



A LAW ENFORCEMENT GUIDEBOOK FOR
RESPONDING TO RACIAL AND RELIGIOUS VIOLENCE

U.S. Department of Justice
National Institute of Justice

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National Organization of Black
Law Enforcement Executives
8401 Corporate Drive
Suite 360
Landover, MD 20785

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New York City Police Department

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Elsie L. Scott
Project Director

Arlene E. Williams
Program Associate

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INTRODUCTION

This guidebook is a practical tool for local police departments to use in dealing with racial and religious violence. It is the product of a one year research project carried out by the National Organization of Black Law Enforcement Executives under a grant from the National Institute of Justice to develop state of the art policies, practices and procedures for responding to incidents which are apparently religiously or racially motivated.

Racially and religiously motivated attacks are a particularly insidious form of violent behavior. Because of the fear generated by these attacks, whole communities are victimized. An act which may be seen as minor, compared to other crimes by local police or the community at large, can send powerful shock waves through the minority community at which it is directed. These acts create an aura of danger, and serve as compelling reminders to minority citizens that their neighborhoods, their streets and even their own homes may not be safe. Treating such incidents as serious sends a message to the community that their local law enforcement agencies will protect them.

This guidebook was developed with the advice and participation of community organizations, human relations specialists, lawyers, experts in civil liberties and law enforcement officials. Its recommended policies, practices and procedures are currently working in a handful of jurisdictions across the country. Methods to identify, report and investigate religious and racial harassment and violence are examined and a range of standards are presented for consideration by each agency based on its own resources and priorities. It is hoped that this guidebook will provide the appropriate framework for local police agencies that want to develop sensitive and workable programs for handling these crimes.

A MODEL LAW ENFORCEMENT RESPONSE

Outlined below is a recommended model law enforcement response to incidents of racially and religiously targeted harassment and violence. The model is designed to be a practical approach to prevention and response. The model is a composite of the responses of agencies surveyed during the course of the project.

The first section of the model delineates the role and responsibilities of the chief executive of the agency. The model will be meaningless if the chief executive does not provide leadership through a well defined written policy that provides the framework for an appropriate departmental response. In the second section a model directive that outlines the responsibilities of the various officers and divisions of large and small agencies is presented.

A. Role and Responsibilities of the Chief Executive

1. Provide leadership by developing a strong policy statement and disseminating it to all officers and the public at large;
2. Develop a directive which defines a racially or religiously targeted incident and outlines procedures for responding to such incidents;
3. Ensure that all sworn personnel receive human relations training and that investigators receive specialized training;
4. Ensure that an appropriate response is given to all serious incidents and that follow-up investigation is carried out;
5. Require that periodic reports of incidents and the actions taken be prepared by the appropriate officer(s);

6. Assure that an annual review of incidents and the departmental response is prepared and submitted to the chief elected official of the jurisdiction;
7. Ensure that relevant information on incidents is shared with other appropriate agencies in a timely manner;
8. Ensure that prompt and immediate action is taken against officers who violate the police by such conduct as failure to take reports of incidents or involvement in a hate violence incident;
9. Keep abreast of all legislative action proposed or taken to alter or amend existing police authority in racial or religious harassment investigations.

B. Sample Directive

1. Policy Statement

It is the policy of the _____ Department to ensure that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their race, color, ethnicity or religion. When such rights are infringed upon by violence, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

All acts of racial or religious violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public and have the potential of recurring, escalating, and possibly causing counter-violence.

2. Definition

A racially or religiously targeted incident is an act or a threatened or attempted act by any person or group of persons against the person or property of another individual or group which may in any way constitute an expression of racial or religious hostility. This includes threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, firebombings and the like.

3. Responsibilities (A Large Agency Model)

a. Patrol Officer

(1) When a patrol officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:

- o Apprehend the perpetrator (if applicable);
- o Request a patrol supervisor;
- o Protect the crime scene;
- o Stabilize the victim;
- o Conduct a preliminary investigation;
- o Provide assistance to the victim and/or referral to the appropriate legal or service agency;
- o Prepare a field report;

(2) Conduct a follow-up investigation within seven days of any incident that he or she initially responds to.

b. Patrol Supervisor

(1) Upon arriving at the scene of a possible racially/religiously targeted incident, he or she will:

- o Interview the patrol officer;
- o Determine whether additional personnel, such as a crime scene search officer, are needed;
- o Ascertain if the occurrence is racially or religiously targeted;
- o Take steps to insure that the incident does not escalate;
- o Assist in the stabilization of the victim;
- o Supervise the preliminary investigation;

