HATE CRIMES

INSTRUCTOR & STUDENT OUTLINE

PRESENTED BY:

DPS – Law Enforcement Academy
Santa Fe, New Mexico

Date: ______________________
LESSON PLAN FOR HATE CRIMES

COURSE TITLE: HATE CRIMES

INSTRUCTIONAL GOALS

1) To assist law enforcement officers gain an understanding of Hate Crimes and the New Mexico hate crimes statute.

INSTRUCTIONAL GOALS

1) Know the background of hate crimes in the United States and elsewhere.
2) Appreciate the extraordinary impact of a hate crime on a person or group.
3) Understand the New Mexico hate crimes statute.
4) Know the difference between hate crimes and free speech.
5) Review the major United States Supreme Court decision on hate crimes.
6) Learn the role of police in collecting and submitting hate crime statistics.
7) Learn the role of police in investigation of hate crimes.
8) How to determine whether a crime is a hate crime or not.
9) Discussing the profile of the type of person who commits a hate crime.
10) The role of police in working with the victim and the community.
11) The role of police in working with the news media.
12) How actions today can reduce hate crimes in the future.

INSTRUCTIONAL METHODS

1) Hate crimes outline will be given to each student.
2) Class participation.
3) Chalkboard.
4) Use of power point or videos when appropriate.

ESTIMATED TIME: Two hours.

PREPARED BY: Legal Instructor
Department of Public Safety
Law Enforcement Academy
Santa Fe, New Mexico

APPROVED (DATE) ACCREDITATION NUMBER: _________
HATE CRIMES

HISTORICAL BACKGROUND OF HATE CRIMES

SOME REASONS HATE CRIMES ARE TAKEN SO SERIOUSLY

- One reason hate crimes are taken so seriously is because hate and fear have been successfully exploited by leaders for thousands of years.

- Another reason is the brushfire effect. In the midst of summer, during a drought, brush and kindling can quickly lead to a major fire. Hate is similar in that it can suddenly flare up and escalate into violence.

- Also, it only takes a few individuals to foment hate that easily attracts a large following. A look at some historical examples will illustrate this.

HATE CRIMES - THE REST OF THE WORLD

- Romans and Christians
  In 64 AD, a fire in Rome destroyed much of the city. Emperor Nero quickly blamed the Christians for starting the fire. His tactic, using a scapegoat and placing the blame on others, was highly successful. Roman persecution of Christians continued for several centuries.

- Hitler in the 1930’s
  The German people after World War I felt defeated and powerless. Adolf Hitler and the Nazi Party repeatedly blamed Jews (and others) for Germany’s problems. It was a very effective tactic. Looking at newsreels of Nazi Germany, the astonishing enthusiasm for Hitler is obvious.

  One surprising fact is that the Jews in the 1920’s were fairly well assimilated. The brushfire of hatred rose, however, and six million Jews (and many others) were murdered. In recent years many Jews have chosen to live in Germany and relations appear to be normal.

- India in the 1940’s
  India became independent of British control in 1947. Once again, we saw the brushfire effect. Religious war between Hindu and Islam quickly flared up and many atrocities occurred. Today relations between the two groups within India appear to be normal.

- Genocide in Rwanda in the 1990’s
  Rwanda, located in central Africa, has two main groups, the Hutu and the Tutsi. Both groups are black but the Hutu are of middle height while the Tutsi are
the tallest tribe in Africa. Radio announcers started a hate campaign, suggesting that it was time to go after the Tutsi, time to “cut down the tall trees.” The Hutu people, using machetes, killed nearly 800,000 Tutsi within a hundred days. Today the two groups appear be getting along again.

- These hate crimes, some happening long ago and some recently, have always been popular. Hate, as with other human emotions, is a very powerful force.

HATE CRIMES IN THE UNITED STATES

- After the Civil War, many in the South felt weak and powerless. This was the beginning of the Ku Klux Klan (KKK).

- In the 1920's, millions of people joined the KKK and many of its ideas were mainstream (white) American.

- As recently as the 1960's, the KKK was still popular, although mainly in the South.

- The fact that hate crimes have been so popular in the past, even in America, is a reminder that they can reappear again.

THE IMPACT OF HATE CRIMES CAN BE DEVASTATING

- An extraordinary thing about hate crimes, and another reason to take them seriously, is that a hate crime can have an impact way out of proportion to the act itself.

- An example of this happened after Iraq was invaded in 2003. The Islam faith in Iraq has two major factions, Sunni (20%) and Shiite (60%). A few thousand Sunni, along with outsiders, began a campaign of hate crimes against the Shiite majority. What did the Shiite do in response? What happened to Iraq? Their diabolical tactics had an astonishing success: they tied down thousands of troops and paralyzed a nation of twenty-five million.

