

General Order

Houston Police Department



ISSUE DATE:

July 22, 2013

NO.

600-37

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-37, dated November 18, 1999

SUBJECT: HATE CRIMES

POLICY

Hate crimes shall be given the department's highest investigative priority. Employees shall refer hate crime victims to the appropriate community resources whenever possible.

This General Order applies to all employees.

DEFINITIONS

Bias. A preformed negative opinion, prejudice, or attitude toward a person or group of persons based on race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference.

Hate Crime. A criminal offense motivated by *bias* and committed against a person or property.

The Texas Code of Criminal Procedure, Article 42.014 and Texas Penal Code § 12.47 provide for punishment enhancements for defendants convicted of *bias* or prejudice motivated crimes.

1 INCIDENT REPORTING

When officers responding to the scene collect sufficient objective facts to indicate the offender may have been motivated by *bias*, the incident report title shall include the words "Hate Crime" (e.g., *Aggravated Assault - Hate Crime*).

Objective evidence to be considered when titling an incident as a hate crime includes:

a. Was the incident known to have been motivated by *bias*?

b. Does the victim perceive the action of the offender to have been motivated by *bias*?

c. Were any remarks made that indicate *bias*?

d. Did the incident occur on or during an event or date that is significant to the victim's or the offender's group or interest (e.g., a religious holiday)?

e. Were there any offensive symbols, words, or acts that are known to represent a hate group, or other evidence of *bias* against the victim's group?

f. Are the demographics of the area significant in relation to the offense?

g. Were the victims engaged in activities promoting their group?

The mere utterance of a *bias* epithet by an offender does not provide sufficient evidence to title the incident as a hate crime. Utterances combined with other factors indicating *bias* could provide a basis to classify the incident as a hate crime. When in doubt, officers shall consult the Criminal Intelligence Division (CID) for assistance in determining if the incident is a hate crime. If CID personnel are not readily available, officers shall proceed with titling the report as a hate crime.

All hate crimes are to be reported as significant events in accordance with the provisions of General Order 200-10, **Notification and Emergency Management**. The Crime Analysis & Command Center (hereafter referred to as Command Center) shall ensure CID's Hate Crime Coordinator or designee is immediately notified of significant *bias* incidents for federal reporting purposes.

Incidents involving bomb threats or explosive devices shall be handled in accordance with the provisions of General Order 600-36, **Bomb Threats, Explosive Devices, Explosions** and/or General Order 600-41, **Weapons of Mass Destruction**.

Any suspicious incident with potential terrorism connections relating to any hate crime, harassment, threat, vandalism, or graffiti directed at persons or ethnic groups as a result of issues related to terrorism shall be documented in an "Investigation CID" incident report or forwarded to CID as an additional concerned division.

2 RESPONDING OFFICERS

Officers shall notify a supervisor immediately when it has been determined that a hate crime has occurred. Supervisors shall ensure that the provisions of General Order 200-10, **Notification and Emergency Management** are followed including, but not limited to, notification of the Command Center and the preparation and submission of a *Significant Event Report*.

The officer responding to the scene is responsible for:

- a. Ensuring that the scene is processed and available evidence is collected and properly tagged or submitted. This includes taking photographs of any graffiti and collecting any relevant flyers and literature at the scene that indicates a crime motivated by *bias*.
- b. Collecting any and all available objective facts at the scene that address whether the offense was motivated by *bias* (see the above *Incident Reporting* section of this General Order).
- c. Preparing the initial incident report.
- d. Sending a copy of the incident report to CID.

- e. Providing victims with the appropriate social services referrals (see General Order 600-13, **Texas Crime Victims' Compensation Act** and General Order 600-33, **Social Services Assistance and Referrals**).

This may also include providing victims or complainants with a Houston Police Department *Hate Crime Resource List* (Hate Crime Tip Card) supplied through CID.

3 INVESTIGATIVE DIVISIONS

The various investigative divisions are responsible for follow-up investigations of hate crimes based upon the underlying criminal offense (e.g., Homicide Division shall investigate hate crimes involving assault while Burglary and Theft Division shall investigate hate crimes involving vandalism).

