

12.417 HATE CRIMES: RESPONSE TO RACIAL, RELIGIOUS, ETHNIC/NATIONAL ORIGIN, OR SEXUAL ORIENTATION BIAS INCIDENTS

References:

Procedure 12.160 - Rumors/Potential Civil Disturbances
 Procedure 12.170 - Civil Disturbance Operation Procedure
 Procedure 12.400 - Offense Reporting, Miscellaneous Reporting
 Procedure 18.120 - Release of Information and Public Records
 Cincinnati Municipal Code (CMC) 908-3 Criminal Intimidation
 Public Law 101-275: Hate Crime Statistics Act
 Ohio Revised Code (ORC) 2927.12 (Ethnic Intimidation)
 Ohio Revised Code (ORC) 2929.12 (B)(8)(Seriousness and recidivism factors)

Purpose:

To accomplish our Mission and demonstrate the commitment we have in valuing human life and dignity by taking a proactive role in promoting peace and harmony within the community and ensuring that the rights of all individuals are protected.

To comply with Public Law 101-275: Hate Crime Statistics Act requirements, the Ohio Revised Code, and State Sentencing guidelines.

To comply with the FBI's National Incident Based Reporting System's (NIBRS) requirements for submitting incident-based crime reporting data.

Definition:

A **Hate Crime** is a committed, threatened, or attempted criminal act by any person(s) against a person or property of another individual or group that may in any way constitute an expression of racial, religious, ethnic/national origin, sexual orientation, or other forms of bias.

Motivated by prejudices, hate crimes may include but are not limited to: threatening communications, physical assaults, vandalism, cross burnings, destruction of religious symbols, and firebombing.

The Ohio Revised Code identifies and defines the following **protected classes** under the Ethnic Intimidation statute: a person or group of persons based upon their race, color, religion, or national origin.

The Cincinnati Municipal Code identifies and defines the following **protected classes** under the Criminal Intimidation section: a person or group of persons based upon the actual or perceived race, color, religion, national origin, gender, physical or mental disability, sexual orientation or age (60 and above).

Sexual orientation – means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or transgender status, by orientation or practice.

Transgender – means the condition or state wherein a person manifests gender characteristics, behavior and/or self-identification typical of or commonly associated with persons of another gender, and which may be characterized by assumption of the clothes, hairstyles, cosmetic usage or other appearance qualities commonly associated with another gender and/or by the surgical or medical modification of primary sexual organs in order to assume the gender role of another sex.

Information:

Single criminal acts such as aggravated menacing, menacing, criminal damaging, criminal mischief, or telecommunications harassment may initially appear as less serious when viewed in the larger context of all crime. However, what might begin as a minor offense may escalate into a more serious crime, particularly if the crime was motivated by bias. Such criminal acts may generate fear and concern among victims and the broader public, and have the potential to escalate, possibly causing counter-violence. Therefore, if an incident appears to be one of racial, religious, ethnic/national origin, sexual orientation, or other forms of bias, it should be investigated as such.

Verification can be made during the investigation. Reports should be reviewed for *patterns* of incidents occurring at either the same location or directed at a particular individual or group. The motivation behind the act determines whether an incident is bias related. Listed below are several reminders to consider in determining if probable cause exists to believe that an incident was motivated entirely or in part by animosity toward the victim because of his/her race, religion, ethnic/national origin or sexual orientation:

- Were words, symbols, or acts which are or may be offensive to an identifiable group used by the perpetrator or are they present as evidence?
- Are the victim and the suspected perpetrator members of different racial, religious or ethnic groups?
- Does a meaningful portion of the community perceive and respond to the situation as a bias-related incident?

- Is there an ongoing neighborhood problem that may have initiated or contributed to the act (e.g., could the act be retribution or some conflict between neighbors or with area juveniles)?
- Does the perpetrator have a true understanding of the impact of the crime/incident on the victim or other group members? Are the perpetrators juveniles?
- Does the crime/incident indicate possible involvement by an organized hate group?

