





POLICIES AND PROCEDURES MANUAL

	HATE CRIMES	
	POLICY NUMBER: 1-10	ISSUING AUTHORITY 
	EFFECTIVE DATE: January 1, 2025	Christine A. Elow Police Commissioner

I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy is intended to assist officers in responding to and properly identifying crimes that are motivated in whole or in part by hate or bias against a person or group based on race, color, religion, national origin, ethnicity, sexual orientation, disability, gender or gender identity, and to define appropriate steps for assisting victims and apprehending suspects.

The department is committed to safeguarding the state and federal civil rights of all persons and to investigate any reported acts or threats of violence, property damage, harassment, intimidation, or other crimes that appear to be motivated by hate or bias.

II. POLICY

It is the policy of the Cambridge Police Department that:

- A. all personnel are committed to safeguard the state and federal civil rights of all community members irrespective of their race, religion, ethnicity, handicap, sexual orientation, gender, or gender identification;
- B. any acts or threats of violence, property damage, harassment, intimidation, or other crimes that are designed to infringe upon a person's civil rights will be investigated;
- C. hate crimes will be given high priority; the department will use every necessary resource rapidly and decisively to identify the perpetrators, arrest and prosecute them, and take vigorous enforcement action;
- D. appropriate members of the department know and understand department Incident Response Protocol in addition to relevant Commonwealth of Massachusetts requirements under 501 CMR 4.00 and relevant General Laws; and
- E. victims of hate crimes will be provided information regarding resource options.

III. DEFINITIONS

- A. *Bias Indicator*: Objective facts, circumstances, or patterns related to a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, would lead a reasonable and prudent person to believe that the offender's actions were motivated, in whole or in part, by any form of bias covered under 501 CMR 4.02.
1. Each case must be examined on its own facts and circumstances. Common sense and sound judgement should also be applied in making the determination of whether a crime should be classified as a hate crime.
 2. Some examples of potential bias indicators are bias-related verbal comments, written statements or gestures made by the offender; bias-related drawings, markings, symbols, graffiti, objects, or items used or left at the crime scene; hate group(s) involvement; (for more criteria, see 501 CMR 4.04)
 3. When in doubt as to whether a crime should be classified as a hate crime, officers should consult with a supervisor or the department's Civil Rights Officer.
- B. *Bias Motive*: Hatred, hostility, or negative attitudes towards, or prejudice against, any person or group based on race, religion, ethnicity, handicap, gender, or sexual orientation, which is a contributing factor, in whole or in part, in the commission of a criminal act.
1. A bias motive can be inferred from the presence of one or more bias indicators.
 2. A bias motive may also consist of the intent to interfere with, oppress, disrupt, or deprive another person(s) of their constitutional rights by injury, threats, intimidation, harassment, or coercion.
- C. *FASJS*: Family and Social Justice Section.
- D. *Hate Crime*: Any criminal act to which a bias motive is evident as a contributing factor; or any act which constitutes a violation of:
1. M.G.L. c. 265, § 37 (Violation of Civil Rights)
 2. M.G.L. c. 265, § 39 (Assault, or A&B for Purpose of Intimidation)
 3. M.G.L. c. 266, § 127A (Destruction of a Place of Worship)
 4. M.G.L. c. 272, § 92A (Public Accommodation statute).
- E. *Hate Incident*: Any act, whether consisting of conduct, speech, or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.
1. "Beliefs are not hate crimes. Distasteful ideologies, advocacy of political or social positions, use of discriminatory rhetoric, or the general philosophic embrace of biased or hate-filled beliefs are not crimes. Under federal law, investigations may not be based solely on an individual's beliefs or their protected First Amendment activity" (United States Attorney's Office, 2022).

2. When an officer receives a report where a bias motive is evident but is unsure of whether a criminal act has taken place, the officer should consult with a supervisor and resolve any doubt in favor of completing an incident report and referral to the department's Civil Rights Officer.

IV. PROCEDURES

A. Initial Investigating Officer Responsibilities

1. It is the responsibility of each officer to be alert to the fact that a criminal offense may have been directed at an individual, private property, or public property for motives based upon prejudice or discrimination.
2. If an officer either suspects or confirms that an incident was the result of discrimination or bias, that officer shall, when safe and appropriate, immediately notify and brief a supervisor of the circumstances, and provide for medical assistance to victims if needed.
3. The officer shall conduct a thorough and comprehensive preliminary investigation and complete an incident report including all pertinent details of the investigation that support the inference or conclusion that the act was prompted or motivated by hate or bias.
4. The officer shall ensure that the appropriate criminal statutes have been entered in the report with up to two presumed NIBRS bias type codes applied.

B. Supervisor Responsibilities

1. Supervisors should be mindful of information provided to officers by ECD, as well as when officers are dispatched to certain locations, such as places of worship, for indications of crimes possibly motivated by hate.
2. Once a supervisor has been fully briefed on a suspected hate crime, the supervisor will consult with the Shift Commander to determine if additional investigative resources, including contacting the District Attorney's Office, should be activated.
3. The supervisor shall confirm that:
 - a. the officer submits a complete report containing all facts and circumstances supporting the inference or conclusion that the act was prompted or motivated by bias;
 - b. the appropriate charges and bias-type code(s) have been entered in the report.
4. Likewise, when reviewing incident reports, supervisors should be mindful of facts and circumstances that may rise to the level of a hate crime that were not designated as such by the initial investigating officer.
5. Supervisors shall be mindful that bias-related incidents tend to escalate and alarm the public. Therefore, supervisors shall facilitate precautionary measures to avoid escalation of hostility or retaliatory violence as much as possible.