(2) Notify the district commander, watch commander or senior official on duty, as appropriate;

(3) Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

c. District/Station Commander

- (1) After being notified of a hate violence incident, he or she will:
 - o Immediately report to the scene if the incident is determined to be serious;
 - o Notify appropriate units such as community relations or crime prevention, investigations and intelligence;
 - o Ensure that the chief executive is notified;
 - o Determine whether the Public Information Office should be notified;
 - o Determine whether community, religious and civic leaders should be informed and if their assistance is needed;
- (2) Review all field reports;
- (3) Personally visit the victim (or the surviving family) within one week of the incident as appropriate;
- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence;
- (5) Assure that follow-up investigations are conducted;

- (6) Prepare scheduled reports of incidents for the chief executive, community relations unit and intelligence unit.

d. Investigative Unit

- (1) Receive copies of all reports of racially or religiously targeted incidents and establish a file or cross reference file system for the reports;
- (2) Canvass the community to identify and interview witnesses;
- (3) Coordinate the investigation with the crime scene search officer or appropriate unit;
- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence;
- (5) Coordinate victim assistance with crime prevention unit;
- (6) Notify other relevant agencies or networks;
- (7) Maintain liaison with other units of the department;
- (8) Coordinate the investigation with other law enforcement agencies where appropriate;
- (9) Prepare cases for prosecution in court and provide testimony;
- (10) Keep the reporting/arresting officer informed of the status of the case;

- (11) Keep the victim informed of the status of the case;
- (12) Prepare monthly reports for the district commander;
- (13) Develop factual information for the Public Information Office;
- (14) Prepare monthly tally reports of reported incidents.

e. Community Relations or Crime Prevention Unit

- (1) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information;
- (2) Assist victims and their families;
- (3) Conduct public meetings on racial/religious threats and violence in general and as it relates to specific incidents;
- (4) Establish a liaison with formal minority organizations and leaders;
- (5) Expand existing preventive programs such as anti-hate seminars for school children.

f. Intelligence Division

- (1) Assist in investigations;

(2) Maintain liaison with federal, state and local agencies for the exchange of intelligence information;

(3) Notify the district commander or chief executive of patterns or anticipated movement of hate groups.

g. Training Division (Police Academy)

(1) Include human relations training in recruit and in-service training programs;

(2) Include courses on minority cultures in recruit training. Solicit input from minority officers and community leaders;

(3) Review and revise training program to reflect changes in the community and in society;

(4) Provide training in victim assistance;

(5) Assure that investigators receive specialized training.

4. Responsibilities (A Small Agency Model)

a. Chief Executive

In addition to the role and responsibilities of the chief executive that are outlined in section A, the small agency chief must also carry out most of the functions of the community relations unit, public relations officer and district commander of the large agency. The additional specific

responsibilities of the small agency chief are outlined below:

- (1) After being notified of a hate violence incident, he will:
 - o Immediately report to the scene where appropriate;
 - o Designate a supervisor to oversee the investigation;
 - o Determine whether community, religious and civic leaders should be informed;
 - o Determine whether the press should be notified;
 - o Ensure that appropriate action is taken by subordinates;
- (2) Personally visit the victim (or the surviving family) within one week of the incident;
- (3) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information;
- (4) Coordinate the investigation with other law enforcement agencies where appropriate;
- (5) Notify other relevant agencies or networks with jurisdiction or interest;
- (6) Maintain contact with minority organizations and leaders;

(7) Document all actions taken.

b. Uniformed Officer

(1) When a uniformed officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:

- o Protect the crime scene;
- o Stabilize the victim;
- o Apprehend the perpetrator (if applicable);
- o Notify the uniform supervisor;
- o Conduct a preliminary investigation;
- o Take steps to prevent the incident from escalating;
- o Provide assistance to the victim;
- o Prepare a field report;

(2) Conduct follow-up investigations;

(3) Canvass the community to identify and interview witnesses;

(4) Coordinate victim assistance.

c. Uniform Supervisor

(1) Immediately report to the scene of any serious incident;

(2) Determine whether additional personnel are needed;

- (3) Notify the chief executive if the incident is serious;
- (4) Receive and review all field reports;
- (5) Supervise the preliminary investigation of all serious cases;
- (6) Prepare periodic reports on hate violence activity for the chief executive;
- (7) Assist the chief executive in carrying out community relations functions.

d. Investigator/Intelligence Officer

- (1) Assume control of the investigation;
- (2) Maintain all reports of racially and religiously targeted incidents;
- (3) Contact appropriate state and/or local law enforcement agencies for assistance with serious cases;
- (4) Maintain liaison with federal, state and local agencies for intelligence information exchange;
- (5) Keep the arresting officer informed of the status of the case;
- (6) Keep the victim informed of the status of the case;

- (7) Prepare case for prosecution in court and provide testimony;
- (8) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

e. Training

The training responsibility may have to be carried out with the cooperation of regional or state agencies.

