

SPECIAL ORDER



DISTRICT OF COLUMBIA

Subject Bias-related/Hate Crimes
Number SO- 11- 22
Effective Date December 1, 2011
Related to: GO-OPS-302.01 (Calls for Police Service) SO-11-15 (Special Liaison Division)
Rescinds: SO-01-16 (Bias-Related Hate Crimes), Effective Date, July 2, 2001

I.	Background	Page	1
II.	Policy	Page	1
III.	Definitions	Page	2
IV.	Regulations	Page	2
V.	Procedures	Page	3
V.A	Responding to Alleged Bias-related Hate Crimes	Page	3
V.B	Destruction of Property Involving Bias-related Drawings, Markings or Symbols Observed on Patrol	Page	6
V.C	Bias-related/Hate Incidents	Page	6
V.D	Hate Crimes Hotline	Page	7
V.E	Monthly Bias-related/Hate Crime Meetings	Page	7
V.F	Bias-related/Hate Crime Statistics	Page	8
VI.	Roles and Responsibilities	Page	8

I. BACKGROUND

Bias-related/hate crimes are not separate and distinct crimes, but are criminal offenses motivated by an offender's bias or hate. District law establishes a possible sentencing enhancement upon conviction for a hate crime. In other words, police do not charge someone with committing a hate crime, only for the underlying crime that may have been motivated by bias. A person can be *arrested* for the underlying crime and then *prosecuted* for a hate crime. 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 goes beyond the individual victims or groups to adversely affect society as a whole. Victims of hate crimes may not realize that a crime is a bias-related/hate crime or may be reluctant to report a crime as a bias/hate crime. Members have an obligation to assess whether a bias-related/hate crime investigation is warranted based on the known evidence.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to use the full-range of our law enforcement authority to investigate and attempt to resolve bias-related/hate crimes,

to protect all members of the community from bias-related/hate crimes, and to ensure that individuals who believe they have been a victim of a bias-related/hate crime are comfortable reporting the incident to police and confident that it will be investigated thoroughly.

III. DEFINITIONS

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

1. Affiliate Special Liaison Division (SLD) Members – Volunteer MPD members assigned to various elements in MPD who have successfully completed the special liaison training. Although not assigned to the SLD, these members have received training to provide enhanced response to SLD communities throughout the city, twenty-four (24) hours a day, seven (7) days a week, and receive coordinated support and information from the Liaison Units.
2. Bias-related/Hate 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, gender identity or expression, family responsibility, homelessness, physical disability, matriculation, or political affiliation of a victim of the subject designated act. (D.C. Official Code § 22-3701)
3. 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. Official Code § 22-3701)
4. 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 (1½) times the maximum fine authorized for the designated act and imprisoned for not more than one and a half (1½) times the maximum term authorized for the designated act. (D.C. Official Code § 22-3703)

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. Official Code § 22-3702)
- 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. Members working patrol assignments, including but not limited to Patrol Support Team members, and all investigators/detectives shall review and carry a copy of the “Identifying and Handling Cases of Bias and Hate Crimes” pocket guide while on duty.
- D. 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 a different race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness status, physical disability status, matriculation, or political affiliation;
 - 2. The offender’s actions were motivated by the victim’s perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, physical disability, matriculation, or political affiliation;
 - 3. The offender made bias-related comments, used bias-related phrases or gestures, or distributed or displayed publications, flyers, business cards, or other items which indicated the offender’s bias/hate (e.g., Nazi swastika);
 - 4. Bias-related drawings, markings, or symbols (e.g., a burning cross) are present or were left at the crime scene or 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 group described in Part III.2 of this order or the incident occurs on a religious holiday;
 - 6. Certain objects or items which indicate bias/hate were worn or used by the offender(s) (e.g., a white sheet or hood, masks or devices whereby any portion of the face is hidden, concealed or covered so as to conceal the identity of the wearer); or
 - 7. The offender previously was involved in a similar bias-related/hate crime or is a member of a hate group.

V. PROCEDURES

- A. Responding to Alleged Bias-related/Hate Crimes
 - 1. Complainants are not required to prove that an incident is motivated by bias/hate. The complainant need only have a “reasonable perception” that the incident is bias-related/hate motivated.
 - 2. If complainants state or responding members ascertain that an incident may be motivated by bias/hate, responding members shall:

