

ATTACHMENT 3

THE SUFFOLK COUNTY POLICE ACADEMY

Lesson Plan Cover Sheet

Lesson Title: Hate Crimes

Course: Hate Crimes/Language Assistance

Prepared By: PO Mitch Savino 3123

Date: 2/2016

Trainee Level: In-Service/Recruit

Duration: 7 hours

Maximum Trainees: 60

Hours: 3 hours

Primary Instructors: P.O. Mitchell Savino 3123 Academy Bureau

Alternate(s):

P.O. John Crowley

P.O. Dan Freudenberg

Det. James Mosby

Method of Instruction

1. Lecture & Video

2. Class Activity

3. Group Discussions/Scenario Review

4. Scenario Case Review

ABSTRACT: Hate Crimes do more than threaten the safety and welfare of all citizens. They inflict upon victims incalculable physical and emotional damage and tear at the very fabric of a free society." Crimes motivated by insidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. "Hate crimes can and do intimidate and disrupt entire communities and violate the civility that is essential to healthy democratic processes." It is essential that all Suffolk County Police Officers understand these concepts and demonstrate a complete knowledge of the Hate Crimes law 485.05 and the ability to properly classify and investigate Hate Crimes and hate incidents.

Instructional Objectives:

1. The Officer will be able to identify and discuss the 3 key concepts of hate crimes.
2. Officers will articulate the definition of hate crimes Section 485 & identify all of the protected classes.
3. The Officer will understand the unique features of hate crimes and the impact on the Community.
4. The Officer will be able to demonstrate a comprehensive understanding of the hate crimes motives, determinants & offender typology. Apply that understanding to aid in the identification of hate crime offenders.
5. Officers will articulate the purpose and extra investigative effort put forth by the Hate Crimes Unit. This will ensure that crimes/incidents that may have a bias component in the perception of the public are being investigated properly by the Hate Crimes Unit and ultimately are prosecuted successfully.
6. Officers will participate in group activities and role playing scenarios demonstrating:
 - a. The difference between Hate Crimes and Hate Incidents.
 - b. The importance of gathering evidence in a fair-minded, non-judgmental manner
 - c. The importance of equal application of law.
 - d. The procedures to properly document Hate Crimes and notify the Hate Crimes Unit of Hate-related events
7. Differentiate between freedom of speech vs. hate speech, under the First Amendment res to properly document Hate Crimes and notify the Hate Crimes Unit of Hate-related events.
8. The officer's thorough understanding of all materials presented will be evaluated by the administration of a final exam given as part of the training day, and achieve a passing grade.

Trainee References:

1. NYS Penal Law

2. SCPD R&P

3. Hate Crimes Unit

4. Handout

Training Aides Used:

1. Powerpoint

2. Video

3. Hand outs

4. Case Scenarios

5.

6.

Instructor References:

1. SCPD Hate Crimes Unit

2. SCPD Rules and Procedures

3. Nat'l Center for Hate Crime Prevention U.S.

DOJ-Office of Victims of Crimes

4. FBI Hate Crime Data

5. DCJS Hate Identifying Crimes

6. NYS Penal Law 485.00

LESSON PROCEDURES METHODS & AIDS

NOTES:

<p>I. INTRODUCTION:</p> <p>a. Program Introduction by Academy Staff Captain or Lieutenant</p> <p>If individuals believe that they cannot come forward to report a crime or that they cannot freely cooperate with law enforcement because of their immigration status, the mission of the Police Department and the safety of all residents are compromised. As a Department, we don't pick and choose who we serve and protect.</p> <p>There are no exclusions based on citizenship status or language spoken*As first responders law enforcement officers must interact with all communities and communicate with suspects, victims and witnesses effectively and without delay. This highlights the importance of navigating cultural and language barriers from a tactical standpoint. An officers safety hinges on their ability to accurately understand threats</p>	<p>Slide 1 Mission</p>
<p>b. Instructor self intro & list objectives</p>	<p>Slide 2 Title</p>
<p>II. MOTIVATION:</p> <p>1. Bias crimes seriously threaten our democratic society, which is built on the strength of its diversity. These crimes represent a particularly heinous form of violence, in which thousands of Americans are victimized each year because of their skin color, ethnicity, religion, gender, sexual orientation, or disability. Growing concern exists around the country, in communities large and small, urban, suburban, and rural, about the prevalence of bias crime. Swift and effective investigation, prosecution, and response to these crimes is critical for developing and maintaining both respect for and appreciation of the growing diversity of our country's citizens.</p>	<p>Slide 3 Objectives</p>
<p>2. COMMUNITY PERSPECTIVE:</p> <p>Research also shows that an officer's demeanor and actions are crucial to perceptions of police legitimacy. If officers communicate well, listen and treat citizens with respect, citizens will respond in kind.</p> <p>People who perceive that they received "procedural justice" are also likely to perceive the police as legitimate and trustworthy and are likely to comply in the future. Procedural justice is the notion that a process is fair and that people have the opportunity to be heard, are treated fairly</p>	<p>Slide 4 R&Ps</p>
<p>c. Respect begets respect- Emphasize Need for Police Legitimacy</p>	<p>Slide 6 & 7,8 Slide 11</p>
<p>GROUP EXERCISE: Distribute sample case scenarios to groups ask them to discuss case among the group. After a short period of time ask for determination. Do not answer if they are right or wrong. Cases will be revisited again after student has gained knowledge of Hate Crimes Laws.</p>	

