

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: BIAS-MOTIVATED CRIMES 3.11

SUBJECT:	Bias-Motivated Crimes
AZ POST DESIGNATION:	3.11
HOURS:	2
COURSE CONTENT:	This course shall provide information to new officers in the area of bias- or hate-motivated crimes. The student will learn definitions of terms commonly associated with the investigation of these crimes.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
3.11.1	Identify the definition of bias-motivated crime.
3.11.2	Identify the definitions of the following terms: A. Prejudice. B. Racial bias. C. Religious bias. D. Sexual orientation bias. E. Ethnicity/national origin bias. F. Gender bias. G. Disability bias.
3.11.3	Identify the proper steps in the investigating and reporting of bias-motivated crime.
3.11.4	Identify the requirements of A.R.S. §41-1750(D) and (F) with regard to the reporting of information concerning bias-motivated crimes.
3.11.5	Identify the following as consequences of bias-motivated crime:

- A. Individual victims are denied their constitutional rights and may suffer loss of property, injury or even death.
- B. The psychological and emotional trauma to the victim may far exceed that which would be experienced if the crime were not bias motivated.
- C. Targeted groups become fearful, angry and alienated and may retaliate.
- D. The community may become divided, further increasing the potential for violence.

3.11.6

Identify the following as possible indicators of bias-motivated crime:

- A. A pattern of criminal activity against a particular group.
- B. Racial/ethnic/religious/sexual orientation/gender/disability slurs.
- C. Hate group symbols.

DATE FIRST PREPARED: August 1995

PREPARED BY: Steve Hennessy, Phoenix P.D.

REVIEWED – REVISED: Robert Chavez, Phoenix P.D. DATE: June 1997
REVIEWED – REVISED: SME Committee DATE: April 2001
REVIEWED – REVISED: Ofc. Emmitt L. Williams, Tucson P.D.
Lynn Larson, AZ POST DATE: December 2001
REVIEWED – REVISED: AZ POST (Word) DATE: December 2002
REVIEWED – REVISED: Det. Jerry Hill, Phoenix P.D./ALEA
Lynn Larson, AZ POST DATE: March 2003
REVIEWED – REVISED: SME Committee DATE: July 2004
REVIEWED – REVISED: SME Committee DATE: April 2008
REVIEWED – REVISED: Lt. Dave Kelly, ALEA DATE: November 2009
REVIEWED – REVISED: SME Committee DATE: May 2010
REVIEWED – REVISED: SME Committee DATE: November 2011
REVIEWED – REVISED: SME Committee DATE: November 2012
REVIEWED – REVISED: AZPOST (DocX) DATE: February 2022
REVIEWED – REVISED: DATE:
REVIEWED – REVISED: DATE:
AZ POST – APPROVAL: Richard Watling DATE: November 2012
AZ POST – APPROVAL: Lori Wait DATE: February 2022

INSTRUCTOR REFERENCES: FLETC Hate and Bias Crimes Train the Trainer Program, SALETC Bias Crimes Lesson Plan and Arizona Revised Statutes.

CLASS LEVEL: Student

TRAINING AIDS: “Shadow of Hate” video (20-minute version) – Southern Poverty Law Center, Symbols handout, Hate Groups handout and SB 1078 handout. Overhead projector, flip chart, chalkboard, TV and VCR. <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture, small group problem solving and class discussion.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 3.11 Bias Motivated Crimes

DATE RELEASED TO THE SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. What is your definition of a “bias” motivated crime?
 - 1. Class to talk with a partner and develop a “one (1) sentence” definition. (Four (4) minutes to complete.
 - 2. Ask for three (3) or four (4) to share their definition.
- C. Preview of performance objectives.

II. BACKGROUND INFORMATION**P. O. 3.11.1**

- A. Definition.
 - 1. “A hate or bias crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against a race, religion, ethnic/national origin, sexual orientation, gender or disability.” (FLETC- Hate and Bias Crime, Train the Trainer program)
- B. What is a bias incident?
 - 1. An incident fitting the definition of a hate crime, but lacking any criminal element (e.g., racial slurs).
 - 2. Bias incidents will not be reported as a chargeable offense.
 - 3. Officers may report these incidents as information received on a field interrogation form or memo and forward the information to the department designated hate crimes investigator.
- C. “Shadow of Hate” video. (1995- Southern Poverty Law Center, 20-minute version- or any other appropriate video showing similar situations)
 - 1. Watch closely and refer to our definition.
 - 2. “Jot down” items from the video which you personally found to be especially shocking, disturbing or that you were unaware of.
 - 3. Class to share examples of their observations by discussing the video.

