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# RESPONDING TO HATE CRIMES AND BIAS INCIDENTS:

# AN INSTITUTIONAL CHECKLIST

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# RESPONDING TO HATE CRIMES AND BIAS INCIDENTS:

## AN INSTITUTIONAL CHECKLIST

This document contains information to be used by academic institutions to assess their readiness and ability to respond to hate crime reports and bias incidents. It presents a checklist of issues that need to be examined when considering an institution's response to hate crimes and bias incidents. Many of the issues addressed are relevant to the assessment of other types of institutions. Even though some of the behaviors mentioned here represent Constitutionally protected forms of free speech, they can still undermine the ability of an institution to adequately deal with these events. They need to be understood as destructive and undesirable and treated as such by the institutions.

### REASONS FOR ASSESSMENT

This section covers reasons for assessing an institution's response. Assessment is necessary because of the complexity, intensity, and significance of hate crime and the difficulty with which many institutions have in adequately responding.

Hate crimes carry with them serious emotional issues that are far-reaching for both the victims themselves and for the members of the community in which the crimes occur. Fear is an emotion that surfaces and it promotes frustration which develops into anger and hostility. These emotions are often vented towards the people who are trying to help the victim, such as the local law enforcement authorities.

There are imperative reasons why the role of the police officer or security personnel is so consequential. Victims of hate suffer possible serious and long lasting traumatic stress which is increased by an inappropriate law enforcement response. Because of the traumatic effects of hate crime, those responding to hate crimes and bias incidents must be prepared to respond in a caring way. Those involved must be sensitive to the cultural diversity of the victim. The elements of a bias crime and its effect on the victim must be understood by the responding officials so that accurate investigation and understanding of the event is achieved. That is one reason why law enforcement and institutional security professionals need to be provided training on crimes with bias intent. Secondly, hate crime, more than any other crime, tends to promote fear and outrage among members of the community. It can fragment the sense of academic community on any campus and poison its learning environment. The divisiveness may even lead to victims being accused of prejudice and bigotry themselves.

Because bias incidents especially terrify and damage victims, law enforcement officers need training to consider the targets as victims who need special consideration. That is one reason why advocate organizations are so important--to help deal with the special circumstances of hate crime. Police officers need to understand this role for campus organizations. Such organizations advise and counsel victims and/or witnesses of hate crime. These groups offer crisis intervention, psychological and social support, shelter, assistance with filing complaints, and much more. Advocates can also bring about better relationships between the campus community and police through planned programs and open dialogue between law enforcement and the community it serves.

## ASSESSING INSTITUTIONAL BEHAVIOR

### I. RESPONSES

Suggestions for responses that need

examination have been made by the Center for Democratic Renewal, the Anti-Defamation League, the New York Governor's Task Force on Bias Incidents, the Massachusetts Governor's Task Force on Hate Crime, the Hate Crime Reporting project of the Statistical Analysis Center of the Committee on Criminal Justice, researchers, and other sources.

_____ A. Does the institution have a written policy regarding hate crimes and bias incidents?

_____ B. Does it have written policies on affirmative action, job discrimination, and sexual harassment?

_____ C. Has the head of campus security publicly announced the bias crime policy?

_____ D. Have campus police or security officers received training to increase sensitivity to hate crime and bias incidents?

_____ E. Is there a special investigation unit or a designated civil rights officer?

_____ F. Has a supervisory officer been assigned responsibility for bias crime investigation?

_____ G. Does bias crime and incident investigation and response have an explicit priority?

_____ H. Are response units routinely dispatched to hate violence calls?

_____ I. Are responses on the scene of the crime or incident?

_____ J. Are there explicitly procedures to document evidence of bias motivation?

_____ K. Is it the policy to have follow-up investigation and follow-up visits to victims by high ranking officers?

_____ L. Do officers sensitively address effects of hate crimes and bias incidents on victims and the campus community?

_____ M. Is victim assistance provided the target of the incident?

_____ N. Are community and campus leaders informed and consulted?

_____ O. Is security and patrol increased in affected areas?

_____ P. Has there been a search for weapons hidden by alleged perpetrators?

_____ Q. Are parties kept aware of progress and arrests?

_____ R. Are there counseling and education programs for juvenile perpetrators?

_____ S. Are there multicultural programs for educating the campus community on diverse cultures?

_____ T. Has the department sought community input regarding its response?

_____ U. Does the department provide balanced and appropriate media handling of incidents, adequate disclosure without aggravating tensions?

