POLICY AND PROCEDURE NO. 510

Hate Crimes and Civil Rights Violence

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1. PURPOSE:

The purpose of this policy is to establish procedures for identifying, investigating, and reporting hate crimes and incidents of civil rights violence. The Worcester Police Department recognizes the uniquely destructive impact of bias-motivated crimes on victims, targeted communities, and public trust. A vigorous and consistent law enforcement response to hate crimes is essential to community stability and confidence in the rule of law.

2. POLICY:

It is the policy of the Worcester Police Department to investigate all reported or suspected hate crimes thoroughly and promptly. The Department shall treat hate crimes as high-priority matters requiring enhanced investigation, supervisory oversight, appropriate notifications, and victim support. The Department shall cooperate with the District Attorney's Office, the Attorney General's Civil Rights Division, and federal law enforcement agencies as appropriate.

3. SCOPE:

This policy applies to all sworn members of the Worcester Police Department. For the Department's internal standards on bias-free policing and the prohibition of racial or gender profiling by officers, see Policy 211 Bias-Free Policing.

4. DEFINITIONS:

A. Hate Crime

Any criminal act or attempted criminal act directed against a person or property that is motivated, in whole or in part, by the offender's bias based on race, color, religion, national origin, ethnicity, gender, gender identity, sexual orientation, or disability. Pursuant to 501 CMR 4.02, any violation of M.G.L. c. 265, § 37 or § 39; M.G.L. c. 266, § 127A; or M.G.L. c. 272, § 92A is automatically classified as a hate crime regardless of independent indicia of bias motivation. A bias motive need not be the predominant or sole purpose of the offense; it is sufficient that bias was a contributing factor.

B. Civil Rights Violation (CRV)

The internal Department classification used in the records management system for any incident reported or suspected to be a hate crime as defined in this policy. CRV is the operational classification code for hate crime reports.

C. Bias Incident

Conduct motivated by bias based on a protected category that does not rise to the level of a criminal offense but may be a precursor to criminal activity or may have a significant community impact. Bias incidents should be documented but are not subject to criminal investigation under this policy.

D. Protected Categories

Race, color, religion, national origin, ethnicity, gender, gender identity, sexual orientation, and disability, as those terms are used in applicable Massachusetts and federal statutes.

E. Civil Rights Officer

The sworn member designated by the Chief of Police as the Department's point of contact for hate crime data, civil rights violence reporting, and coordination with the Crime Reporting Unit of the Department of State Police and the Department of Criminal Justice Information Services.

5. APPLICABLE STATUTES:

Officers should be familiar with the following statutes and regulations applicable to hate crimes and civil rights violence. These provisions are summarized for reference; officers should consult current statutory text for complete language and elements of proof.

A. Massachusetts Statutes

M.G.L. c. 265, § 37 (Massachusetts Civil Rights Act): Prohibits interference by force or threat of force with the exercise of constitutional rights.

M.G.L. c. 265, § 39 (Assault or Battery for Purpose of Intimidation): Prohibits assault, battery, or property damage motivated by bias based on race, color, religion, national origin, sexual orientation, gender identity, or disability. Bodily injury enhancements apply.

M.G.L. c. 266, § 127A (Destruction of Religious or Educational Property): Prohibits willful destruction, defacement, or injury to churches, synagogues, mosques, cemeteries, schools, educational facilities, or community centers.

M.G.L. c. 272, § 92A (Denial of Equal Access to Places of Public Accommodation): Prohibits denial of admission or equal accommodations on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, or disability.

M.G.L. c. 22C, §§ 32–35 (Hate Crimes Reporting Act): Establishes the Crime Reporting Unit and requires the collection, analysis, and reporting of hate crime data.

501 CMR 4.00 (Hate Crimes): Implementing regulation establishing the procedures for reporting hate crimes to the Crime Reporting Unit, including the use of the Massachusetts Hate Crime Reporting Form (501 CMR 4.00, Exhibit A) and the criteria for classifying an incident as a hate crime.