POLICY/PROCEDURE

A. Commentary

A written directive is a tool of good management. Written procedures provide a framework for the appropriate use of police officer discretion. Patrol officers should not have to make arbitrary decisions because they have no guidelines for handling a reported incident. The policy should be written, however, with some flexibility so that officers will have adequate room to exercise individual judgment in some circumstances.

Written procedures are especially crucial in dealing with hate violence offenses. These types of cases, if handled improperly, can ignite a whole community and can lead to retaliation if the victims do not feel that local law enforcement is acting in their interests.

Directives addressing hate violence incidents should be issued by the chief executive of the agency and communicated to the sworn personnel through the use of:

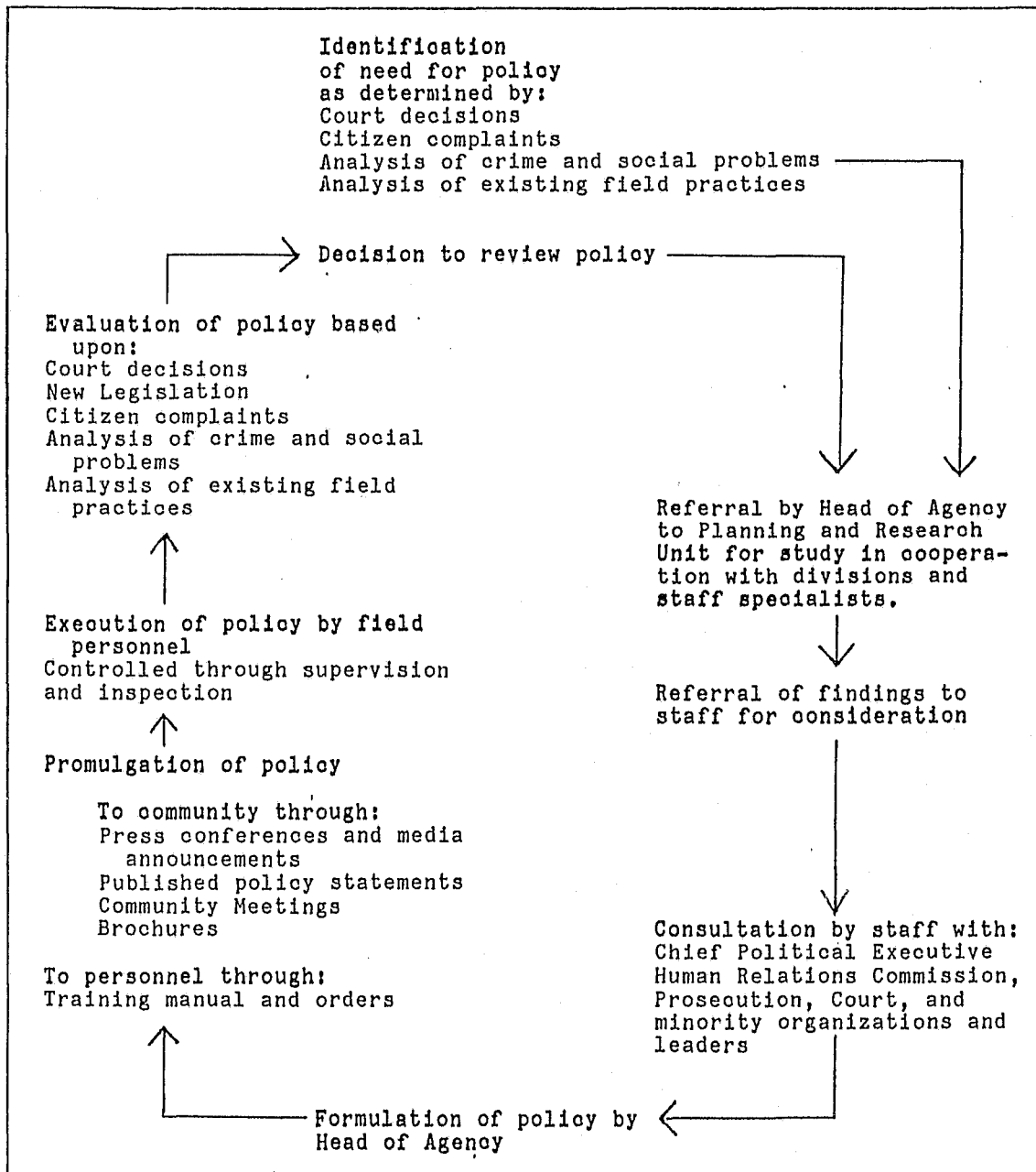
1. Bulletin Boards
2. Roll Call Announcements
3. Recruit Training
4. In-Service Training