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III PRESENTATION of KEY CONCEPTS

- 1 .Hate Crimes is Identity Motivated Crime
2. Group Victimization (Effects on entire Groups –races etc.)
3. Freedom of Speech vs. Crime

Slide 13

Right to Identity Safety Constitutional protections are guaranteed to all Americans yet some individuals are victimized. This brings us to first KEY CONCEPT.

a. KEY CONCEPT #1 – IDENTITY MOTIVATED

The way to conceptualize hate crime is that it is Identity Motivated or
The main reason for the crime must be the identity of the victim

Slides 14-16

Keep in mind that bias indicators are factors that should be considered in determining the presence of a bias crime. They do not, in themselves, confirm that any incident was a hate offense.

ample : High School Youth gets beat up or picked on because of his views on gay rights or his appearance or because his style of dress is feminine and is perceived to be gay.

b. PROTECTED CLASSES- DEFINITIONS

These are the 10 protected classes. For legal purposes age is 60 plus.
Disability means substantial impairment to quality of life. Just belonging to a protected class may is not enough or be a hate crime. Simply being a member of protected class is not enough.

Slide 17

SHOW VIDEO 'What would You Do" Good "This is a good example of identity motivated hate crime. Invite a brief class discussion on elements of video.

ABC Video
Slide 18

c. HATE INCIDENT VS. HATE CRIME

Hate Incidents-Include Non-Criminal Acts :Circulating offensive materials such as a hate e-mail or hate flyers without damaging property or threatening violence Hate Mail
Example: Posting hate materials that do not result in property damage.

Slide 20

Hate Crimes: is any criminal act or attempted criminal act directed against a person(s) based on the victim's actual or perceived , race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

- **Make The Point-** That regardless of Incident Notify Hate Crimes Unit for determination.

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g. NYS Penal Law 485. (Break down element of Law)

Established by NY legislation on October 8, 2000. Prior to that date it brought the prior 4 protected classes Race, Religion, National Origin, To the now Ten Protected classes today.

Slides 20-23

- Suffolk PD is one of 12 Departments Nationwide that has a dedicated Hate Crimes Unit.
- Explain the enhanced penalties for hate crimes as listed on slides.
- Explain the enhanced penalties for Hate Crimes on slide

DEFINITION OF HATE CRIMES: Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability and sexual orientation of a person, regardless of whether the belief or perception is correct.

Slides 25-28

A person commits a hate crime when he or she commits a specified offense and either:

Give handout
Specified
Offenses

Intentional Selects: 100 % Whole Victim & Perp Facts & Circumstances show that this is based on totally on victim's identity.

Whole example: I am going to assault the next African American who walks thru that classroom door. An African American walks in gets assaulted.

Substantial Part: facts & circumstance must be 51% -use a circle divided in 49%/51% as illustration-usually done as part of HC investigation.

Slide 29-32

Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a

Belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability and sexual orientation of a person, regardless of whether the belief or perception is correct. Specified Hate Crime Offenses NYS Penal Law 485.5

Belief example: Dark skin Hispanic assaulted because belief that he was Black.

They must commit one of the **53 offenses** listed in NYS PL 485. So we must actually know the motive of the perpetrator-Not an easy task. Usually as part of the investigation. Lucero Case as example of intentionally selects victim commits Homicide-Convicted of Manslaughter

GROUP ACTIVITY-Play 911 tape of actual call- ask class for discussion on how they Should handle. Explain consequences of improper handling.

Play 911 Call

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NOTES

h. CASE SCENARIOS- ACTIVITY

Class evaluation of Hate Crimes cases and proper action by responding Officers.