- a. Request that a district official and an investigator/detective respond to the scene.
- b. When the victim is a member of one of the communities served by the SLD, request that an appropriate SLD Member or Affiliate SLD Member respond, if available.
- c. Prepare a PD Form 251 (Incident-Based Event Report):
 - (1) Indicating the facts and circumstances leading the complainant or member to perceive the presence of bias/hate motivation;
 - (2) Ensuring the "Hate Crime" field is completed to indicate the possible existence of bias/hate; and
 - (3) Noting the name of the official and detective who responded to the scene.
- d. Request that a member from the Crime Scene Search Section respond to photograph and process all evidence as necessary in cases where there is any type of evidence including graffiti, notes and messages.
- e. Before leaving the scene, advise the victim that an initial determination as to whether the offense qualifies as a bias-related/hate crime will be made following additional review by the MPD Hate Crimes Coordinator, but that the U.S. Attorney's Office or the Office of the Attorney General will determine whether to pursue a hate crime enhanced penalty for anyone arrested for the offense.
- f. Make telephone notifications to the Command Information Center (CIC) (202-727-9099) and the Hate Crimes Hotline (202-727-0500) to include:
 - (1) Location of the incident;
 - (2) Date and time of the incident;
 - (3) Nature of the Incident;
 - (4) CCN number; and
 - (5) Responding member's name.
- g. In the event of an arrest, check the "Hate" box on the PD Form 163

(Arrest Prosecution Report).

- h. When the victim is a member of one of the communities served by the SLD:
 - (1) Notify the appropriate SLD unit (202-506-0714) providing the information outlined in Part V.A.2.f of this order.
 - (2) Advise the victim that the appropriate unit of the SLD may be able to assist the victim in identifying community support services and resources.
 - i. Advise the victim that in accordance with D.C. Official Code § 22-3702, the victim may submit his/her complaint in a statement that contains information to support a claim that the designated act constitutes a bias-related/hate crime; provide the central complaint number (CCN) to the victim, and advise the victim that the CCN must be affixed to all written statements.
 - j. 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.
 - k. 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 202-724-1424 or they can mail their statement to the following address:

Metropolitan Police Department
Criminal Intelligence Branch
Attn: Hate Crimes Coordinator
300 Indiana Avenue NW, Room 3000
Washington, D.C. 20001
 - l. Notify their watch commander of the alleged bias-related/hate crime and provide him/her with a copy of the PD Form 251.
3. Watch commanders shall:
- a. Ensure a copy of the PD Form 251 and any other relevant information are forwarded to hate.crimes@dc.gov, cid.adminbox@dc.gov, and slu.adminbox@dc.gov, by the end of their shift.

- b. Include a copy of the PD Form 251 and any other relevant information in their PD Form 150 (Watch Commander's Report).
- B. Destruction of Property Involving Bias-related Drawings, Markings or Symbols Observed on Patrol
 1. Members who observe new or recent cases of bias-related drawings, markings, or symbols shall make a telephone notification to the CIC (202-727-9099). The notification shall include the:
 - a. Location of the drawing, marking or symbol;
 - b. Date and time observed;
 - c. Nature of the drawing, marking or symbol;
 - d. CCN number; and
 - e. Observing member's name.
 2. Members shall document their observations on a PD Form 251 completing the "Hate Crime" field to indicate the possible existence of bias/hate.
 3. Members shall notify their watch commander of the alleged bias-related/hate crime and provide their watch commander with a copy of the PD Form 251.
 4. Watch commanders shall:
 - a. Ensure a copy of the PD Form 251 and any other relevant information are forwarded hate.crimes@dc.gov, cid.adminbox@dc.gov, and slu.adminbox@dc.gov by the end of their shift.
 - b. Include a copy of the PD Form 251 and any other relevant information in their PD Form 150 (Watch Commander's Report).
 5. In the event that members observe individuals defacing public or private property with bias-related drawings, markings, or symbols, members shall take appropriate police action including, but not limited to, ensuring the photographing of property with the bias-related drawings, markings, or symbols.
- C. Bias-Related/Hate Incidents

Members who respond to bias-related/hate incidents (e.g., reports of individuals

using bias-related/hate epithets) shall contact the SLD who shall work with the affected community and refer the incident for further investigation if appropriate.

D. Hate Crimes Hotline

1. The Metropolitan Police Department maintains a Hate Crimes Hotline (202-727-0500) for citizens who may be reluctant to report bias-related/hate crimes. The Hate Crimes Hotline serves as an additional tool for the community, but is not meant to replace the 911 system. **Individuals should call 911 in the event of an emergency to ensure prompt police service.**
2. 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 a substitute for on-scene reports.
3. The Hate Crimes Coordinator shall ensure that calls received on the Hate Crimes Hotline are reviewed each business day.
4. The Hate Crimes Coordinator or his/her designee shall contact individuals who call the hotline and report incidents involving a criminal offense in order to prepare a PD Form 251.
5. Anonymous Complaints
 - a. Anonymous complaints shall be accepted to the extent the citizen is willing to provide information concerning the incident.
 - b. The Hate Crimes Coordinator shall ensure that information obtained from anonymous reports is documented in WACIIS.
 - c. The Hate Crimes Coordinator shall forward information regarding anonymous complaints to the Commanding Official, Special Liaison Division, at slu.adminbox@dc.gov for follow-up.
 - d. If the Commanding Official, Special Liaison Division, determines that a crime may have taken place, he/she shall forward the PD Form 251 to cid.adminbox@dc.gov for investigation with a copy to hate.crimes@dc.gov.

