



# Alexandria Police Department

## Directive 2.10



# HATE CRIMES AND HATE INCIDENTS

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### **11.30.01 POLICY/PURPOSE**

It is the policy of this department to conduct thorough investigations into all reported hate crimes and related incidents motivated by hate or bias.

The Alexandria Police Department views crimes that are committed against persons or property because of the victim's actual or perceived: race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin as not only an offense against the targeted individual but as a matter of concern to the entire community deserving of priority attention for both enforcement and investigative personnel.

The Alexandria Police Department also recognizes that hate incidents which do not meet the legal elements of a criminal offense have the same harmful effects in the community as a hate crime. Therefore, non-criminal incidents motivated by hate or bias shall be investigated and documented as Police Information Reports for the purpose of providing restoration to the affected community.

The purpose of this Directive is to:

1. Establish investigation guidelines for hate crimes and hate incidents.
2. Provide guidance for reporting and notifications of investigations.
3. Outline supervisory responsibilities.
4. Outline the Criminal Investigative Division (CID) responsibilities.
5. Outline the Information Services Section (ISS) responsibilities.

6. Provide guidance on victim support services.

### **11.30.02 AUTHORITY**

Code of Virginia Title 52 Police (State) Chapter 1 Department of State Police § 52-8.5. Reporting hate crimes.

A. The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding hate crimes and groups and individuals carrying out such acts.

B. State, county, and municipal law-enforcement agencies shall report to the Department all hate crimes occurring in their jurisdictions in a form, time, and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit.

C. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hate crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin or that is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of the Commonwealth or of the United States; (ii) any illegal act directed against any persons or their property because of those persons' race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin; and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin.

Virginia Statutes for hate crimes: §18.2-57 (assault and battery), §18.2-121 (sentence enhancement for trespass/cause damage to property); §18.2-422 (wearing a mask in public); §18.2-423 (burning a cross on certain property), §18.2-423.01 (burning an object on certain property); §18.2-423.1 (placing a Nazi symbol on certain property); 1§8.2-423.2 (displaying a noose on certain property).

18 U.S.C. § 241. Conspiracy against rights—Prohibits conspiracies to injure any person who is exercising rights or privileges protected by the Constitution or laws of the United States. The statute has been applied to a variety of federal rights, including the right not to be deprived of life without due process of the law, the right to vote in a federal election, and the right to occupy housing free of racially motivated violence.

18 U.S.C. § 245. Federally protected activities—Prohibits intentional interference, by force or threat of force, with certain specified constitutional rights, where the interference is motivated by race, color, religion, or national origin. Activities protected under this law include (1) enrollment in a public school or college, (2) participation in

programs administered or financed by any state, (3) federal and state employment and jury service, (4) interstate travel by common carrier, and (5) use of restaurants, lodging, gas stations, public entertainment facilities, and other establishments serving the public.

18 U.S.C. § 247. Damage to religious property—Prohibits damaging or destroying religious property because of its religious nature. Prohibits intentionally defacing, damaging, or destroying religious property because of the race, color, or ethnic characteristics of any individual associated with that property. Prohibits interference with religious exercise, without regard to race, if a connection with interstate commerce can be shown.

18 U.S.C. § 249. The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009—Prohibits willfully causing bodily injury, or attempting to cause bodily injury with a dangerous weapon, when the crime was committed because of (1) the actual or perceived race, color, religion, or national origin of any person, (2) the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce, or (3) any of these characteristics (actual or perceived) if the crime occurred within federal special maritime and territorial jurisdiction.

42 U.S.C. § 3631. Criminal interference with right to fair housing—Prohibits forcible interference with any person in selling, purchasing, renting, financing, occupying, or contracting for any dwelling due to that person's race, color, religion, gender, national origin, disability, or family status.

### 11.30.03 DEFINITIONS

**Bias**: A preformed negative opinion or attitude toward a group of persons based on their race, ethnicity/national origin, religion, disability, gender, gender identity, age, sexual orientation.

**Disability**: A physical or mental impairment that substantially limits one or more of a person's major life activities ([Code of VA §52-8.5.C](#)).