B. Federal Statutes

18 U.S.C. § 249 (Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act): Federal jurisdiction over bias-motivated crimes causing bodily injury through the use of fire, firearms,

dangerous weapons, or explosive or incendiary devices, or involving kidnapping, attempted kidnapping, aggravated sexual abuse, or attempted murder.

6. PROCEDURES:

A. Indicia of Hate Crime or Bias Motivation

Officers should consider the following indicators when evaluating whether an incident may be bias-motivated. Consistent with 501 CMR 4.04, the presence of one or more indicators does not alone establish a hate crime; indicators should be considered in the totality of the circumstances. In some instances, a single indicator may be sufficient to support an inference of bias motivation; in other cases, more than one indicator may be required:

1. Oral comments, written statements, gestures, or graffiti expressing bias against a protected category. 2. Drawings, markings, symbols, or graffiti associated with bias or hate groups (e.g., swastikas, nooses, burning crosses). 3. Objects, items, or evidence suggesting affiliation with organized hate groups. 4. A pattern of similar incidents in the same area or against the same victim group. 5. The victim's or witness's perception that the incident was bias-motivated. 6. The suspect's known involvement in prior bias incidents or affiliation with hate groups. 7. The incident coincided with a holiday, date, or event of significance to the victim's group. 8. Racial, ethnic, religious, gender, or other protected-class differences between the suspect and victim with no other apparent motive for the offense. 9. The victim was engaged in activities promoting or associated with a protected group.

A mistaken belief by the offender as to the victim's actual membership in a protected class does not preclude classification of the offense as a hate crime, provided the offender was motivated by bias against the perceived group.

B. Initial Response

Responding officers shall stabilize the scene and ensure the safety of the victim and any bystanders. Officers shall take enforcement action against the perpetrator consistent with applicable law and Department policy.

Officers shall treat the victim with sensitivity, inform the victim that the incident is being treated as a potential hate crime, and provide information on available victim advocacy and support services.

Officers shall obtain detailed victim and witness statements, documenting as precisely as possible all words spoken by the perpetrator to the victim or to others. Officers shall photograph or otherwise preserve any physical evidence of bias motivation (e.g., graffiti, symbols, damaged property) before removal or remediation. The body-worn camera may be used to capture initial scene imagery and victim/witness statements consistent with Policy 403 Body-Worn Cameras. In serious cases, including those involving significant property damage, multiple victims, organized hate group involvement, or evidence requiring specialized collection, the responding supervisor should request the Crime Scene Unit for evidence documentation.

C. Supervisory Response

A supervisor shall respond to the scene of all reported or suspected hate crimes. The supervisor shall ensure that the incident is properly classified in the Department records management

system as a Civil Rights Violation (CRV), that evidence of bias motivation is documented, and that appropriate notifications are made (see Section E). The supervisor shall assess whether the incident warrants a community impact response (see Section G).

D. Reporting

An incident report shall be filed for every reported or suspected hate crime and shall be classified in the records management system as a Civil Rights Violation (CRV). Officers shall clearly indicate in the report that the incident is a suspected hate crime. The report shall document all indicia of bias motivation and include detailed statements from victims, witnesses, and suspects.

When in doubt about whether an incident constitutes a hate crime, officers shall document all facts and indicators and classify the incident as a suspected hate crime. The determination of final classification rests with the assigned investigator and supervising detective. A hate crime report shall be filed regardless of whether charges are referred or prosecuted, consistent with 501 CMR 4.03.

If, after an initial report has been submitted, additional information regarding bias motivation becomes available, the assigned investigator shall ensure that an amended or supplemental report is prepared and that the Civil Rights Officer is notified so that the Massachusetts Hate Crime Reporting Form may be updated accordingly.

