

# **BETHLEHEM POLICE DEPARTMENT GENERAL ORDERS**

**SUBJECT: CIVIL RIGHTS VIOLATIONS**

**NUMBER: EFFECTIVE DATE: 9/2007**

**AMENDS/SUPERSEDES: All previous REVIEW DATE: 9/2010**

**Note: This general order is intended for internal use only. In any civil action against any individual, agency or government entity, including the State of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in this general order shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under State law. (RSA 516:36).**

## **I. POLICY**

It is the policy of the Department to vigorously address any situation where a resident or visitor to our community is persecuted, discriminated against, or subjected to illegal and unconstitutional behavior by any person by means of violating the civil rights of the victim. We shall utilize the civil and criminal provisions of RSA 354-B, in conjunction with the NH Criminal Code and the enhanced penalty provisions of RSA 651:6 (1) (g) to guarantee the rights of all people to live their lives without any person or group committing illegal acts against them because of their gender, race, skin color, religion, or sexual orientation. (See also the Department's Hate Crimes Policy elsewhere in this Manual.)

## **II. DEFINITIONS:**

- A. Civil Rights Violation: Actual or threatened physical force or violence against any person by actual or threatened damage to or trespass on property, when such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry, sexual orientation, gender, or disability.
- B. Threatened Physical Force, or Threatened Damage to or Trespass on Property: A communication, by physical contact or by declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with a purpose to terrorize or coerce.

## **III. PROCEDURE:**

- A. The Chief of Police shall be the designated Civil Rights Officer (CRO) for this Department.
- B. The CRO shall remain familiar and up-to-date with changes in State and Federal law pertaining to civil rights violations and shall serve as the Department's point of contact in this area.
- C. The CRO shall coordinate with the Training Officer in a periodic review of the Department's in-service training programs to ensure that issues of civil rights violations are adequately addressed.
- D. It is the responsibility of every member to enforce the Civil Rights Act (CRA), and no member should delay acting on reported violations.

- E. Whenever an actual, suspected, or reported civil rights violation is investigated by or referred to a member, a copy of the report and any supplemental or follow-up reports shall be referred to the CRO.
- F. The CRO shall examine all such reports to ensure an adequate and timely response, follow-up with victims, prosecution of criminal charges where there is sufficient evidence, and referral to the Attorney General's Office for possible civil relief.
- G. Among the civil relief granted under the CRA, a victim may have obtained an injunction or a protective order. If a person claims that another person of any age has violated the terms of such an order, ask to see a copy of the order if available. If a copy is not available, attempt to obtain one from the issuing court. Injunctions expire after 3 years unless renewed or extended by the court, upon motion by the Attorney General.
- H. Upon probable cause to believe the terms of such an order have been violated, officers shall arrest the offender for a Class A misdemeanor under RSA 354-B:4, in addition to making an arrest for any other crime that has been committed by the offender. (The most typical crimes involved will be assault, malicious mischief, or criminal threatening.)
  - 1. When making an arrest for any crime where there is reasonable grounds to believe the actor was substantially motivated to commit the act because of hostility toward the victim's religion, race, creed, sexual orientation, national origin, or sex, this fact shall be documented by the prosecutor in order to trigger the enhanced penalty provisions of RSA 651:6 (1) (g).
- I. The CRO shall ensure that a copy of any offense or arrest report detailing a violation of the CRA is forwarded to the Attorney General's Civil Division and the Department shall cooperate fully with the Attorney General's Office in any proceedings against the violator.
- J. Injunctions and protective orders issued under the CRA are referred by the issuing court to the law enforcement agency having jurisdiction where the act was committed, and where the defendant resides. Any such information received by the Department shall be referred to the CRO and shall be posted at the Communications Center, where it shall be readily available to all members.
- K. Dispatchers shall make responding officers aware of the existence of an injunction or protective order when the officers are responding to an incident that involves persons or locations that would be covered by the injunction or order.
- L. In addition to any other reports required, in every instance where an officer responds to an incident that violates the CRA, the Attorney General's Civil Rights Incident Report shall be completed, and an additional copy forwarded to the Attorney General's Civil Rights Division by fax at 271-2110. The Civil Rights Division may be contacted by telephone at 271-1241 for immediate reporting or consultation on a civil rights incident.
- M. Civil injunctions and protective orders against persons under the age of 17 shall conform to the same confidentiality requirements as RSA 169-B:35-37, inclusive, however this does not prevent the court from issuing such orders against persons under the age of 17.