**Ethnic Group**: A group of persons whose members identify with each other through a common heritage, often consisting of a shared language, culture and/or ideology that stresses common ancestry.

**Gender**: Used synonymously with sex to denote whether an individual is male or female.

**Gender Identity**: An individual's internal sense of gender, which may be male, female, neither, or a combination of male and female and which may be different from an individual's sex assigned at birth. ([Code of VA §38.2-3449.1](#)).

**Gender Expression**: A person's behavior, mannerisms, interests, and appearance that are socially associated with gender, namely femininity or masculinity.

**Hate/Bias Crime:** "Hate crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin or that is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of the Commonwealth or of the United States; (ii) any illegal act directed against any persons or their property because of those persons' race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin; and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, religion, gender, disability, gender identity, sexual orientation, or ethnic or national origin.

([Code of VA §52-8.5.C](#)).

**Race:** A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair; facial features, and so forth, which are genetically transmitted by descent and heredity and distinguish them as a distinct division of humankind (e.g., Asian, Middle Eastern or North African (MENA), Black or African American, and White or Caucasian).

**National Origin:** A person's real or perceived ethnic background related to birthplace, ancestry, culture, or language.

**Religious Group:** A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. (e.g., Christian, Jewish, Islamic, Sikh, and Hindu.)

**Sexual Orientation:** A person's physical, romantic, and/or emotional attraction to members of the same and/or opposite gender.

**Transgender:** An individual whose gender identity is different from the sex assigned to that individual at birth.

**Victim:** Includes, but is not limited to, an individual person, community center, educational facility, entity, family, group, library, meeting hall, office, place of worship, private institution, public agency, or other victim or intended victim whose civil rights are violated by an offender because of actual or perceived characteristics of the victim.

## 11.30.04 RESPONSIBILITIES

### Officer Responsibilities

1. Officers shall respond in person and complete a preliminary investigation into all suspected hate crimes, hate incidents, and incidents motivated by hate or bias, unless the victim requests alternate communication (e.g., phone, video call).
2. Immediately notify a supervisor of any hate crime, hate incident, and related incidents motivated by hate or bias.
3. All allegations that support the conclusion that the offense was, by definition, a hate crime, shall be documented in the Offense/Incident Reports (APD-7).

4. If it is determined that the incident did not rise to the level of a criminal offense but was motivated by hate or bias, the reporting officer shall title the report "Police Information."
5. The officer shall provide a case report number to the victim(s) and shall inform victims of their rights as victims of crime by providing them with the Alexandria Services for Victims of Crime card (APD-137). See Directive 10.4 Victim/Witness Assistance.

### **Supervisory Responsibilities**

1. A supervisor shall respond to the scene of the call to ensure the responding officer has the resources and guidance needed to appropriately handle the call.
2. The supervisor will notify the on-duty Watch Commander who will then make immediate notifications to the Chief of Police through the Chain of Command.
3. Supervisors shall ensure the Offense/Incident Report (APD-7) is completed and shall check them for accuracy and reporting requirements.
4. The Patrol Captain will immediately notify the CID Captain.
5. The CID Captain will assign a detective to immediately respond.

### **Information Services Section (ISS) Responsibilities**

1. ISS shall review the electronic coding through Incident Based Reporting (IBR) for accuracy and reporting requirements pursuant to Virginia Code § 52-8.5: Reporting hate crimes.
2. ISS shall ensure reporting of hate crimes to the Federal Bureau of Investigation (FBI) for use by the National Incident-Based Reporting System (NIBRS).

### **Criminal Investigations Division Responsibilities**

1. Hate crimes shall be investigated by the CID.
2. Offense/Incident Reports of suspected hate crimes, hate incidents, and related incidents motivated by hate or bias shall be assigned to a Detective in the CID.
3. CID will provide a bi-annual report (due August and February) to the Chief of Police regarding hate crimes, hate incidents, and related incidents motivated by hate or bias that includes an analysis of bias motivation, offender, and location type.
  - a. The report should also identify any need for the department's improved response to these incidents.
  - b. The CID will also complete an annual report for strategic planning and accreditation purposes.

**BY AUTHORITY OF:**

**Terrick McGuire**  
**Chief of Police**