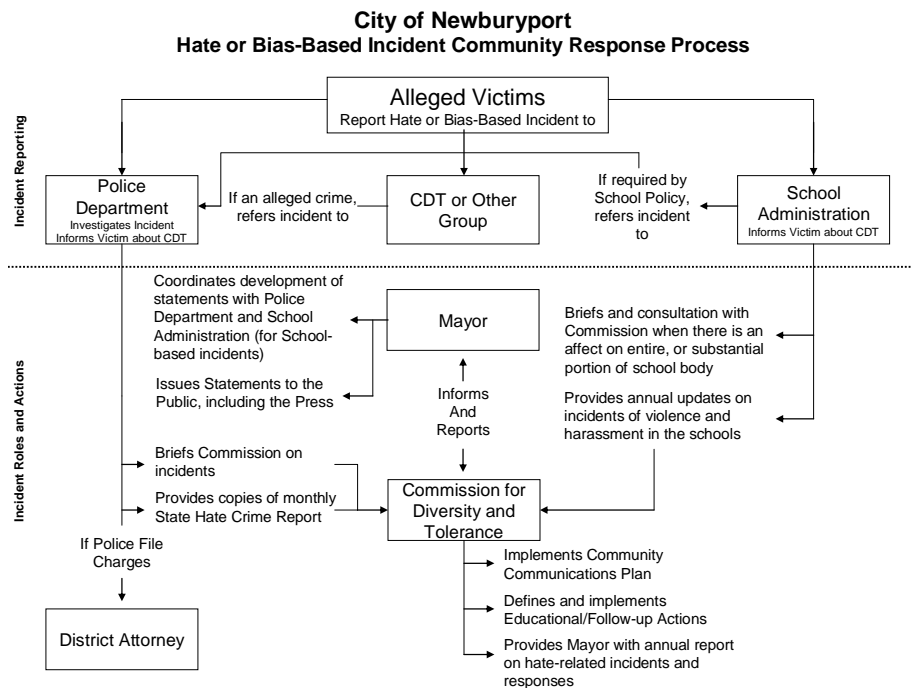


CITY OF NEWBURYPORT

COMMISSION FOR DIVERSITY AND TOLERANCE

Hate or Bias-Based Incident Community Response Process, Definitions and Bias Indicators



Hate Incident: Any act whether consisting of conduct, speech or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.

Bias Indicators: Objective facts, circumstances, or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated in whole or in part, by any form of bias enumerated in the Massachusetts Hate Crime Regulations.

Bias Motive: Hatred, hostility, or negative attitudes toward, or prejudice against any group or individual on account of race, religion, ethnicity, handicap, or sexual orientation or gender, which is a contributing factor, in whole or in part, in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators. The specific forms of bias covered by the Hate Crime Reporting Act are:

Racial/Ethnic/National Bias:

- Anti-Black
- Anti-White
- Anti-Asian
- Anti-Hispanic
- Anti-Arab
- Anti-Other Racial/Ethnic/National Group

Religious Bias

- Anti-Jewish
- Anti-Catholic
- Anti-Protestant
- Anti-Islamic (Muslim)
- Anti-Other Religion

Sexual Orientation Bias

- Anti-Gay (Male)
- Anti-Lesbian (Female)
- Anti-Other Sexual Orientation

Handicap Bias

- Anti-Person wit AIDS
- Anti-Physically Disabled
- Anti-Mentally Disabled (i.e. mental illness, mental retardation)

Gender Bias

- Anti-Male
- Anti-Female

Definitions:

The following phrases shall have the following meanings

Hate Crime:

- A. Any criminal act to which a bias motive is evident as a contributing factor, or
- B. Any act which constitutes a violation of:
 1. Massachusetts General Laws Chapter #265 (Crimes Against the Person), Sections #37 or #39;
 2. Massachusetts General Laws Chapter #266 (Crimes Against Property), Section #127A; and
 3. Massachusetts General Laws Chapter #272(Crimes Against Chastity, Morality, Decency & Good Order), Section #92A

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A bias motive may also consist of intent to interfere with, disrupt, or deprive another person(s) of his or her Constitutional Rights by threats, intimidation, harassment, or coercion.

Definitions (continued)

Hate Group: An organization, formal or informal, which promotes bias, animosity, hostility, or malice against persons belonging to a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group (e.g. the Ku Klux Klan, American Nazi Party, etc.)

Advocacy Organization: Any non-profit or not-for-profit group which represents or serves constituencies targeted in hat crimes motivated by the forms of bias enumerated in the Massachusetts Hate Crime Regulations; or gathers information relating to the incidence, circumstances, patterns, causes, or nature of hate crimes or incidents or any specific type(s) of hate crime or incidents.

Hate Crime Report: An account of a hate crime from a law enforcement source received or collected by the Crime Reporting Unit.

Hate Incident Report: An account of a hate incident from a civil rights agency or advocacy organization received or collected by the Crime Reporting Unit.

Bias Indicators:

- A. The following criteria can assist law enforcement officers in determining whether a particular crime should be classified as a hate crime. These criteria are not all-inclusive and each case must be examined on its own facts and circumstances. Common sense judgment should also be applied in making the determination whether a crime should be classified as a hate crime.
1. The offender and the victim were of different racial, religious, ethnic/national origin, handicap and sexual orientation or gender groups. For example, the victim was black and the offenders were white.
 2. Bias-related oral comments, written statements, or gestures were made by the offender which indicates his or her bias. For example, the offender shouted a racial or anti-gay epithet at a victim.
 3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.

4. Certain objects, items, or things which indicate bias were used (e.g. the offenders wore white sheets and white hoods) or left behind by offender(s) (e.g. a burning cross was left in front of the victim's residence).
5. The victim is a member of a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group, which overwhelmingly outnumbered by members of another group in the area where the victim lives and the incident took place.
6. The victim was visiting a location where previous hate crimes had been committed against other members of his or her racial, religious, ethnic/national origin, handicap, sexual orientation or gender group and where tensions remain high against his or her group.
7. Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic/national origin, handicap, sexual orientation or gender group.
8. Victims or witnesses perceive that the incident was motivated by bias.
9. The victim was engaged in activities promoting a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group. For example, the victim is a member of the NAACP, participated in gay rights demonstrations, etc.
10. The incident coincided with a holiday relating to or a date of particular significance to a racial, religious, ethnic/national origin, handicap, sexual orientation or gender group (e.g. Martin Luther King Day, Rosh Hashanah, Gay/Lesbian Pride Day, etc.)
11. The offender was previously involved in a similar bias crime or is a member of, or associates with, a hate group.
12. There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.
13. A historically established animosity exists between the victim's group and the offender's group.
14. The victim, although not a member of the targeted racial, religious, ethnic/national origin, handicap, sexual orientation or gender group, is a member of the advocacy group supporting the precepts of the victim group, or is friendly with members of a victim group.
15. The victim was in or near an area or place associated with or frequented by a particular racial, religious, ethnic/national origin, handicap, sexual orientation or gender group (e.g. a gay bar).
16. There was no clear economic motive for an assault and battery.
17. The victim was in the company of, or married to, a member of a targeted group. The victim has received harassing mail or phone calls or has been the victim of verbal abuse based on his or her affiliation with a targeted group.