



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>DECEMBER 23, 2005</b>	REVISED DATE: <b>FEBRUARY 18, 2009</b>	NO. PAGES: <b>1 of 3</b>	NUMBER: <b>3.4.12</b>
SUBJECT: <b>ETHNIC INTIMIDATION AND HATE INCIDENT INVESTIGATIONS</b>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE: <i style="text-align: center;">Michael McGrath, Chief</i>			

*Substantive changes are in italics*

**PURPOSE:** To establish guidelines for the investigation of, arrest for and prosecution of Ethnic Intimidation and/or Hate Incidents.

**POLICY:** The Cleveland Division of Police shall assure that people are free from violence and threats of harassment *to the extent of the law based on race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status.*

**DEFINITIONS:**

**Ethnic Intimidation** is the separate criminal offense of aggravated menacing, menacing, criminal damaging or endangering, criminal mischief, or telecommunications harassment that is committed *based on the victim's inclusion in a particular group or category. Ethnic Intimidation is a criminal offense under Ohio Revised Code (ORC) 2927.12 based on the victim's race, color, religion, or national origin. Ethnic Intimidation is a criminal offense under Cleveland Codified Ordinance (CCO) 623.16 based on the victim's race, color, religion, national origin, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. Investigating officers shall be mindful that the definition of victim is more expansive under CCO 623.16 than under ORC 2927.12. This may result in certain Ethnic Intimidations offenses under the CCO 623.16 not escalating to the next higher degree offense if that makes the offense a felony. In that case, the offense cannot be enhanced and must be therefore prosecuted as a misdemeanor.*

A **Hate Incident** is any targeted encounter intended to harass or victimize a person based on the victim's race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. A Hate Incident is a Division term used for classification purposes only and may not necessarily be a criminal offense.

**PROCEDURES:**

- I. Patrol Section - The assigned supervisor and zone car personnel shall investigate allegations of Ethnic Intimidation or a Hate Incident.

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A. On-scene supervisor responsibilities:

1. Determine if an Ethnic Intimidation or Hate Incident has occurred.
2. Immediately notify Communication Control Section (CCS) that an Ethnic Intimidation or Hate Incident has occurred.
3. Ensure that zone car personnel make a report.
4. *Ensure that crime scenes involving a hate incident are processed by the Crime Scene and Record Unit as appropriate, including proper collection, retention and cataloguing of evidence.*

B. Officer responsibilities:

1. *Make the appropriate RMS report as necessary.*
2. Advise victims that a member of the district Detective Unit will contact them to assist with prosecution and provide them with the district Detective Unit's telephone number.
3. Officers shall not advise victims to the Prosecutor's Office.

II. Reporting Procedures:

A. Ethnic Intimidation:

1. The primary crime of Aggravated Menacing, Menacing, Criminal Damaging or Endangering, Criminal Mischief, or Telecommunications Harassment shall be entered as Offense #1 in the Offense/Incident Section of the Record Management System (RMS) Report.
2. The crime of Ethnic Intimidation shall be entered as Offense #2 in the Offense/Incident Section of the RMS Report.
3. The Narrative Section shall contain a statement that CCS has been notified of the incident.

B. Hate Incident with underlying criminal offense:

1. A Hate Incident requires the officer making the report to check the box on the RMS report, consult the table for the code and enter it on the

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report. Circle “Y” on the significant event line of the report.

2. Enter the primary offense (e.g., Felonious Assault, ORC 2903.11), as Offense #1 in the Offense/Incident Section of the RMS Report.
3. The report title will include Hate Incident (e.g. Felonious Assault/Hate Incident/Arrest).
4. The RMS Narrative Section shall include a statement that CCS has been notified of the Hate Incident.

C. Hate Incident with No Underlying Criminal Offense

1. The investigating officer shall make a Form-1 with pertinent information and send a copy to the district of occurrence’s Detective Unit.
2. The Form-1 shall note that CCS was notified of the incident.

D. District Detective Units shall:

1. *Be responsible for following up on reports of Ethnic Intimidation/Hate Incidents.*
2. *Complete the Ethnic Intimidation/Hate Incident Disposition Report (Appendix) and fax it to the Intelligence Unit. The Detective Unit will maintain a copy for its files and forward the original to the Intelligence Unit through Division mail.*
3. Initiate initial contact with the Department of Community Relations Hate Crimes Coordinator for victim assistance.
4. *Make entries into and maintain a separate logbook of Ethnic Intimidation and Hate Incident investigations. Entries shall include dispositions as well as initials, badge number and date of notice to the Community Relations Hate Crimes Coordinator.*
5. Confer with the designated municipal prosecutor on every case involving an Ethnic Intimidation.