E. Notifications

For all confirmed or suspected hate crimes, the following notifications shall be made by the sector sergeant or division lieutenant:

1. The on-duty shift commander, immediately upon identification of a suspected hate crime.

2. The Detective Bureau, for investigative follow-up via established agency protocols.

3. The Department's Civil Rights Officer, for purposes of state reporting and data maintenance.

4. The Chief of Police or designee.

5. The Worcester County District Attorney's Office, as appropriate for charging decisions.

6. The Attorney General's Civil Rights Division (617-727-1090), when the circumstances suggest that a civil injunction or AG involvement may be warranted.

Incidents meeting the criteria for federal jurisdiction under 18 U.S.C. § 249 shall be reported to the local FBI field office through the chain of command.

F. Investigation

All hate crime reports shall be forwarded to the Detective Bureau for follow-up investigation. The assigned investigator shall conduct a thorough investigation to determine whether the offense was bias-motivated, identify and apprehend the perpetrator, and develop the case for prosecution in consultation with the District Attorney's Office.

The investigator shall determine whether the incident is part of a pattern or series, whether the suspect has a history of bias-motivated conduct, and whether there is an ongoing threat to the victim or community.

The victim shall be kept informed of the status of the investigation and prosecution. If the victim has not already been connected with advocacy services, the investigator shall provide referral information for the Worcester County District Attorney's Victim Witness Assistance Program.

G. Community Impact Assessment

The Chief of Police or designee shall assess whether a hate crime incident warrants a community response. Factors to consider include the severity of the offense, the level of community concern, whether the incident is part of a pattern, and the potential for retaliatory violence or escalation.

When a community response is warranted, the Chief of Police or designee may direct outreach to civic, community, and religious leaders; increased patrol presence in the affected area; or public communication regarding the Department's response. The Chief of Police or designee shall serve as the sole public spokesperson for the Department regarding hate crime investigations.

H. Data Collection and Reporting

The Department's Civil Rights Officer shall maintain records of all hate crime reports for analysis of patterns and trends and shall provide these records to the Department's Custodian of Records annually.

The Civil Rights Officer shall ensure that the Department complies with all state and federal hate crime data reporting requirements, including:

1. Submission of hate crime data to the Crime Reporting Unit of the Department of State Police on the Massachusetts Hate Crime Reporting Form, consistent with M.G.L. c. 22C, §§ 32–35 and 501 CMR 4.00. Reports shall be submitted at the point a bias motive becomes evident or on a periodic basis at intervals not to exceed one year.

2. Submission of hate crime data through the National Incident-Based Reporting System (NIBRS) and the FBI Uniform Crime Reporting (UCR) Hate Crime Statistics program.

3. Submission of amended reports when additional information regarding bias motivation becomes available after the initial report.

7. TRAINING:

Officers should receive training on hate crime recognition and response periodically as directed by the Chief of Police. Such training may be incorporated into the Department's bias-free policing training program under Policy 211 Bias-Free Policing.

Per:

Paul B. Saucier
Chief of Police

Revisions:

June 12, 2026–

Combined Policy 510 Hate Crimes and Policy 515 Civil Rights Violence into a single policy; Policy 515 archived with a cross-reference to this policy. Expanded the protected categories to current statutory language. Added M.G.L. c. 22C, §§ 32–35 and 501 CMR 4.00, including submission of hate crime data to the Crime Reporting Unit on the Massachusetts Hate Crime Reporting Form. Added M.G.L. c. 272, § 92A. Removed the full statutory text from the policy body. Added the records management system classification Civil Rights Violation (CRV) as the operational classification for hate crime reports. Removed reference to a Hate/Bias Crime Unit within the Detective Bureau. Replaced the Detective Bureau with the Civil Rights Officer as custodian of hate crime records and agency point of contact for state reporting. Added supervisory response requirements. Added a notification chain assigned to the sector sergeant or division lieutenant. Added victim services and advocacy referral to the Worcester County District Attorney's Victim Witness Assistance Program. Added evidence documentation and preservation standards, including body-worn camera and Crime Scene Unit use. Added FBI/UCR and NIBRS hate crime reporting requirements. Added a community impact assessment framework. Reformatted to ADA-compliant policy template.

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