- In America, to a lesser extent, we have also felt the impact of hate crimes. Matthew Shepard, a gay person, was tied to a fence in Wyoming and left to die; in Jasper, Texas, a black man was chained to a vehicle and dragged to death. What was the reaction of Americans, especially people in the targeted groups, to these actions?

- The motive – targeting someone because of the group they belong to – is what makes a hate crime different. To use graffiti as an example: spray painting “Beat Arizona” on a bridge is not quite the same as spray painting “Death to Jews” on a synagogue. And the reaction on the targeted group is way out of proportion to the act itself.
• Hate crimes can:

  Create tension in a community where none existed before.
  Breed dissent where once there was harmony.
  Incite distrust where once there was trust.
  Acting like a virus, can quickly spread feelings of anger and fear across a community.

**ARGUMENTS ABOUT HATE CRIME LEGISLATION**

Although hate crimes are taken seriously, many people have concerns about hate crime legislation. Some of the arguments for and against hate crime legislation follow:

**AN ARGUMENT AGAINST HATE CRIME LEGISLATION**

• Many people sincerely oppose hate crime legislation. One argument is that it shouldn’t matter what group — race, religion, etc. — a victim belongs to. A victim is a victim and all should be treated the same.

**RESPONSE TO ARGUMENT ABOUT HATE CRIME LEGISLATION**

• Supporters of hate crime legislation respond that sentences are already enhanced for different groups. If a police officer is a victim of a battery or murder, the penalty is increased. If a teacher, athletic official or health worker is a victim of a battery, the penalty is also increased.

**ANOTHER ARGUMENT AGAINST HATE CRIME LEGISLATION**

• It is felt by many that hate crime legislation will have a chilling impact upon freedom of speech. A person may oppose gay marriages or affirmative action; some fear that taking such a position could be interpreted as a hate crime.

**RESPONSE TO ARGUMENT**

• A person’s thoughts are protected under the First Amendment. This means a person can write a hate pamphlet or letter blasting another group and do so legally. Another person may flaunt a racist tattoo. And anyone can go to a public forum and express contempt for another group and be protected by the US Constitution.

• Free speech is legal. But when a person does something, commits an act that is illegal, then we have a crime. And if that crime is motivated by hate it becomes a hate crime. The following US Supreme Court case addressed the free speech versus hate crime issue.

**UNITED STATES SUPREME COURT ON HATE CRIMES AND FREE SPEECH**
• A group of young black man gathered at an apartment in Kenosha, Wisconsin to watch a movie called *Mississippi Burning*. In one scene in the movie, white men beat up a young black boy while he is praying. Mr. Mitchell said, “Do you all feel hyped up to move on some white people?” Shortly thereafter, a young white boy is seen across the street.

• Mitchell: “There goes a white boy, go get him.” They beat him up severely and steal his tennis shoes. He is in a coma for four days. Mitchell was charged with a hate crime and his sentenced was enhanced.

• Supreme Court said the hate crime statute did not pose a threat to the first amendment. The first amendment protects speech, not violence or an aggravated battery. Conviction upheld. *Wisconsin v. Mitchell* (1993).

**THE PURPOSE OF HATE CRIME LEGISLATION**

• When a hate criminal targets someone because of the group that person belongs to, the hate criminal is sending a message that members of that group are not welcome in our community. When the sentence for a hate criminal is increased, the community is sending a message that hate crime behavior is unacceptable.

**UNDERSTANDING HATE CRIMES - NM STATUTE ON HATE CRIMES**

**LEGAL - “MOTIVATED BY HATE”**

• As used in the Hate Crimes Act (NMSA 1978, Section 31-18B-1), “motivated by hate” means the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, handicapped status, gender, sexual orientation or gender identity of the victim, whether or not the offender’s belief or perception was correct.

• Three words are important: “motivated by hate.” A person commits a crime and it is motivated by hate; that’s what makes this statute unique.

**LEGAL - PENALTY ENHANCEMENT**

• Hate crime is not a separate, distinct crime. It goes to sentencing. An offender’s sentence can be enhanced if the following is shown: (1) a crime was committed, and (2) it was motivated by hate.

**LEGAL - ADDITIONAL CATEGORIES**

• The Hate Crimes statute protects a number of groups. But if a group isn’t included, it isn’t protected. For example, it doesn’t include homeless people, rich people, rock musicians, etc.
• In 1980 New Mexico enacted an old age enhancement for crimes against a person sixty years or older. In 1989 handicapped people as victims were added. These laws were repealed when the Hate Crimes statute became law in 2003.

LEGAL - MISTAKEN PERCEPTION

• Even if the offender was mistaken in his/her belief that the victim was a member of a particular group, the offense is still a hate crime as long as the offender was motivated by bias against that group.

LEGAL - LAW ENFORCEMENT TRAINING

• In-service law enforcement training . . . shall include at least two hours of instruction . . . NMSA 1978, Section 31-18B-5.

