



# **NC State University Police Department**

## *Policy and Procedure*

### **100-11 – Bias Crimes and Incidents**

**Approved: February 23, 2024**

*Replaces Policy 100-11 Dated: 4/19/2022*

*All revisions are in **BOLD** print.*

**PURPOSE:** The purpose of this policy is to give employees guidance in responding suspected bias crimes and incidents.

**POLICY:** The Police Department will respond swiftly and compassionately to all reports of bias or hate incidents/ crimes. We will serve as role models, exemplifying tolerance and respect for others and will work with the community to identify, address, and resolve bias/ hate incidents.

#### **DEFINITIONS:**

Hate Crime - A criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Bias/Hate Incident - conduct, speech or expression motivated, in whole or in part, by bias or prejudice against race, religion, disability, ethnic origin, sexual orientation or gender identity but

Note: Sexual Orientation: North Carolina hate crime statutes do not include crimes against persons or property based on a person's sexual orientation. However, it is a violation of University policy and clearly serious to the Department and the campus community.

#### **PROCEDURE:**

**A. Pro-Arrest Policy for Hate Crimes Involving Physical Violence**

An arrest should be made in the event there is probable cause to believe that a hate related offense resulting in physical violence has occurred.

**B. Response to Hate Crimes and Incidents:**

1. The first responder is the most critical officer in the investigation of hate crimes. This officer's work at the scene will determine:
  - a. Whether the suspect is apprehended,
  - b. Whether the victim feels protected, and
  - c. Whether the community feels the police department will protect it.
2. Initial Response: Officers will respond, secure the scene, and conduct a preliminary investigation per General Order 500-3, Preliminary Investigations.
3. Supervisory Response: Due to the sensitivity of hate crimes and incidents and their potential impact on victims and communities, a supervisor will respond to all reports to assist and guide the investigations and ensure proper notification to department and university staff (Investigations, Staff Duty Officer and Public Information Officer as required.)
4. Determining if a Hate Crime Occurred: The officer must look for signs of a hate crime. The following may indicate that a crime may need to be investigated as a hate crime. These indicators suggest a possibility that a hate crime occurred:
  - a. Perceptions of the victim(s) and witness (es) about the crime.
  - b. Perpetrator's comments, gestures, or written statements that reflect bias, including graffiti or other symbols.

- c. Any differences between the perpetrator and victim, whether actual or perceived by the perpetrator.
  - d. Similar incidents indicating a pattern.
  - e. The victim was engaged in activities promoting his/her group or community. For example, by clothing or conduct.
  - f. The incident coincided with a holiday or date of particular significance.
  - g. Absence of any other motive, such as economic gain
5. Issues Regarding Victims: Officers will offer victim/witness services as required by General Order 400-4. Officers will inform victims of crimes or incidents of resources available to them on campus (Appendix 1). Officers should offer victims the opportunity to have a support person from one of the campus agencies accompany them during the reporting process and facilitate contact for the victim.
- a. Barriers to reporting or denial that a hate crime occurred:
    - 1) Many victims of hate crimes are worried that by reporting, they will receive more attention that may result in repetitive and more violent crimes.
    - 2) Victims who are members of the Lesbian, Gay, Bisexual, Transgender, Queer+ (LGBTQ+) community may be reluctant to acknowledge their sexual orientation.
    - 3) Some minority groups, such as immigrants, may be afraid of law enforcement officials.
  - b. Primary Victim Impact: Victims may have stronger emotional trauma from their selection due to the core characteristic of their identity.
  - c. Secondary Victim Impact: Victims may perceive rejection by the lack of expected support from the community or by the response provided by the criminal justice system.
  - d. Community Impact:
    - 1) Victimization is projected outward to all members of the victim's wider community.
    - 2) Other members of the same group feel victimized.
    - 3) Members of other commonly targeted groups are reminded of their vulnerability to similar attacks.
    - 4) The community is polarized into an "us-versus-them" mentality.
- C. Conducting Interviews:
- 1. General Considerations:
    - a. Officers must know the elements of hate crime laws.
    - b. Remember that the incident may have been traumatic to the victim.
    - c. Emphasize to the victim that this department will fully investigate the incident.
    - d. Explain to the victim what the likely course of the investigation will be, including information concerning the court process.
    - e. Protect anonymity whenever possible. This can be of critical importance for many victims of hate crimes.
  - 2. Victim Interviews: See Appendix 2
  - 3. Suspect Interviews: See Appendix 3.
  - 4. Witness Interviews:

- 1) Make every reasonable effort to find and interview all witnesses, including going door to door if necessary. This can send a powerful message concerning the seriousness that the department takes the incident and the investigation.
- 2) Inquiries from witnesses as to the suspect's biased views or any other prior act may indicate suspect bias.
- 3) Interview all witnesses separately.

