


STANDARD OPERATING PROCEDURE			
	<b>SUBJECT:</b>  Hate Crime and Bias Incidents  SOP 2007-10	<b>DIVISION:</b>  All	<b>DISTRIBUTION:</b>  ALL PERSONNEL
	<b>ISSUING AUTHORITY:</b>  CRAIG A. STONE ASSOC. V.P. & CHIEF, CAMPUS SAFETY AND EMERGENCY MANAGEMENT SERVICES  (ELECTRONICALLY SIGNED)	<b>EFFECTIVE DATE:</b> February 6, 2007  <b>Revised Date:</b> April 12, 2023	<b>SUPERSEDES:</b>

## Hate Crime and Bias Incidents

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### **NO PRIMARY IACLEA STANDARDS**

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## REFERENCES:

- SOP 2011-20 Victim and Witness Assistance
- SOP 2011-13 Criminal Investigations
- SOP 2011-53 Emergency and Incident Notification of Other University Depts.
- SOP 2015-08 Title IX Complaints, Investigations & Training
- NYS Penal Law 485.05 – Hate Crimes
- Syracuse University Non-Discrimination and Equal Opportunity Policy Statement

## ATTACHMENTS: N/A

**I. APPLICABILITY:** This Standard Operating Procedure (SOP) is applicable to all members of the Syracuse University Department of Public Safety (DPS).

**II. PURPOSE:** The purpose of this SOP is to establish guidelines, responsibilities and procedures for hate crime and bias incident investigations and to define the role of the assigned members of the DPS in handling these matters.

This policy is designed to assist officers in identifying hate crimes, hate incidents and bias related incidents that are motivated by bias toward an individual's perceived race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, political or social affiliation and veteran status, regardless of whether the belief or perception is correct and to define appropriate steps for assisting victims and apprehending suspects.

The key to a successful law enforcement response to hate crimes and bias related incidents is building a partnership with victimized communities. There needs to be a relationship of trust and cooperation between law enforcement and these communities. People need to be encouraged to come forward whenever a hate crime or bias related incident occurs and to have the confidence that the Department of Public Safety will handle these matters with the seriousness and professionalism they deserve. People need to look at law enforcement officers as allies in the fight against hate violence.

Also, recognizing the particular fears and distress typically suffered by victims of these crimes and incidents, the potential for reprisal and escalation of violence, and the possible far-reaching negative consequences of these acts on the community and the department, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others within the campus community affected by the crime or incident.

**III. POLICY:** The department recognizes the fact that Hate Crimes and Bias Incidents may have great psychological effects on the victims of these otherwise sometimes minor crimes. Hate crimes and bias related incidents are viewed very seriously by this department and will be given high priority. The department will use every necessary resource rapidly and decisively to identify the offenders, and when appropriate, refer them to the Office of Student Rights and Responsibilities, and take vigorous enforcement action through the police when the incident involves criminal conduct.

It is the policy of this department to safeguard the state and federal civil rights of an individual or group who may have been or may be targeted for a crime irrespective of their race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age and to

treat seriously any acts or threats of violence, property damage, harassment, intimidation, or other crimes that are designed to infringe upon these rights.

It is also the policy of this department to safeguard the rights of an individual or group under University policy should they become a victim of a bias related incident that does not rise to the level of a criminal offense

#### **IV. DEFINITIONS:**

- A. Hate/Bias Crime: Any criminal act that is motivated by hatred or bigotry and directed at any individual, residence, house of worship, institution, or business expressly because of the victim's real or perceived race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, political or social affiliation, veteran status or any other protected category as identified in the Syracuse University Non-Discrimination and Equal Opportunity Policy Statement or the New York State Penal Law section 485.05. Hate crimes also include conduct directed against an individual or group because of their association or advocacy on behalf of a member or members of a protected class.
- B. Hate/Bias Incident: Any non-criminal conduct that is motivated by hatred or bigotry and directed at any individual, residence, house of worship, institution, or business expressly because of the victim's real or perceived race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, political or social affiliation, veteran status or any other protected category as identified in the Syracuse University Non-Discrimination and Equal Opportunity Policy Statement or the New York State Penal Law section 485.05. Hate incidents also include conduct directed against an individual or group because of their association or advocacy on behalf of a member or members of a protected class.
- C. Hate or Bias Indicators: Objective facts, circumstances, or patterns, standing alone or in conjunction with other facts or circumstances that suggest that the offender's actions were motivated, in whole or in part, by bias.
- D. Hate or Bias Motive: Hatred, hostility, or negative attitudes towards, or prejudice against any group or individual on account of real or perceived race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, political or social affiliation, veteran status or any other protected category as identified in the Syracuse University Non-Discrimination and Equal Opportunity Policy Statement or the New York State Penal Law section 485.05, in whole or in part, in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators. A bias motive may also be inferred from an intent to interfere with, disrupt, or deprive another person(s) of his/her civil or constitutional rights by threats, intimidation, harassment, or coercion.
- E. Hate or Bias Group: An organization, formal or informal, which promotes bias, animosity, hostility, or malice against persons belonging to a race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age.
- F. Hate Crime Report: An account of a hate crime from a law enforcement source.
- G. Bias Related Incident Report: An account of a bias related incident.