B. Model Checklist

1. Every department's policy should include the following:
 - a. The department's opposition to racial and religious violence;
 - b. The department's recognition that such crimes have a serious impact on the victim and the community as a whole;

- c. The department's commitment to use its resources to protect the rights of all citizens regardless of race, color, creed or religion;
 - d. A definition of a racially and religiously targeted incident. The definition can be taken directly from the relevant law or laws or it may be an operational definition developed by the agency;
 - e. A summary of the provisions of any relevant legislation;
 - f. Clear and precise procedures for field investigation, reporting, follow-up and public information relating to such incidents.
2. Every officer should be made aware of the statement through recruit training, roll call training or some other form of in-service training.
 3. The policy statement should be disseminated to the community at large through the media, community meetings and educational program.

FORMULATION AND EXECUTION OF LAW ENFORCEMENT POLICY



Adapted from Task Force Report: The Police, p.26

TRAINING

A. Commentary

Once an agency adopts a policy, new recruits as well as veteran officers should be trained in its proper implementation. The training program, in addition to explaining what the policy and procedures are, should also focus on why the department has adopted such a policy. An officer who knows why a policy is adopted is more likely to comply with it and, to the extent that he identifies with the policy, is more likely to work toward its successful implementation.

Officers should also be provided with human relations training. Human relations training involves the study of intergroup relations with special emphasis on race relations, ethnic and religious relations. This type of training is necessary in urban areas where there is a diverse ethnic mix and where racial tensions have often led to conflict, and in small areas where unfamiliar cultures may cause unwarranted acts of violence.

The focus of the training should be on changing behavior rather than attitudes. Officers should be trained to understand that, regardless of their personal feelings, they are sworn to uphold the law and administer justice in an impartial manner.

B. Model Training Checklist

1. The curriculum of all training programs should include courses in human relations, especially the understanding of the various cultures in our society.

2. All sworn personnel should receive instruction on civil rights laws and other legislation related to handling racially and religiously targeted incidents.
3. All officers should be required to take sensitivity training.
4. Training should be behavior focused.
5. Adequate resources should be provided for training programs.

REPORTING

A. Commentary

In general, law enforcement reporting systems do not separately capture information on crimes that are racially or religiously motivated. When these attacks are reported, they are usually recorded by crime type only, that is, homicides, assaults, or property offenses. In addition these crimes are severely underreported -- by more than 50% according to some officials' estimates. These factors combine to make it virtually impossible for police to determine the scope or severity of hate violence cases or to detect trends in these offenses over time.

The failure of victims to report incidents is an issue of concern to many agencies. Many victims may elect not to become involved in the criminal justice process, others may distrust the police, feeling that they will do nothing to help them. Some victims may fear reprisals if they report incidents to the police.

Establishing a good reporting system may lead to more apprehensions and arrests of perpetrators of such crimes. It may also lead to an increase in reporting by victims and can enhance an agency's ability to determine crime patterns through crime analysis. Reporting systems can also provide agencies with the information they need to develop prevention and investigative strategies. Above all, such a system can demonstrate to the community that the agency has a genuine interest in the problem and that it will vigorously enforce the laws and ordinances relating to such offenses.

Community-based organizations can play a major role in improving the quality of law enforcement reporting systems. Since many victims are more likely to have contact with community-based organizations than with law enforcement

agencies, community-based organizations are in a position to encourage increased reporting. Victims can be assured that their complaints will receive immediate attention. Organizations can instruct victims as to the proper procedures for reporting. Through daily contact with minority persons, organizations can provide information to potential victims so that they will be more likely to report to the police if they become victimized.

B. Model Reporting Checklist

1. Every department should establish a reporting procedure for racially and religiously targeted incidents. The procedure should be written and circulated to all sworn personnel. The procedure should include standards for defining and identifying incidents.
2. Departments should either develop special reporting forms or require that any such incident be noted as a possible racially or religiously targeted incident on the incident report form.
3. Human relations agency and community organization representatives should be briefed on how the procedures operate.
4. Citizen reporting of racially and religiously targeted incidents should be encouraged by each agency. Increased reporting should be brought about through the use of public service announcements, posters, leaflets, brochures and presentations to community groups.
5. Private organizations and public agencies should be encouraged to report incidents they are aware of to the police. They should be encouraged to develop their own reporting forms for such incidents.