D. Collecting Evidence:

Once items of evidentiary value are secured/photographed, officers should arrange for the immediate removal of offending items as needed.

1. Have each victim and witness describe in detail the suspect(s) and vehicles.
2. Describe the crime scene, photograph the crime scene, and note the time of day the incident occurred.
3. Document and photograph any injuries or lack of injuries.
4. Document the exact language used before, during and after the alleged hate crime.
5. Recognize, document, and photograph hate symbols.
6. Seize any item that may indicate bias (clothing, papers, pictures)
7. Preserve any threatening letter or document. Handle these items as little as possible and put the items in a plastic bag to preserve possible latent fingerprints.

E. Complete Documentation:

1. General:
  - a. Ensure all elements of involved crimes are included in the reports.
  - b. Specifically quote any slurs made, as opposed to generally stating "hate language" or "racial slurs."
  - c. NCGS [132-1.4. \(d\)](#) allows this department to withhold the name and address of the complaining witness if the release of this information might pose a threat to the mental health, physical health, or personal safety of the victim. In this case, place victim information on a continuation page and leave the victim information on the Incident /Investigation Report or Operation Report blank.
2. Hate Crimes:
  - a. Complete an Incident/Investigation Report consistent with the NCSU Police Report Writing Guide. Include the Victim Rights documentation if applicable. Complete an Arrest Report if needed.
  - b. Officers/ supervisors should indicate their belief that the crime is hate-based by marking the box on the Incident/ Investigation Form but should not indicate to the victim that the incident is or is not a hate crime. A trained member of the department must make that determination.
3. Hate Incidents:
  - a. Complete an Information Report (**90Z**). Officers may use an Incident/Investigation Report if needed.

F. Hate Crime Verification:

1. This department will use a two-tier process to verify hate crimes.

2. If the officer conducting the preliminary investigation has a crime that he or she believes could be a hate crime, he or she will immediately notify their supervisor. The supervisor will make notifications as outlined in General Order 200-10.
  3. A Hate Crime Verification Officer, certified by the NC Department of Justice, will make a final determination, and will ensure proper reporting as required.
- G. Follow-Up Response to Hate Crimes/Incidents:
1. Notifications will be made to the Office of Institutional Equity and Diversity of any hate crime or incident. If the incident involves employees, the Staff Duty Officer will also notify Employee Relations.
  2. The Chief of Police will determine which division is more appropriate to conduct the follow-up investigation.
  3. Follow-up investigations are conducted in accordance with General Order 500-4.
  4. The Crime Prevention Unit will coordinate with community members and other University departments as needed to aid victim/community recovery.
  5. The Records Technician will complete all appropriate paperwork and required notifications.
- H. Situations with a Continuing Risk of Violence: Sometimes victims are in serious risk of further and repeat violence. This is particularly the case when there has been group or mob activity directed at minority individuals. Persons who commit hate crimes tend to repeat and escalate their conduct unless they are stopped by law enforcement. Consequently, victims of hate crime may be at risk of continued harm; therefore, officers/supervisors shall:
1. Assess the need for a continuing law enforcement presence in the area. Increasing law enforcement presence can send a strong deterrent message that further bias-motivated violence will be addressed.
  2. Victims and witnesses should be directed to call police emergency numbers if they feel they are in immediate danger from a suspect or suspect's associates. The victim or witness should contact the follow-up investigator or patrol if they feel they are being harassed.
  3. Officers should work with victims and witnesses to facilitate appropriate assistance when the victim or witness is threatened. This may include, but is not limited to, arranging for protective custody through the District Attorney's Office, changing room assignments or parking assignments, word of encouragement, or re-arrest of the offender if appropriate.
  4. NCGS [14-277.1](#) "Communicating Threats" and NCGS [14-226](#) "Intimidating Witnesses" may be appropriate charges.
  5. Consider holding community meetings to try to dispel anxieties and present accurate information, including differentiating an individual's act from a pattern of behavior that can create community polarization and conflict.
- I. Hate Incident (Non-Criminal) versus Hate Crimes (Criminal):
- Officers may determine that an incident is not a crime, but it still involves bias. These incidents represent a serious concern to the victim, this department, and the university. It will be the role of this department to document the incident as needed, ensure that witnesses and victims are referred to the appropriate resources, and make notifications to appropriate university personnel.

Officers must be aware of their legal standing to determine what actions they can take. Officers may not restrict citizen's First Amendment rights to express themselves.

Examples of hate incidents:

1. A student reports another student referred to his sexual orientation with derogatory words. The officer would work with the victims, refer them to the appropriate resources, and document the incident.
2. A professor reports that a preacher in the Brickyard made an inappropriate reference to a person's race. Officers should check to ensure the preacher has an appropriate permit, and then document the incident. The report should be forwarded to Student Affairs for their consideration in granting future permits. The student should be referred to on-campus resources. (See Appendix 1.)

APPROVED:



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