- H. Title IX: Refers to the amendments of the US Department of Education Act of 1972 that require mandated forms of handling and reporting of matters relating to sexual violence and harassment involving students.

## **V. PROCEDURES: Hate Crimes and Bias Incident Investigations**

- A. Guidelines for Criteria Regarding Bias Indicators:** The following criteria can assist law enforcement professionals in determining whether a particular incident should be classified as a hate crime or bias related incident. These criteria are not all-inclusive, and each case must be examined on its own facts and circumstances. Common sense and sound judgment should also be applied in making the determination whether a crime should be classified as a hate crime or bias related incident.
1. Hate Crimes Classification: For a crime to be classifiable as a hate crime, when bias indicator(s) are present, it is sufficient that the application of professional law enforcement judgment should directly or circumstantially support a finding of a hate motive.
  2. Bias Indicators: A bias indicator is an objective fact, circumstance, or pattern standing alone or in conjunction with other facts or circumstances, that suggest that the offender's actions were motivated, in whole or in part, by bias.
    - a. The presence of bias indicators prompts law enforcement officers to investigate the matter further to determine its motivation.
    - b. Bias or hate indicators need not conclusively demonstrate that a criminal act or University policy violation was motivated by bias or bigotry.
    - c. In some instances, one bias indicator may be sufficient to support an inference that a crime or University policy violation was motivated by hate or bigotry (e.g., bias related epithets or markings).
    - d. In other cases, more than one bias indicator may be necessary to warrant such an inference.
    - e. In each instance sound law enforcement judgment is necessary to assess whether a given crime was hate motivated.
  3. Offender's Mistaken Belief or Identification of Victim: Even if the offender was mistaken in his/her belief that the victim was a member of a race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age group, the offense is still a hate crime or bias related incident as long as the offender was motivated by bias against that group.
    - a. For example, a non-gay person walking by a bar frequented by gays was attacked by six teenagers mistakenly believing the victim to be gay. Although the offenders were mistaken, the offense is a hate crime because it was motivated by the offenders' anti-gay bias.

- B. Compliance with Title IX of the U.S. Educational Amendments of 1972:** Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. The law, originally associated with gender equity in college sports programs, has since been interpreted to include sexual harassment and sexual violence and other forms of harassment involving students.

Sexual harassment of students, which includes acts of sexual violence, and hate crimes and bias incidents is a form of sex discrimination prohibited by Title IX. DPS employees are defined as “Responsible Employees” who have the authority, mandate and duty to take action to redress sexual violence and related acts of harassment involving students and/or University employees and to report those matters to their DPS Supervisor and to the SU Title IX *Coordinator*

*While responding to and investigating matters associated with this SOP, employees are reminded to be mindful of and to refer to SOP 2015-08 Title IX Complaints, Reporting, Investigations and Training which has established protocols and procedures for initiating, handling and reporting of Title IX Complaints.*

**C. Factors to be Considered when making a Hate/Bias Crime Determination/Classification**

1. Racial, Ethnic, Gender, and Cultural Differences
  - a. Racial, religious, ethnic/national origin, handicap/disability, or sexual orientation group of victim differs from that of offender.
  - b. Victim is a member of a group which is overwhelmingly outnumbered by members of another group in the area where the incident occurred.
  - c. Victim was engaged in activities promoting his/her group.
  - d. Incident coincided with a holiday or date of particular significance to the victim's group.
  - e. Victim, although not a member of the targeted group, is a member of an advocacy group that supports the victim group, or the victim was in the company of a member of the targeted group.
  - f. Historically, animosity exists between the victim's group and the suspect's group.
2. Comments, Written Statements, Gestures
  - a. Hate or bias related comments, written statements, or gestures were made by the offender.
3. Drawings, Markings, Symbols, and Graffiti
  - a. Hate or bias related drawings, markings, symbols, or graffiti were left at the scene of the incident.
4. Bias indicators need not establish that the predominant purpose of the offender's actions were motivated by hatred or bias.