6. States should be encouraged to establish uniform statewide reporting procedures.

C. A Reporting System Should Be Designed To:

1. Develop or improve special reporting procedures for racially and religiously targeted incidents.
2. Encourage minority persons to report incidents by:
 - a. Sponsoring conferences, seminars, and workshops to discuss the issue;
 - b. Providing information on reporting in organizational publications and minority focused newspapers as well as through other media sources;
 - c. Informing citizens concerning proper reporting procedures.
3. Develop reporting forms that can be used by citizens who prefer to report to an organization.
4. Prepare annual reports of incidents that the department is aware of, along with an analysis of the cases and trends.

INVESTIGATION

A. Commentary

Investigations should be carried out by trained specialists. However, a number of officers who are not detectives or investigators may become involved in a typical investigation, especially in smaller departments.

Much of the work of an investigator involves working with people from diverse backgrounds and orientations. The investigator must, therefore, be a skilled communicator. The investigator must have the ability to gain the confidence of persons crucial to a case and to distinguish between facts and allegations. The officer must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for prosecution. In addition, investigators should be familiar with all hate groups operating within the department's jurisdiction.

B. Need for Special Investigation Procedures

Victims of these types of cases, like other victims of violent crime tend to experience emotional stress as a result of their victimization but the stress may be heightened by a perceived level of threat or personal violation. Like the victims of rape, many become traumatized when they have to recall the details of the incident. Special units or specially trained officers are usually successful in obtaining the cooperation of rape victims while at the same time helping them to overcome some of the resulting fear and emotional pain. Similar techniques should be used in dealing with hate violence victims.

Investigators assigned to handle hate violence cases should have special training in working with minority persons. They should be

thoroughly familiar with the lifestyles and culture of minority communities. Some minority persons distrust the police; therefore, every effort must be made to make them feel that the police are on their side. An insensitive investigator may not only alienate witnesses and potential witnesses in a particular case, he or she may create additional distrust or even hostility.

Many Southeast Asian and Latin American victims and witnesses will have difficulty communicating with investigators who only speak English. Therefore, at least one investigator should be able to speak any language (e.g., Spanish) common to large populations of minority persons in a given jurisdiction.

Minority leaders and organizations are useful resources for any investigator. Minority leaders can help to broaden the investigator's understanding of a different culture. They can also help to convince uncooperative witnesses to cooperate with investigators and encourage more victims to report incidents.

C. Model Investigation Elements

1. Investigations should be given priority treatment. Follow-up should be timely, and victims should be kept informed of the progress of the investigations.
2. Departments with a large number of cases should designate special investigators to handle these cases. These investigators should receive special training.
3. Investigators who are good ethnic communicators should be selected to handle these types of cases. Jurisdictions with large populations of minorities who speak a foreign language should try to involve an investigator in these cases who speaks the

language fluently. Investigators should have experience in working with minority persons.

4. Investigators should be required to prepare periodic reports on investigations in progress for the chief executive of the agency.
5. Investigators should collaborate with intelligence units when hate groups are involved.
6. Investigators should be trained in victim assistance.
7. Where necessary, investigators should arrange for victim/witness protection and neighborhood surveillances and patrols.
8. Investigators should work closely with prosecutors to ensure that the strongest cases possible are presented.

VICTIM ASSISTANCE

A. Commentary

Assistance to victims of crime has become a national priority. The final report of the President's Task Force on Victims of Crime (1982) noted that the manner in which police interact with victims affects not only the victim's immediate and long term ability to deal with the event but also the victim's willingness to assist in prosecutions.

Victims of racially and religiously targeted incidents incur damage to their homes and property, physical injury and sometimes death. In addition to physical suffering, being victimized because of one's race, religion or national origin brings negative attention to one's differences, injures one's dignity and self-esteem, and makes one feel unwanted in the community. Yet, because most crimes against racial and religious minorities are not extremely violent, victims are not usually given any special attention or assistance.

B. Model Victim Program

1. All incidents should receive a prompt response.
2. All officers should receive adequate training in victim assistance.
3. If feasible, the department should provide direct services to victims such as:
 - (a) Temporary relocation
 - (b) Referrals for counselling
 - (c) Additional security
4. The department should assist victims in the criminal justice process and inform them about avenues for redress.