III. CONCEPTS, BELIEFS AND ACTIONS

- A. Stereotyping/prejudice.

1. What is stereotyping?
 - a. Stereotyping is generalizing and the problem is that stereotypes are frequently inaccurate and are over generalized.
 - i. EXAMPLE: “The next presenter, Pat Smith, just completed nursing school.” **INSTRUCTOR NOTE:** *No need for the class to respond, just notice your first reaction or thought.*
 - ii. Who automatically thought female?
 - iii. Anyone think they are male?
 - iv. EXAMPLE: While on duty, you stop a Hispanic or Latin person.
 - v. Do we automatically think of speaking Spanish?
 - vi. Any thoughts about legal/illegal citizens?

2. What is prejudice? **P. O. 3.11.2A**
 - a. Prejudice is an unreasonable and unjustifiable negative attitude toward a group and its individual members.
 - b. Prejudice involves prejudgment, it biases a person against an individual or group based solely on membership in a particular group.
 - c. Discuss each separately:
 - i. Racial bias – biases against a person because of race. **P. O. 3.11.2B**
 - ii. Religious bias – biases against a person because of religious beliefs. **P. O. 3.11.2C**
 - iii. Sexual orientation bias – biases against a person because of same-sex life style. **P. O. 3.11.2D**
 - iv. Ethnicity/national origin bias – biases against a person because of nationality. **P. O. 3.11.2E**
 - v. Gender bias – biases against a person because of gender. **P. O. 3.11.2F**
 - vi. Disability bias – biases against a person because of mental or physical disability. **P. O. 3.11.2G**
 - d. Can prejudice affect the way we think and investigate crimes?

- i. Responding to a domestic violence call of a same-sex couple.
 - ii. Responding to a call for service at a satanic/occult worship.
 5. What is discrimination? (Ask for class input)
 - a. Discrimination is when a prejudicial thought is put into action.
 - b. Prejudice is the attitude – discrimination is the behavior.
 - c. EXAMPLE: In the mid 1940's following the conclusion of World War II, a Canadian social scientist mailed two (2) letters to 100 Ontario resorts at the same time, requesting reservations for the same date. (Instructor to share any current law enforcement examples.)
 - i. The responses to the letter signed by “Mr. Lockwood” offered accommodations at 93 percent of the resorts.
 - ii. In response to the letter signed by “Mr. Greenberg” (a frequently Jewish name), only 36 percent of the resorts offered accommodations.
- B. On April 23, 1990, Congress passed the “Hate Crime Statistics Act of 1990” and it was signed into law by President George Bush.
 1. The Act required the attorney general to collect and publish data about crimes that are based on prejudice of race, religion, sexual orientation or ethnicity.
 2. The attorney general, in turn, delegated these responsibilities to the FBI and the FBI’s Uniform Crime Report (UCR) section.
- C. The Act is mandatory for federal law enforcement agencies, but voluntary for state and local law enforcement agencies. (In Arizona- DPS, under A.R.S. 41-1750(A)(3), is responsible for collection of data)
 1. The FBI works hate crimes only as a civil rights violation.
 2. By 1997, 41 states and the District of Columbia enacted enhanced criminal penalties.
- D. Recently, the state of Arizona passed Senate Bill 1047 regarding hate crimes. It is essentially the same as the federal act, with the exception of a couple of items.
 1. It does require that the state and local law enforcement agencies collect and forward hate crime data.
 2. It added “gender” and “disabilities” to the protected groups.
- E. Arizona requirements for the reporting of bias-motivated crimes:

1. Using A.R.S. – “code” book. (Students will use their reference material)
 - a. No specific hate crimes under Title 13.
 - b. Arizona enhanced sentencing for hate crimes.
 - c. Arizona currently maintains an "aggravated" or "increased sentencing" statute. This law provides that if a person is found to be responsible for a felony crime, and evidence satisfactory to the Court is presented, indicating the victim was intentionally selected because of race, religion, gender, National origin or sexual orientation, the court may impose a greater sentence of up to TEN (10) additional years.
 - i. A.R.S. §13-1504(A)(4) – Criminal Trespass in the first degree.
 - ii. A.R.S. §13-1604(A) and (B) – Aggravated Criminal Damage.
 - d. A.R.S. §41-1750(D) and (F) – requires Arizona’s state and local law enforcement agencies to collect and forward hate crime data to the AZ Department of Public Safety. **P. O. 3.11.4**
2. Make sure you know your individual departmental policies.