_____ V. Does the department have a public awareness campaign?

_____ W. Does the department share information with prosecutors, local police, and other appropriate agencies?

_____ X. Are hate crimes and bias incidents reported to the FBI UCR or National Incident Based Reporting System (NIBRS) or other statewide programs?

The responding officer must quickly evaluate what has happened and take any necessary action to stabilize the situation and preserve evidence of bias motivation. Victims often want to remove offensive graffiti and symbols as soon as possible, but it needs to be documented as evidence before its removal. After this has been done, there are two areas of concern which should be recognized: (1) sensitivity to the needs of the victim, and (2) the consequence of a bias crime.

## II. TRAINING

An important action for an institution in dealing with hate crimes is to develop and implement a hate crime training program. Institutional officials must understand the purpose for reporting and collecting hate crime data and responding to hate crimes or bias incidents. Their leadership is crucial for an adequate response.

Assessment of an institution should examine the objectives of any training program it may have regarding hate crime or bias incidents. Objectives for hate crime training can

be grouped into three areas: knowledge, attitudes, and skills. Knowledge objectives are directed to providing factual information regarding hate crimes, perpetrators, and victims. Attitude objectives focus on reducing latent prejudice and addressing concerns of administrators, staff, and students. Skill objectives are concerned with introducing behaviors and practices that encourage identifying a case, preventing its repetition, and reducing its harm to the victim and to the public. Objectives may include the following:

Knowledge Objectives

To increase knowledge and understanding of the following:

_____ 1. History and nature of prejudice, discrimination, and intergroup conflict
_____ 2. Indicators of bias motivation
_____ 3. Free speech versus assault, intimidation, and "fighting words."
_____ 4. Cultural differences and their significance
_____ 5. Effects on victims and community
_____ 6. Importance of and procedures for filling out hate crime and bias incident report forms
_____ 7. Role of community organizations

Attitude Objectives

To change attitudes by:

_____ 1. Increasing sensitivity to and tolerance for cultural differences
_____ 2. Developing skills for dealing with fear, anger, and prejudice
_____ 3. Accepting involvement of community organizations

Behavior Objectives

Develop behaviors that:

_____ 1. Reduce stress, fear, and hostility
_____ 2. Identify and document evidence
_____ 3. Prevent recurrence of incidents
_____ 4. Monitor situations and provide education
_____ 5. Involve community groups

## ASSESSING INSTITUTIONAL POLICIES

### III. CRITERIA FOR IDENTIFICATION

While no single fact may be conclusive in identifying a hate crime or bias incident, a pattern of evidence can be significant. A variety of facts might be considered to classify an incident as bias motivated. Institutional policies should be examined to see which of the criteria below are included:

_____ A. The offender and the victim were of different racial, religious, ethnic, sexual orientation, or handicapped groups.

_____ B. Bias related oral comments, written statements, or gestures were made by the offender which indicate bias.

_____ C. Bias related drawings, markings, symbols or graffiti were left at the crime scene.

_____ D. Certain objects, items, or things which indicate bias were used or left behind by the offender.

_____ E. The offender was previously involved in a similar hate crime or is a member of a hate group.

_____ F. The victim is a member of a racial, religious, ethnic, sexual orientation, or handicap group which is overwhelmingly outnumbered by members of another group in the neighborhood where the victim lives and the incident took place.

_____ G. The victim was visiting a neighborhood where previous hate crimes had been committed against the other members of a racial religious, ethnic, sexual orientation, or handicap group and where tensions remain high against the group.

_____ H. The victim was engaged in activities promoting racial, religious, ethnic, sexual

orientation, or handicap groups.

_____ I. The victim or substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.

_____ J. A historically established animosity exists between the victim's group and the offender's group.

_____ K. The victim, although not a member of the targeted racial, religious, ethnic, sexual orientation, or handicap group, is a member of an advocacy group supporting the precepts of the victim group.