- (a) The department should establish cooperative programs with social service agencies which provide victim assistance.
 - (b) The department should promote and assist in developing community programs which provide victim assistance.
5. A written directive should outline the department's victim assistance program, if the department has one.
6. Victim assistance training should instruct police officers to adhere to the following rules when responding to all victims:
- (a) Maintain a gentle manner -- avoid forceful behavior;
 - (b) Have a non-judgmental, non-critical attitude;
 - (c) Allow the victim to ventilate;
 - (d) Support the victim from the time of the initial police contact through final appearance;
 - (e) Provide prevention and precautionary advice;
 - (f) Conduct follow-up within one week of the incident and the initial response.
7. A referral system should be established in which police direct victims to appropriate public agencies such as local human relations commissions or social service agencies which address housing concerns, discrimination and civil rights violations.

INTERAGENCY COOPERATION

A. Commentary

The interdependence of law enforcement agencies and other agencies in responding to hate activity within the criminal justice system can be enhanced through programs which promote training, information exchange and law enforcement support. The impact that cooperation can have upon the problem can be much greater than that of a single agency. Instead of cooperating on an ad hoc basis, law enforcement agencies should develop cooperative programs that are proactive.

B. Model for Interagency Cooperation

1. Personnel should receive thorough training in the criminal justice process and the interdependence of agencies in responding to hate activity.
2. Departments should develop cooperative programs with other concerned federal, state and local government law enforcement agencies, prosecutors and parole and probation commissions. Programs can include:
 - (a) Information exchange;
 - (b) Manpower and training support;
 - (c) Cooperation in investigations, apprehensions, prosecutions and corrections.
3. Departments should participate in and develop task forces or coordinating councils to discuss law enforcement concerns in general and hate activity specifically.

4. Departments should promote interagency cooperation through departmental policies and procedures.

POLICE/COMMUNITY COOPERATION

A. Commentary

Racially and religiously targeted crimes not only bring suffering to the victims but may create tension and chaos in the community. Cooperative police-community programs that address this problem unify the community and signal to perpetrators that such behavior does not reflect the opinions of the majority.

The battle to eliminate violence against racial and religious minorities cannot be fought single-handedly by the police. The nature of the problem demands strategies that integrate efforts of the community with law enforcement practices and procedures.

The key to the success of a local police department's program will be the steps it takes to establish a working relationship with community-based organizations and associations. Formal programs and linkages will not only reinforce the department's commitment to deal with racial and religious harassment, but will involve the community in providing assistance and seeking solutions to this problem.

B. Model Cooperative Program

1. Departments should implement policies which address police-community relations and cooperation as well as personnel conduct in regard to community relations.
2. Departments should initiate and develop cooperative programs which include:
 - (a) Networking with established groups to exchange information and share resources;
 - (b) Providing victim assistance;

(c) Conducting public awareness programs.

3. Joint public announcements opposing racism and bigotry should be issued by the police and the community.
4. Elected officials should be encouraged to take appropriate action in regard to legislation.

SPECIAL UNITS

A. Commentary

The decision to establish a special unit should take into consideration available resources, the frequency, scope and severity of hate violence incidents, the community's perception of hate violence as a problem and alternative methods available to address hate violence.

Personnel selected for the unit should possess skills in investigation, human relations and knowledge of the problem. Seniority should not be the sole determining factor in selection. The head of the special unit should be directly responsible to the department chief executive. The effectiveness of the unit and its impact upon the problem should be assessed periodically.

B. Recommendations

1. The special unit centralizes the department's response to hate violence. The responsibilities of the unit should include the following:
 - (a) Coordinating all of the department's activities in hate violence incidents;
 - (b) Designing strategies for combating hate violence;
 - (c) Maintaining liaison with other units within the department as well as with concerned governmental agencies;
 - (d) Conducting crime analysis and comprehensive investigations;
 - (e) Maintaining files and records on incidents;

- (f) Assisting victims.
2. The department's written policy or general order should inform all personnel about the existence of the special unit.
 3. The special unit should have written policies governing:
 - (a) Field procedures for responding to and investigating incidents;
 - (b) Reporting procedures;
 - (c) Notification to commanding officers and other units within the department;
 - (d) Termination of investigations;
 - (e) Public notice and press statements regarding incidents.
 4. Personnel selected for the unit should receive the necessary training and education on hate violence in the community.
 5. The unit should provide periodic written reports on its activities.

LEGISLATION

A. Commentary

Even though states have always had laws prohibiting acts of vandalism, arson, assault and homicide, these laws by and large have not provided for additional penalties when acts of violence are deemed racially or religiously motivated. Furthermore, enforcement of state laws in regard to minorities has sometimes been uneven.