- a. Such precautions may include increased patrols in the affected area or assigning an officer(s) to protect the scene and/or victims or witnesses, and referral to the Family and Social Justice Section.
 - b. The Shift Commander shall make a note on the shift briefing e-mail and notify the Duty Chief.
- C. Assigned Investigator(s) and Support Services Personnel Responsibilities
 1. The assigned investigator will coordinate with other appropriate law enforcement agencies and work closely with the District Attorney's Office such that the case is adequately developed for prosecution and appropriately charged.
 2. Investigators assigned to non-hate crime investigations that uncover information indicating a potential bias motive shall notify the Civil Rights Officer and Crime Analysis Unit so that reports are amended to reflect the appropriate classification.
 3. Victims of hate crimes may experience unique trauma and distress. As such, personnel assigned to the Family and Social Justice Section shall inform victims of hate crimes and their families of available services and related advocacy groups.
 4. It is the responsibility of the Crime Analysis Unit, working with the Civil Rights Officer, to affirm that hate crime data is transparently reported, publicly available, and easily accessible.
- D. Responsibilities of the Family and Social Justice Section
 1. While not all hate crimes can be anticipated or prevented, crime prevention services shall be provided for each suspected or confirmed hate crime, as appropriate. Hate crimes are not only crimes against the targeted victim, but also crimes against victims' racial, religious, ethnic/national origin, handicap, gender, or sexual orientation group as a whole. After a hate crime incident, the police department will work with segments of the larger communities to help reduce fear, stem possible retaliation, help prevent the occurrence of additional hate crimes, and encourage any other previously victimized individuals to step forward and report these crimes. The FASJ Section and Clinical Support Unit shall adhere to the following.
 - a. In all cases that have been identified as a hate crime, it shall be the responsibility of the Deputy Superintendent of the FASJ Section to coordinate with the Deputy Superintendent of Investigations and the primary investigator to provide for timely contact with the victim and, and where appropriate, to offer services that may be provided by the department.
 - b. It shall be the responsibility of the FASJ Section to review all directives issued in connection with hate crimes investigations and become familiar with those agencies that are designed to assist.
 - c. Where appropriate, it shall be the responsibility of the FASJ Section to see that the victim of a hate crime incident and his or her family are made aware of services

provided by social services and related advocacy groups. The assigned member of the FASJ Section will assist the social services and related advocacy groups to the extent possible.

- d. As resources become available, and where appropriate, the assigned member(s) of the FASJ Section will coordinate with the Civil Rights Officer to provide information to community groups to reach a greater understanding of the nature and causes of hate crimes and the resulting impact on the victims and the community.
- e. The assigned member(s) of the FASJ Section will also coordinate with the Civil Rights Officer to meet with neighborhood groups, residents in targeted communities, and other identified groups to allay fears, reaffirm the department's commitment to respond to this and related incidents, reduce the potential for counter-violence, and provide safety, security, and crime prevention information.
- f. Expand, where appropriate, existing preventative programs, such as anti-hate seminars for school children.

E. Criteria

1. The chart below can assist police officers in determining whether a particular crime should be classified as a hate crime. These criteria are not all inclusive, and each case must be examined on its own facts and circumstances. Common sense and good judgment should be applied in making the determination of whether a crime should be classified as a hate crime.

Examples of Circumstances that May Be Classified as a Hate Crime

Victim was in the company of, or married to, a member of a protected group.	Bias related oral comments, written statements, or gestures made by offender.	Bias related drawings, markings, symbols, or graffiti left at crime scene.
Victim was perceived by the offender as violating or breaking from role conventions or stereotypes or working in non-traditional employment.	Victim is a member of a protected group which is overwhelmingly outnumbered by another group where victim lives, works, or where incident occurred.	Victim was visiting location where previous hate crimes had been committed where tensions remain high.
Several incidents have occurred recently in the same area where victims are all the same protected group.	Victims or witnesses perceive the incident to be motivated by bias.	Victim was engaged in activities promoting a protected group.
Incident coincided with a holiday or date of significance to a protected group.	Offender previously involved in similar hate crime, or is member, or associates with, a hate group.	Bias related objects, items, or things used or left at scene which indicate bias.

A historically established animosity exists between the victim's protected group and the offender's protected group.	The victim, even if not a member of the targeted group, is a member of an advocacy organization supporting the protected group or is friendly with members of the protected group.	Victim was in or near an area commonly associated with or frequented by members of a protected group.
No clear economic motive for an assault and battery.	Offender and victim were of different protected groups.	Indications that a hate group was involved.
Victim has received harassing communications or verbal abuse based on affiliation with protected group.	Offender has been the defendant in Abuse Prevention Orders against two or more different women.	Offender has a history of previous crimes with a similar modus operandi, and there have been multiple victims of same protected group.