shall be retained by the Hate Crimes Coordinator and a copy will be forwarded to the police District in which the incident occurred.
 3. In the event the incident involves a criminal offense, a citizen identifying him/herself shall be requested to meet with the Hate Crimes Coordinator to be interviewed for the purpose of preparing an offense report.
 - a. The citizen will be scheduled for a specific appointment during regular office hours.
 - b. During the same appointment, the Hate Crimes Coordinator will provide a second-tier review required to confirm bias-related crimes.
- C. Members of the force on patrol observing new or recent cases of bias-related drawings, markings, or symbols shall make a telephone notification to the Mayor's Command Center – 202-727-6161 or by notifying the command center through the Communications Division. The notification shall include the following:
 - Location
 - Nature
 - Date
 - Time
 - Officer's name
 1. The observation shall be documented on the PD Form 251 (Incident Report) and turned over to a supervisory official at the conclusion of the member's tour of duty. One copy of the PD Form 251 shall be forwarded to the Commanding officer of the Intelligence Division and one kept at the Police District of occurrence.
 2. Members observing individuals defacing public or private property with bias-related drawings, markings, or symbols shall take the appropriate police action. This shall include a photograph(s) of the property with the bias-related drawings, markings, or symbols for inclusion with the PD 251 or PD 252. In the event an arrest is made, a copy of the PD Form 251 shall be forwarded to the Commanding Officer of the Intelligence Division by the next business day.

- D. The Special Investigations Division Commander shall:
1. Designate a Hate Crimes Coordinator; and
 3. Ensure prompt and thorough investigations.
- E. The Hate Crimes Coordinator shall:
1. Serve as the Second Tier of the investigation.
 2. Upon receipt of reports identifying suspected bias-related/hate crimes, the Hate Crimes Coordinator shall conduct a review focused on the bias-motivating factor. This review shall be coordinated with the investigator assigned to conduct the follow-up investigation of the criminal offense.
 3. Unfound crime as being motivated by a bias or hate-related crime.
 4. Make a final determination as to whether the offense constitutes a bias-related/hate crime based on the facts gathered during the investigation.
 5. Prepare a PD Form 252 (Supplemental Report) indicating the facts supporting the conclusion that the offense is a confirmed bias-related/hate crime.
 - a. The narrative shall include a notation that the investigator assigned to the case has been notified of the determination.
 - b. A copy of the PD Form 252 shall be forwarded to the investigator no later than the following business day for inclusion in the investigative case file.
 6. Forward all statements received by mail to the appropriate investigative unit for inclusion in the case jacket.
 7. Disseminate information among the Intelligence Section and the Force concerning persons or groups that perpetrate bias-related/hate crimes.
 8. Work with the Community Outreach Section to share information that will help with public education.
 9. Work with the U.S. Attorney's Office Hate Crimes representatives to share information on cases, including those that may subsequently be deemed a Hate Crime by the U.S. Attorney's Office, as well as Colleges/Universities' security personnel to ensure the reporting and the investigation of bias/hate-related crime(s) or incidents. This

procedure shall ensure accurate and coinciding reporting on Hate Crime statistics for the violation of the D.C. Code Bias-Related Crimes and reporting requirements of the Federal Hate Crimes Statistics Act of 1990.

- F. The Community Outreach members shall:
1. Conduct public awareness presentations regarding Hate Crimes, MPD's response to Hate Crimes and address citizens' concerns surrounding the topic of Hate Crimes.
 2. Work with College/University security personnel to ensure efficient reporting and the investigation of bias/hate-related crime(s) or incident(s).

Questions concerning bias-related/hate crimes or the procedures contained in this order may be directed to the Hate Crimes Coordinator in the Intelligence Section.

This Special Order shall remain in effect until incorporated into the appropriate General Order.

// SIGNED //
Charles H. Ramsey
Chief of Police

CHR:NMJ