In recent years, some states have begun to take action in response to the resurgence of hate activity. Several states have enacted comprehensive legislation specifically designed to curtail violence against racial and religious minorities. Other states have enacted laws that prohibit specific activities characteristic of hate violence like cross-burnings, wearing of masks or paramilitary training.

Although well intentioned, the constitutionality of some of these state laws have been questioned. Despite the criticism, law enforcement officials in states which have specific legislation are more sensitive to the problem and many have developed policies, practices and procedures to respond appropriately.

B. Recommendations:

1. Support new laws or increase penalties for crimes that are determined to be racially or religiously targeted.
2. Support state civil rights laws similar to the federal civil rights statutes. (See Massachusetts Law below.)

3. Support legislation empowering individuals to bring suit for injunctive relief, monetary and punitive damages in racial and religious violence cases.
4. Implement a program that reviews the adjudication of cases against persons charged with crimes against racial and religious minorities with emphasis on penalties imposed.

MASSACHUSETTS

Massachusetts Civil Rights Law

AN ACT FOR THE PROTECTION OF THE CIVIL RIGHTS OF PERSONS IN THE COMMONWEALTH.

Section 11 H. Whenever any persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the attorney general may bring a civil suit for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or persons whose conduct complained of reside (or) have their principal place of business.

Section 11 I. Any person whose exercise or enjoyment of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, has been interfered with, or attempted to be interfered with, as described in section 11 H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages. Any aggrieved person or persons who prevail in an action authorized by this section shall

be entitled to an award of the costs of the litigation and reasonable attorney's fees in an amount to be fixed by the court.

Section 37.

No person, whether or not acting under color of law, shall by force or threat, willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted by violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

PREVENTION

Law enforcement officials can play a major role in preventing hate activity. Each of the response activities discussed in the previous sections can be used to prevent future incidents. One of the most important preventative actions that an agency can undertake is a prompt and adequate response to early signs of problems and initial incidents.

Public denouncements by the agency head can serve notice to potential perpetrators that hate violence will not be tolerated. Public statements should be buttressed by activities such as the development of strong directives and aggressive investigations that diminish the possibility of hate violence occurring.

Education and training are key components of any prevention program. Officers must be trained and the community educated concerning incidents, laws, causes and consequences of such activity and the importance of reporting. In addition, law enforcement agencies must create network with other criminal justice agencies and community groups to develop and implement effective proactive programs.

AGENCY RESPONSES TO THE PROBLEM

A. The Boston Police Department

The police commissioner of the Boston Police Department established a Community Disorders Unit (CDU) in 1978 after the city had experienced several years of increasing racial tensions. The unit was created by a departmental policy that was disseminated throughout the department. The policy reads in part:

It is the policy of this department to ensure that all citizens can be free of violence, threats, or harassment, due to their race, color, or creed, or desire to live or travel in any neighborhood. When such citizen's rights are infringed upon by violence, threats, or other harassment, it is the policy to make immediate arrests of those individuals who have committed such acts. Members of the police force responding to these incidents will be expected to take immediate and forceful action to identify the perpetrators, arrest them, and bring them before the court.... It will be the policy of this department to seek the assistance of state and federal prosecutors in every case in which civil rights violations can be shown.

The policy statement further outlines the procedures for handling a "community disorder". A "community disorder" is defined as a conflict which disturbs the peace, and infringes upon a citizen's right to be free from violence, threats, or harassment.

The patrol officer who initially responds to the incident completes the incident report form by checking the box labeled "community disorder".

The Operations Division notifies the district captain and area commander if a serious crime is involved. The duty supervisor makes recommendations for preventing future incidents when he files a community disorder control sheet.

The CDU takes charge of the investigations after the patrol officers conduct an initial investigation. Some of the activities carried out by the unit are: interviewing victims; obtaining physical evidence; securing emergency housing for the victims; making referrals to social service agencies; and arranging for additional security for victims. CDU officers are also involved in improving relations between the police and minority persons. Special emphasis is placed on Southeast Asian communities where language barriers and cultural differences have led to under-reporting of harassment cases.

In addition to working with other units of the Boston Police Department, CDU officers cooperate with local and state prosecutors to increase the chances of successful prosecutions. The CDU has trained Boston police officers as well as officers in smaller Massachusetts jurisdictions.

CDU officers believe that their effectiveness was strengthened by the passage of the Massachusetts Civil Rights Act of 1979. This act, which was modeled after federal statutes, in addition to providing civil remedies for individuals, allows the attorney general to bring civil suits against civil rights violators.

Racial, ethnic and religious violence and harassment still exist in Boston, but the number of cases has decreased. The police department's actions, combined with strong denouncements of hate violence by the mayor, and several successful prosecutions in highly publicized cases, have served notice to some elements of the community that the city is serious about reducing racial and ethnic violence.