- Pig Head through window of Jewish Family home –Motivation turns out be girlfriend
- Anti-Christian sentiment on religious building Agg. Harassment Sub 1
- Greenlawn Case-Not a hate crime-motive was monetary settlement

Following are Already Considered Hate Crimes: (not part of NYS PL 485)

AGGRAVATED HARASSMENT SUB 1 A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars

AGGRAVATED HARASSMENT 1ST A person is guilty in Agg. Harassment 1st when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation regardless of whether the belief or perception is correct he or she :(Added Sub 3-5 after 10/8/2000)

- Sub 3 – Swastika
- Sub 4 -Burning Cross in Public
- Sub 5- Noose
-

SWASTIKA SUB 3 Etches, paints draws upon or otherwise places a Swastika commonly exhibited as the emblem of Nazi Germany, on any Building or other real property, public or private, owned by any person ,firm or corporation or any public agency or instrumentality, without express permission of the owner or operator

CROSS SUB 4 - Burns cross in public view

Discussion on Cases

NOOSE SUB 5 Etches, paints, draws upon or otherwise places or displays a Noose commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

Explain: Even without intentional selection Hate Crimes will handle it appropriately- Must Notify Them. Even though you don't think it is anything. Example Noose is not a noose.

Video

Slides 30-32

See Handout
Ref Agg Har.

Example last
slide

Slides 39-44
Show Cases

q. KEY CONCEPT 3 –Freedom of Speech vs. Hate Speech

Explain First Amendment Rights

“ CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES ”

Show case examples of material –free speech

Group Activity-Show Lucero Phone Video –ask how groups would handle this type of incident.

Definition of true threat- Current case law interprets this as a statement that would result in an immediate direct, physically harmful, action to a person.

r. Review of Hate Crime Analytics- Using statistic provided by FBI illustrate the various models as they apply to different predictive models

III. SUMMARY - Class Exercises

Using class case scenarios distributed earlier, revisit the exercise asking each group to give a brief summary of the case and answer the following :

1. Hate Crime/Hate Incident?
2. What was Motivation
3. Victim Selection (Protected Class)
4. Determinant Factors
5. Course of Action

Summarize in closing by reiterating the importance of identifying potential or actual hate crimes proper handling by officers. Proper notification to Hate Crimes Unit.

By handling these incidents effectively, we begin to build stronger relationships with our diverse communities. By focusing on the mutual qualities of trust, respect and cooperation we can strengthen our relationship with our communities.

2016 DOJ Requests for changes to Hate Crimes Presentation

The following are the suggested 2016 changes from DOJ Hate Crimes review of the presentation.

DOJ Analysis: Make more inter active and participatory

Solution: Several group activities have now been added.

DOJ Analysis: Put Hate Crimes contact info in notes give out at end .

Solution: Revised handout with Department Hate Crimes phone number. Contact emphasized on numerous slides.

DOJ Analysis: Give examples & role plays up front

Solution: Group Activity consisting of Case scenarios added at beginning of class for discussion

DOJ Analysis: arrange order of when hate crimes is discussed to provide examples

Solution: Done. Illustration video o Hate Crime used for discussion points

DOJ Analysis: Hate crimes can also occur when non-minority is targeted ie: white individual

Solution: Done. Added new case scenario to illustrate this. Also discussion points in class

DOJ Analysis: Emphasize patrol must stay vigilant in assessing incidents of criminal conduct for potential hate crimes.

Solution: Done. Videos and reinforcement using Case Reviews make this point throughout presentation.

DOJ Analysis: Emphasize training is supporting SCPD mission, building credibility with public.

Solution: Done . This is emphasized in the introduction by an Academy superior officer, and reinforced throughout the program. Review of Mission statement and Community perspective is first slide.

DOJ Analysis: Reference handout or advise if it's to be used as a reference outside of training.

Solution: Handout is given out and reference as part of identifying specified offenses and NYS Penal Law

DOJ Analysis: . Missing from SCPD training is discussion of R&Ps

Solution: R&P slide added discussed at very beginning of program.

DOJ Analysis: Written curriculum should address officer's duties in responding

Solution: Done. Several new slides added to illustrate this point (Slides 57-60). Reinforced during case examples.

DOJ Analysis: Reminder to use interpreters & emphasize need to effectively use language line access when necessary.

Solution: Done. Included in several slides. This is further reinforced during second portion of program, covering extensively language line access and use of interpreters.