E. Monthly Bias-Related/Hate Crime Meetings

The Commanding Official, Criminal Investigations Division, shall convene monthly bias-related/hate crime meetings with the Commanding Official, Special Liaison Division, and the Hate Crimes Coordinator to review bias-related/hate crime incidents and crimes that occurred within the last thirty (30) days and to discuss

and review ongoing bias-related/hate crime investigations.

F. Bias-related / Hate Crime Statistics

1. The Hate Crimes Coordinator shall prepare and forward a monthly report outlining the year to date sustained bias-related/hate crimes and case statuses to:
 - a. The Chief of Police;
 - b. The Assistant Chief, Patrol Services and School Security Bureau;
 - c. The Assistant Chief, Investigative Services Bureau;
 - d. The Executive Director, Office of Strategic Change;
 - e. The Public Information Officer (PIO);
 - f. The Commanding Official, Criminal Investigations Division;
 - g. The Commanding Official, Special Liaison Division.
2. The Hate Crimes Coordinator shall forward a monthly report of bias-related/hate crime summary statistics to the Marketing and Internet Unit, Strategic Services Bureau, for posting on the MPD public website.
3. The Commanding Official, Special Liaison Division, shall provide bias-related/hate crime statistics and data to the community as part of the Division's outreach efforts.
4. Members who receive requests regarding bias-related/hate crime statistics and data shall refer individuals to the MPD public website and/or the Special Liaison Division as appropriate.

VI. ROLES AND RESPONSIBILITIES

A. The Hate Crimes Coordinator shall:

1. Review crimes and incidents for alleged bias-related/hate motives.
2. Make an initial determination as to whether the offense constitutes a bias-related/hate crime.
3. Prepare a PD Form 252 (Supplemental Report) and forward a copy to cid.adminbox@dc.gov indicating whether the facts support the determination that the offense is a bias-related/hate crime.

4. Forward all statements received to the appropriate investigative unit for inclusion in the case jacket.
5. Conduct a case review of all open bias-related/hate crimes every seven (7) days.
6. Document case reviews in WACIIS and coordinate with the appropriate investigative unit to ensure timely and thorough investigations of bias-related/hate crime.
7. Ensure copies of any bias-related/hate crime incident reports are maintained.
8. Compile and track statistics regarding bias-related/hate crimes.
9. Disseminate information among the Criminal Intelligence Branch and to the Department concerning persons or groups that perpetrate bias-related/hate crimes.
10. Work with the Special Liaison Division to develop information that will help with public education.
11. 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 college/university security personnel and other law enforcement agencies in the District to support the accurate reporting and the investigation of bias/hate-related crime(s) or incidents.

NOTE: This procedure will support accurate 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.

12. Ensure a designee is appointed when the Hate Crime Coordinator is unavailable (e.g., leave) who shall fulfill the Hate Crime Coordinator responsibilities outlined in this order.
- B. District Watch Commanders shall document all suspected bias-related/hate crimes or incidents on their PD Form 150 (Watch Commander Report) and attach a copy of PD Form 251 and all relevant reports.
- C. The Commanding Official, Criminal Investigations Division shall, upon receipt of reports identifying suspected bias-related/hate crimes, ensure a district investigator/detective is assigned to contact the reporting person as soon as possible but not later than forty-eight (48) hours after receipt and to conduct a

prompt and thorough investigation.

- D. The Commanding Official, Intelligence Fusion Division, shall:
 - 1. Designate a member of their command, the rank of lieutenant or above, to serve as the Hate Crimes Coordinator.
 - 2. Ensure prompt reviews of bias-related/hate crime.

- E. The Commanding Official, Special Liaison Division, shall:
 - 1. Conduct periodic public awareness presentations regarding hate crimes, the Hate Crimes Hotline, and MPD's response to hate crimes.
 - 2. Work with college/university security personnel and other law enforcement agencies in the District to support accurate reporting and the investigation of bias/hate-related crime(s) or incident(s).
 - 3. Participate in and prepare appropriate briefings for meetings with criminal justice partners and community groups.

NOTE: Members who have questions concerning bias-related/hate crimes or the procedures contained in this order may contact the Hate Crimes Coordinator.



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