B. Baltimore County Police Department (MD)

The State of Maryland's response to racially and religiously targeted violence and harassment has been a model for other states and localities. As a result of Governor Harry Hughes' 1981 decision to establish the Task Force on Violence and Extremism, a statewide effort has evolved which includes participation by numerous community based organizations, the state's Human Relations Commission, and all of the state's law enforcement agencies.

Under a law passed in 1981, all of the state's law enforcement agencies are required to maintain a filing and reporting system on all acts of racially and religiously targeted violence and harassment. The impact of this requirement has been greater law enforcement awareness of the problem and a movement to develop more specific policies, practices and procedures by several law enforcement agencies in the state. While some agencies have only issued procedural directives to comply with the law, other agencies like the Baltimore County Police Department have implemented detailed guidelines to respond, report and investigate hate violence incidents.

In addition to issuing a policy opposing hate activities, the Baltimore County Police Department has developed guidelines on hate violence which are very explicit in defining the various types of acts that can be considered racially and religiously targeted. The guidelines further instruct officers to report those incidents which may not be defined in the guidelines but appear to be racially or religiously motivated until further investigation proves otherwise.

The seriousness of these types of crimes is emphasized in the departmental guidelines. Instructions are provided for field officers to

respond to and report a hate violence incident as well as instructions for other units which may get involved in a hate violence case. Investigating officers, for example, are instructed to respond immediately and in a sensitive way to the feelings and needs of the victim(s). Follow-up visits are encouraged to ensure proper action has been taken to the satisfaction of the victim(s). Crime lab personnel are directed to gather evidence and submit appropriate items to the intelligence unit.

Under the guidelines established by Baltimore County, precinct commanders are instructed to become involved when an incident occurs. Precinct commanders are to supervise the response to an incident and ensure that appropriate action has been taken. It is also the responsibility of the precinct commander to make contact with the victim(s), if necessary. Contact with community leaders concerning the progress of an investigation is to be maintained by the precinct commander. The precinct commander is also required to seek assistance by the Community Relations Division, if necessary.

Although the efforts of law enforcement agencies are not reflected in the number of incidents which continue to increase in the state, law enforcement officials feel that their efforts have contributed to more reporting of incidents and have increased public confidence in law enforcement services. Moreover, the response of the law enforcement community has prompted more action by state legislators and prosecutors.

RESOURCES

Training

Training and Research Innovation Group
P.O. Box 4588
San Clemente, CA 92672

Reporting

Baltimore County Police Department
400 Kenilworth Drive
Towson, MD 21204

Maryland State Police
Criminal Intelligence Section
1201 Reisterstown Road
Pikesville, MD 21208

Special Units

Boston Police Department
Community Disorders Unit
154 Berkeley Street
Boston, MA 02116

Detroit Police Department
Ethnic Community Response Unit
1300 Beaubien Street
Detroit, MI 48226

New York Police Department
Bias Investigation Unit
One Police Plaza
New York, NY 10038

Georgia Bureau of Investigation
Anti-Terrorist Squad
3121 Pathersville Road
Decatur, GA 30034

Hate Groups

Anti-Defamation League of B'nai B'rith
833 United Nations Plaza
New York, NY 10017

Police-Community Relations

Montgomery County Police Department
Community Relations Division
2350 Research Boulevard
Rockville, MD 20850

U.S. Dept. of Justice
Community Relations Service
5550 Friendship Blvd.
Chevy Chase, MD 20815

Fairfax County Police Department
Cross Cultural Community Relations
Mason District Station
6507 Columbia Pike
Annandale, VA 22003

Legislation

NAACP
186 Remsen Street
Brooklyn, NY 11201

U.S. House Judiciary Committee
Subcommittee on Crime & Criminal Justice
House Office Building
Washington, DC 20515

Information and Referrals

Center for Community Renewal
(formerly the National Anti-Klan Network)
P.O. Box 10500
Atlanta, GA 30310

Institute for the Prevention & Control
of Violence & Extremism
525 West Redwood Street
Baltimore, MD 21201

Human Rights Resources Center
1450 Lucas Valley Road
San Rafael, CA 94903

Litigation

Washington Lawyers' Committee for
Civil Rights Under Law
1400 I Street, N.W.
Washington, DC 20006

Boston Lawyer's Committee for
Civil Rights Under Law
294 Washington Street
Room 506
Boston, MA 02108

Southern Poverty Law Center
P.O. Box 548
Montgomery, AL 36104

General assistance can be provided by your nearest FBI
office.