Policy:

All Hate Crimes will be treated seriously and the investigations of these crimes will be given priority. The proper investigation of racial, religious, ethnic/national origin, sexual orientation, or other bias crime incidents, is the responsibility of all Cincinnati Police officers. The Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

The actions taken by the Police Department in dealing with incidents of racial, religious, ethnic/national origin, sexual orientation, or other acts of bias, are visible signs of its concern and commitment to the community. Special emphasis will be placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear.

Officers must demonstrate sensitivity toward the feelings, needs and concerns that may be present in the community as a result of incidents of this nature.

Procedure:

- A. When an on-scene officer makes a determination that an incident is a criminal act of racial, religious, ethnic/national origin, sexual orientation, or other form of bias, the officer will:
 1. Render necessary assistance to the victim(s) and if necessary request the fire department in the case of fire or injury.
 2. Conduct a preliminary investigation.
 3. Identify and arrest the perpetrator(s) if possible.
 - a. Officer shall use the appropriate ORC charge, unless a class is encountered that is only protected under CMC.
 4. Protect and preserve the crime scene and evidence.
 5. Notify a supervisor.

6. Prepare a detailed offense report.
 7. Fax a copy of the offense report(s) to the Office of Neighborhood Policing, Intelligence Unit, Public Information Office (PIO), and the Cincinnati Human Relations Commission (CHRC).
- B. Supervisor will:
1. If necessary, respond immediately.
 2. Determine the seriousness of the incident and make appropriate notifications. For serious incidents (serious physical harm or a significant event) the supervisor shall:
 - a. Notify the Officer in Charge (OIC).
 3. Arrange for immediate increase of patrols throughout the affected area. If necessary, have "standby" units from other districts respond to the scene.
 4. Contact the victim(s) as soon as possible and assure them that the investigation will be actively pursued.
 5. Complete an After Action Report detailing events and actions by Department.
 6. Ensure a copy of the offense report(s) is faxed to the Office of Neighborhood Policing, the Intelligence Unit, PIO, and CHRC.
 - a. CHRC will be the liaison with all victim/advocacy/service groups.
- C. Shift OIC
1. After being notified by an on scene supervisor of a serious Hate Crime incident (serious physical harm or a significant event), the shift will notify the following:
 - a. District OIC
 - b. Night Inspector (if applicable)
 - c. Duty Officer
 - d. District Commander

- e. Intelligence Unit
 - f. Public Information Office (PIO)
 - g. Federal Bureau of Investigations (FBI)
 - h. Community Liaison Commander
2. The Emergency Communications Center (ECC) will provide assistance to the OIC when requested.
- D. Cincinnati Human Relations Commission (CHRC)
- 1. CHRC will act as an expert liaison between the community leaders and outside agencies willing to respond to provide needed service. Upon request CHRC shall:
 - a. Respond to the scene.
 - b. The OIC will brief the CHRC representative about the crimes that have occurred, the steps taken by police and the current tension level within the targeted neighborhood or other areas of the city.
 - c. As outlined in the CHRC internal procedure, the Executive Director of the CHRC will coordinate with the CHRC field representatives, who will respond as requested and contact the incident OIC.
 - d. The ranking command officer will determine what actions the CHRC representative may take
 - e. The OIC will evaluate and determine the effectiveness of the actions of the CHRC field representatives in calming the situation.
 - 1) If the ranking command officer believes CHRC field representatives are no longer effective, he will notify them to cease their activity and withdraw.
 - 2) The ranking command officer should base this determination on such criteria as some overt action on the part of the crowd, an increase in the size of the crowd, etc.

- f. The incident OIC will request CHRC to submit a report of their observations and assessment of the incident to the Intelligence Unit Commander.

E. Media

- 1. Officers will refer the media to the ranking on-scene supervisor.
 - a. The OIC will ensure PIO is notified and informed of the information released and progress of the investigation.
- 2. After a thorough field investigation, PIO will provide factual information to the media.
- 3. PIO will respond to the scene of all serious Hate Crime incident(s) and coordinate the release of information to the media.

F. Collection of Data and Reporting

- 1. All Hate Crime Offenses are identified through the National Incident Based Reporting System.
- 2. The Office of Neighborhood Policing shall provide updated Hate Crime information and statistics to community councils and groups.
 - a. Police Intelligence Unit shall analyze Hate Crime trends and provide quarterly reports to the Police Chief.