LEGAL - SENTENCING

• If an offender committed a felony motivated by hate, the basic sentence may be increased by one year. NMSA 1978, Section 31-18B-3

This may not seem like much but generally those committing hate crimes will serve longer sentences than those who commit non-hate crimes.

ROLE OF POLICE

ROLE OF POLICE: HATE CRIMES STATISTICS

• Every district attorney and every state, county and municipal law enforcement agency, to the maximum extent possible, shall provide the federal bureau of investigation with data concerning the commission of a crime motivated by hate. NMSA 1978, Section 31-18B-4.

• FBI began collecting statistics in 1990. On every police report in New Mexico there is a box that says, “Hate/Bias.” For purposes of statistics, the officer need only write a check mark if he or she believes there is a hate crime.

• It’s a simple process because hate crime is not a new category of crime. There’s no need to look up a particular crime in the statute books. As noted before, it can be any crime but with this difference: it’s a crime motivated by hate.

• But a good, professional officer can do more. We will now discuss ways to have a more effective hate crime investigation. We will look at suggestions for the prevention of hate crimes and ideas for working with the victim, the community, and the news media. You’re encouraged to share any ideas and suggestions that you have with the class.
ROLE OF POLICE: INVESTIGATION

BE ALERT TO THE POSSIBILITY AN HATE CRIME HAS OCCURRED

- Some facts, and these may appear to be obvious, can help an officer decide whether a hate crime has occurred or not.

1. Offender and victim belong to different groups. For example, victim was black and offender was white.
2. Oral comments, written statements or gestures made by the offender which indicate his or her bias. For example, the offender shouted a racial slur at the victim.
3. Bias-related drawings, markings, symbols, or graffiti left at the crime scene. For example, a swastika painted on the door of a synagogue.
4. Victim was visiting a neighborhood where previous hate crimes were committed against members of his/her group.
5. Several incidents occurred in the same locality, or about the same time, and victims were members of the same group.
6. A substantial portion of the community where the crime occurred perceive the incident as being motivated by bias.
7. These facts, and there are more, should alert us that a hate crime may have occurred.

BUT NOT EVERY CRIME WILL BE A HATE CRIME

- Beware, however, of misleading facts. For example, racial or ethnic slurs may have been used but we need to ask if the crime committed was motivated by hate.

- Beware of made up facts or those who try to give a false impression. An example of this occurred when students at a religious school vandalized their own school, leaving anti-religious statements on the walls. The students were not motivated by hate but did the graffiti for others reasons (shock value, etc.)

EXAMPLES OF HATE CRIMES

The following examples, some taken from the FBI website, provide some guidance as to whether we have a hate crime or not:

- Overnight, unknown persons broke into a synagogue and destroyed several religious objects. The offenders drew a large swastika on the door and wrote “Death to Jews” on a wall. Although valuable items were present, none were stolen. Hate crime: yes. The offenders destroyed several religious objects, used anti-Jewish words, and theft did not appear to be a motive.

- A Japanese American was attacked by a white male wielding a tire iron. The victim suffered severe cuts and a broken arm. The incident took place in a parking
lot next to a bar. Investigation revealed that the offender and victim had previously exchanged racial insults. Offender had initiated the exchange, using anti-Japanese slurs. He complained that Japanese were taking jobs from Americans. Hate crime: yes. They belonged to different races, racial slurs were used, and there appeared to be no other motive for the attack.

- While driving through a predominately Hispanic neighborhood, a Black male stopped his car to repair a flat tire. A group of Hispanics leaving a bar across the street accosted the driver and then attacked him with bottles and clubs. During the attack, the offenders used a racial slur and told him Blacks were not welcomed in the neighborhood. Hate crime: yes. Victim and offenders were different races, offenders used a racial slur, and they said Blacks were not welcomed in the neighborhood.

- A group home for persons with psychiatric disabilities was the site of a reported arson. Apparently, neighbors had expressed many concerns about the group home and were angry that the house was located in their community. Shortly before the fire was reported, a witness heard a young man state, “I’ll get rid of those crazies.” I’ll burn them out.” Hate crime: yes. Handicapped status.

THE FOLLOWING INITIALLY APPEARED TO BE A HATE CRIME BUT . . .

- An adult white male was approached by four white teenagers who requested money for the bus. When he refused, one of the youths said to the others, “Let’s teach this (bad word for a gay person) a lesson. The victim was punched in the face, knocked to the ground, kicked several times, and robbed of his wristwatch, ring, and a wallet. When he reported the crime, the victim advised he did not know the offenders and he was not gay.

- Hate crime? No. The facts are unclear. Although a bad word for a gay person was used by one of the offenders, the victim was not gay. Such words are sometimes used as general insults regardless of the target person’s sexual orientation. In this case the offenders’ motivation appeared to be limited to obtaining money from the victim.