_____ L. The victim has recently moved to the dormitory, building, or neighborhood where the incident occurred.

_____ M. Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic, sexual orientation, or handicap group.

_____ N. The incident coincided with a holiday relating to, or a date of particular significance to a racial, religious, ethnic, sexual orientation, or handicap group.

_____ O. There were indications that a hate group was involved.

_____ P. Any clear other motivation for the incident is absent.

The above factors are not all inclusive of the types of objective facts which evidence bias motivation. Institutions must examine each case for facts which clearly evidence that the offender's bias motivated him/her to commit the crime. There must be a case by case assessment of the facts. Agencies must be alert to misleading or falsified evidence.

If the pattern of evidence indicates that the offender was motivated by bias, the situation should be classified as a bias crime and the department's bias crime unit (or bias crime officer) should be notified. This unit (or officer) should be responsible for the investigation of all incidents reported as or suspected of being bias motivated.

## IV. HANDLING AMBIGUOUS CASES

When evidence of bias is not absolutely certain, there is much room for conflict over handling an event.

_____ A. What are the institution's policies when evidence is ambiguous?

_____ B. Does the institution give benefit of the doubt to judging the situation as a hate crime or bias incident?

_____ C. How thorough is institutional followup with ambiguous cases?

_____ D. Do investigator's seek detailed information to resolve ambiguities?

_____ E. What role does the victim or advocacy groups play in interpreting ambiguous situations?

## V. CHARGES OF POLICE BIAS

Inevitably, one of the most difficult obstacles to persuading police of the need to eradicate bias crime is the presence of bias in department personnel themselves.

_____ A. Do victims feel police have been unresponsive or indifferent or hostile to reports?

_____ B. Have officers used offensive slurs or gestures?

_____ C. Is there an official process for filing and investigating complaints against officers.

_____ D. How effective is affirmative action recruitment for campus officers?

_____ E. Do members of the police belong to hate groups or possess hate literature or symbols.

When officers provide examples of how to deal

with hate crime, the entire community benefits.

## VI. COORDINATION WITH OTHER AGENCIES

The overall effectiveness of law enforcement agencies responding to bias incidents can be bolstered through guidelines which cultivate inter-agency training, multi-agency law enforcement, and information exchange. The impact that inter-agency cooperation and training can have upon the hate crime problem is much greater than that of a single organization.

_____ A. To what extent are cooperative relationships with law enforcement utilized in responding to hate crimes?

_____ B. To what extent are campus and community organizations involved in the institution's response?

_____ C. Are incident reports shared with prosecutorial offices?

_____ D. Do campus police make use of advice from prosecutorial offices regarding appropriate actions to take?

_____ E. Does the institution make use of victim's assistance organizations?

## VII. GROUP AND INDIVIDUAL HATE CRIME

Law enforcement agencies face the question, "who commits hate crimes?" Through evidence such as graffiti, vandalism, witness statements, victim testimony, or previous history of similar pattern of hate behavior, investigators may be able to conclude who committed such an act. Another question is raised, however, "Was it a group or an individual act?" Campus police must be trained so that they are able to decipher the evidence of a hate crime and accurately determine whether groups are involved.

The group commission of hate is frightening. Group crimes are spineless abuses to create fear and intimidation. They are a form of domestic terrorism. Authorities need to understand warning signals of organized hate groups so that the groups do not become a threat and cause fear in the entire community.

_____ A. Has campus security received training in recognition of organized hate groups?

_____ B. Are links of hate crimes and bias incidents to off campus organizations explored during investigation?

_____ C. Are there written policies that allow limiting hate groups' access to campus facilities, student government funding, and use of campus media?

_____ D. Do student organizations sponsor lectures or supporting events for leaders of hate groups?

_____ E. Do campus organizations disseminate hate literature written by hate groups?

_____ F. Do campus organizations receive off-campus funding by hate groups?

_____ G. Are individuals involved in bias incidents also involved in campus organizations?

_____ H. Are individuals who have violated college rules regarding possession of weapons or harassment members of the same campus organization?

_____ I. Are there campus representatives of hate groups? Examples include CAUSA, the National Association of Scholars, the Madison Center for Educational Affairs, Accuracy in Academia, Intercollegiate Studies Institute, Students for America, Young America's Foundation, The Way International, the New Alliance Party, and the White Student's Union.