The investigating division shall keep the Hate Crime Coordinator informed of all available information affecting the investigation. Investigators shall address as part of the follow-up investigation whether the suspect's actions were motivated in whole or in part by any form of *bias* as defined in this General Order.

4 HATE CRIME COORDINATOR

The Hate Crime Coordinator shall hold the rank of lieutenant and shall be assigned to CID. The Hate Crime Coordinator shall have final staff authority over the department's efforts against hate crimes. This staff authority includes oversight and direction of policy adherence and administrative procedures (e.g., standardization of forms, computer programs, statistical reporting, hate crime reporting, and compliance with the department's Public Affairs' policies). Specific responsibilities of the Hate Crime Coordinator include:

- a. Developing, maintaining, and coordinating the department's Hate Crime Database.
- b. Developing, maintaining, and coordinating the department's Hate Crime Hotline.
- c. Ensuring the accuracy and integrity of all files and hate crime related documentation.
- d. Serving as the coordinator for all local, state, and federal task force type work units targeting hate crimes.
- e. Coordinating and approving all hate crime related training both within the department and with outside training schools for all officers who are specifically assigned hate crime investigative duties.
- f. Reviewing and approving all requests by officers wishing to instruct at the Houston Police Academy or outside training schools, public forums, task forces, conferences, workshops, or seminars involving hate crimes.
- g. Coordinating the development of anti-hate crime education and community awareness programs with the department's Community Services Unit and Community Outreach Unit.
- h. Providing the Chief of Police and the Command Staff with timely reports and special briefings relative to significant hate crime events, hate crimes citywide, and the status of the hate crime problem.

5 CRIMINAL INTELLIGENCE DIVISION

CID shall ensure all activities necessary to assist in clearing a hate crime case are carried out with the highest possible priority. CID is also responsible for coordinating both information and investigative activities with outside agencies, as necessary.

CID shall provide and monitor a 24-hour Hate Crime Hotline to allow citizens to report suspected hate crime incidents. The telephone hotline shall also serve as a contact/referral point for individuals requesting hate crime information. Informational brochures regarding the Hate Crime Hotline and reporting hate crimes are made available by CID.

CID shall serve as the second-level judgment unit as defined by applicable federal guidelines concerning hate crimes. As such, this division shall have specially trained staff that shall make a final decision as to the existence or nonexistence of *bias* motivation in an incident. The Hate Crime Coordinator shall make the final determination whether an incident is to be classified as a hate crime and reportable under the 1990 Federal Hate Crime Statistics Act, 28 United States Code § 534.

As the second-level judgment unit, a representative from CID shall respond to the scenes of significant *bias* incidents, as determined by the Hate Crime Coordinator. When doing so, a determination should be made whether additional resources should be called to the scene (e.g., police tactical units, community liaisons, mental or physical health professionals, or clergy).

On a periodic basis, CID shall provide the Command Center with a hate crime call-out roster for those CID personnel responsible for responding to significant *bias* incidents.

6 RECORDS DIVISION

The Records Division shall establish procedures to properly capture hate crime data. Records Division shall ensure reports of hate crime data are sent to the appropriate state and federal agencies. An incident shall be reported to state and federal recordkeeping agencies as a hate crime after CID has determined the incident is a hate crime.

7 DISSEMINATION OF HATE CRIME INFORMATION


Unless disclosure is required by law, only the captain of CID or the Hate Crime Coordinator may approve the dissemination of hate crime intelligence or hate crime information to other law enforcement agencies, other persons outside the department, or employees of the department.

8 STANDARD OPERATING PROCEDURES

Division commanders shall ensure their standard operating procedures reflect all necessary procedures regarding hate crimes.

9 RELATED GENERAL ORDERS

- 200-10, Notification and Emergency Management
- 600-13, Texas Crime Victims' Compensation Act
- 600-33, Social Services Assistance and Referrals
- 600-36, Bomb Threats, Explosive Devices, Explosions
- 600-41, Weapons of Mass Destruction
- 700-01, Property/Evidence Control Regulations
- 800-04, Reception and Dissemination of Criminal Intelligence Information
- 800-07, Criteria for Submitting Incident Reports



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