ARE THE FOLLOWING CRIMES HATE CRIMES?

Sometimes a crime occurs and it’s difficult to decide if it’s a hate crime or not. How would you decide the following two cases?

- How would you call this one? White male and Black male in a bar argue about a game. They begin fighting and during the fight use numerous racial slurs against each other. You arrive and witnesses advise you of this. Hate crime?

- Two young males have a scam going. They get into a car, cover the license plate with a t-shirt, and look for victims. When they see an elderly female (70’s, 80’s),
one jumps out of the passenger seat, runs over to her, knocks her down, and steals her purse. When caught they're asked why did they target older women (if over the age of 60, a person can be a victim of a hate crime), they said because they're easy targets. We may have a double victim here: gender and age. Hate crime?

ROLE OF POLICE: PREVENTION AND BEING PROACTIVE

When is the most appropriate time to look into hate crimes?

- We should treat every hate crime seriously. It’s far better to take an active interest in a hate related misdemeanor than to wait for a hate related homicide to occur.

What is the “profile” of a person involved in a hate crime?

- While a “profile” cannot be used to stop and detain people, it can be a helpful investigative tool. We have two main categories.

- The most visible is the hate gang, especially if it’s neo-Nazi, or race related, or a militia. Sometimes people join these gangs for shock value. Should these gangs be treated like other gangs? How should a police agency react to this kind of gang?

- There is a second category and these are not visible gang members. These are offenders who act alone or in very small groups. Sometimes intelligence gives us clues as to who these people are.

The “profile” of a people likely to commit hate crimes

1) Thrill seekers.
2) People with a mission.
3) People with a negative reaction to changes in their lives: may resent growing economic power of a particular racial or ethnic group or may react to perceived threat to the safety and property values of their neighborhood.

4) Great majority believe in stereotypes and act on spur-of-the moment impulses.
5) Juveniles and young adults are over-represented.
6) Alcohol and drugs may be a factor.

ROLE OF POLICING: WORKING WITH VICTIM AND COMMUNITY

- Work with the victim’s family as quickly as possible. No matter how small the offense, treat it seriously. A victim advocate can be helpful.
• Work with the community but especially with the group that was targeted.

**ROLE OF POLICE: WORKING WITH THE NEWS MEDIA**

• More than ever, especially when rumors are abundant, when the community wants to know what happened, when people are upset about a particular incident, the news media have taken a leadership role.

• We need to work with the news media as closely as possible. A hate crime is a high profile story that often will be the lead story and on the front pages.

**ROLE OF POLICE: WORKING WITH THE COURTS**

• A lot more attention is given to hate crimes than other crimes, both by the news media and the community. Depending upon the status of the case, it is possible that numerous community groups will be in the courtroom. Officers need to work closely with the prosecution and the court.

**THE FUTURE OF HATE CRIMES**

• Hate crimes has been part of our history and in other countries as well. We need only to look at the Middle East to see the popularity of hate crimes in some countries. The need to be vigilant when it comes to hate crimes is obvious.

• But in one sense we can leave on a positive note. America has made great progress and hate crimes, though still with us, are becoming less common. And New Mexico’s record when it comes to hate crimes is one of the best in the country.

**CONCLUSION**

• We have learned about the hate crimes statute, how to recognize hate crimes, and how as peace officers to respond to it. Although hate crimes happen less, we need to react quickly and take it seriously.
ADA ELLIOTT - HATE CRIMES ACT

NMSA 1978, Section 31-18B-1. Hate Crimes Act

The Hate Crimes Act became law in New Mexico in 2003. A hate crime is not a separate, distinct crime but refers to sentencing. If an existing crime is “motivated by hate” the sentence can be increased. Some definitions follow:

“Motivated by hate” means the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, handicapped status, gender, sexual orientation or gender identity of the victim, whether or not the offender’s belief or perception was correct.

“Handicapped status” means that the person has a physical or mental impairment that substantially limits one or more of that person’s functions. “Age” means sixty years or older.

Date collection is important: on the top of New Mexico police reports there is a box for hate/bias crimes. This information will be forwarded to the FBI. Hate crimes differ from other crimes in that the offender is sending a message to members of certain groups that they are not wanted in a particular neighborhood, community, etc. The Hate Crimes Act is sending a message to hate offenders that it is their behavior that is not wanted.

Be wary of making every crime a hate crime. Ask yourself if hate was the motivation for the crime. Gang members, for example, may target senior citizens to be robbed, not because they hate senior citizens, but because they are vulnerable. Two males in a bar get into a fight and yell ethnic slurs at one another; was hate the motivation for the fight or was it something else? But if it’s a hate crime, take note that the victim may need the extra assistance of advocacy groups.

Not everyone’s a mornin’ person, now gimme yer driver’s license!