VI. INITIAL RESPONSE PROCEDURES FOR INVESTIGATING AND REPORTING**P. O. 3.11.3**

- A. Basic responsibilities of the responding officer:
 1. Respond promptly.
 2. The initial response is not different from any other crime.
 3. If probable cause exists, arrest the suspect and keep the incident from escalating.
 4. Notify a supervisor. Let your supervisor decide if it is or is not a hate/bias crime. ***INSTRUCTOR NOTE:*** *In smaller agencies, you may be the expert who determines if this is, in fact, a hate crime.*
 5. Preserve the crime scene and protect evidence. If statements were made, note exactly what was said.
 6. Stabilize the victim by providing physical and emotional first aid. These cases are similar to dealing with the victims of a sexual assault or child abuse. The victim may feel:
 - a. Degraded.
 - b. Isolated.

- c. Frightened.
 - d. Suspicious of others.
 - e. Powerless.
 - f. Sad.
 - g. In a state of denial.
7. Sensitivity to the needs of the victim – victims of hate crimes often have deeper levels of isolation, fear and anger than victims of other crimes. **INSTRUCTOR NOTE:** *The responding officer is to determine whether additional resources are needed on the scene. (e.g., community relations representatives, mental/physical health professionals and/or the local clergy)*
8. Victims of most crimes can find some comfort in feeling their crime was a random attack. Hate crime victims cannot do this.
9. Establishing the elements of a bias crime – determine if there is any indication the offender was motivated by hate or bias, before it is flagged as a “suspected hate crime.”
10. File the appropriate report.
- a. Departmental Report (DR).
 - b. Field interview card.
- B. The most common mistakes police officers make:
- 1. Misidentification.
 - 2. Failure to collect evidence.
 - 3. Failure to adequately respond to the victim.
 - 4. Failure to ask the appropriate questions.
 - 5. Loss of credibility with the affected community.
- C. Factors to be considered by the responding officer are:
- 1. Is the motivation of the alleged offender known? (REMEMBER: who, what, when, where, and why.)
 - 2. Was the incident known to have been motivated by racial, religious, ethnic/national origin, sexual orientation, gender or disability bias?

3. Does the victim perceive the action of the offender to have been motivated by bias?
4. Is there no other clear motivation for the incident?
5. Were any racial, religious, ethnic/national origin, sexual orientation, gender or disability bias remarks made by the offender? (Pass out Symbols handout)
6. Were there any offensive symbols, words or acts which are known to represent a hate group or any other evidence of bias?
7. Did the incident occur on a holiday or other day of significance to the victim's group or the offender's group?
8. What do the demographics of the area tell you about the incident?
9. NOTE: The mere fact that the offender is biased against the victim's racial, religious, ethnic/national origin, sexual orientation, gender or disability group does NOT automatically mean that a hate crime was committed. The offender's criminal act must have been motivated, in whole or in part, by his/her bias.

V. CONSEQUENCES OF BIAS-MOTIVATED CRIMES**P. O. 3.11.5**

- A. Individual victims are denied their constitutional rights and may suffer loss of his/her possessions, home, car and perhaps suffer injury or death. **P. O. 3.11.5A**
- B. Victims are often psychologically and emotionally on guard. **P. O. 3.11.5B**
 1. Acts of bias-motivated crimes can, and often do, cause intense emotional trauma, even more so than if the crime were not bias motivated.
 2. This individual has been chosen by someone to be victimized.
 3. It is not a random, thoughtless, faceless crime.
- C. Because of continued harassment, targeted groups may become fearful, angry and may retaliate. **P. O. 3.11.5C**
- D. If retaliation occurs and the community becomes polarized, the potential for violence usually grows larger. **P. O. 3.11.5D**

VI. POSSIBLE BIAS-MOTIVATED CRIME INDICATORS**P. O. 3.11.6**

- A. It is important that officers remain alert to possible indicators of bias-motivated crimes.
- B. A pattern of continual criminal activity against any particular group. **P. O. 3.11.6A**

- C. Verbal assault through hate/bias slurs. **P. O. 3.11.6B**
- D. Hate group symbols on the offender or left at the scene. **P. O. 3.11.6C**

VI. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).