- a. It is sufficient for classification of an act as a hate crime or bias related incident that an offender was acting out of hatred or bias, together with other motives, or that a bias or hate motive was a contributing factor, in whole or in part, in the commission of a criminal act or violation of University policy.
- 5. Organized Hate Groups
  - a. Objects or items that represent the work of organized hate groups were left (e.g., white hoods, burning crosses), or an organized hate group claimed responsibility for the act.
  - b. There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.
- 6. Previous Existence of Bias Crime/Incidents
  - a. Victim was visiting a location where previous hate crimes or bias related incidents had been committed against members of the victim's group.
  - b. Victim has received previous harassing mail or phone calls or has been the victim of verbal abuse based upon his/her affiliation with a targeted group.
- 7. Victim/Witness's Perception
  - a. Victims or witnesses perceive that the crime or incident was motivated by hate or bias.
- 8. Motive of Suspect
  - a. Suspect was previously involved in a similar incident or is a member of, or associates with members of, an organized hate group.
  - b. The victim was in the company of, or married to, a member of a targeted group.
  - c. The offender perceived the victim as violating or breaking from traditional conventions or working in nontraditional employment.
  - d. The offender has a history of previous crimes or bias related incidents with a similar modus operandi, and there have been multiple victims of the same race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age.
  - e. The victim was in or near an area or place commonly associated with or frequented by a particular race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age group (e.g., a gay bar).
- 9. Lack of Other Motives
  - a. No clear economic or other motive for the crime or incident exists.

**D. Duties and Responsibilities of the Assigned Patrol Officer:**

1. When an officer at the scene of an incident believes that a crime or incident may have been motivated by race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age group bias, the officer will:
  - a. Determine whether any offenders are present and, if so, take appropriate enforcement measures to include:
    - i. Effecting an arrest or
    - ii. Making a referral to the University's Office of Community Standards, or other appropriate department or agency if the circumstances dictate that such action is necessary.
2. Restore order and take any necessary actions necessary to gain control.
3. Respond in a courteous, respectful, and professional manner while focusing on the needs and feelings of the victim. A public safety officer's calm and helpful demeanor is critical to controlling the scene and the emotions of those present.
4. Identify any injured parties and take steps to provide or obtain medical assistance.
5. Canvas the area. Identify any witnesses or others who have knowledge of the crime or bias related incident.
6. If it is determined that a hate crime or bias related incident has occurred, take control of and preserve the scene.
7. Determine if special resources are needed at the scene (i.e., a translator).
8. Contact a Patrol Sergeant and request him/her to respond to the scene.
9. Photograph the scene and/or victim(s).
10. If the elements of a crime are present, determine if the victim desires criminal prosecution of the suspect. If so, the appropriate law enforcement agency will be notified.
11. If it is determined that the elements of a felony level hate crime (i.e., an Aggravated Assault, Forcible Sex Offense, Arson, Robbery, Murder, Manslaughter that is motivated by hate) are present, the appropriate law enforcement agency must be notified.
12. Assure the victim that the incident will be carefully reviewed and fully investigated.
13. The officer will write a complete, detailed investigation report noting specific language or statements used by the offender. The officer will also note his/her observations in the report to include specific markings or graffiti. The officer will complete a report regardless of whether or not the victim or intended victim is present.

**E. Duties and Responsibilities of the Patrol Sergeant::** Unless there are extenuating circumstances, **they** will immediately respond to the scene of the incident and shall:

1. Confer with the initial responding officer.
2. Take measures to ensure that all necessary preliminary actions have been taken.
3. Request any appropriate additional personnel necessary to complete the preliminary investigation.
4. Provide immediate assistance to the crime victim; allow the victim a period in which to ventilate immediate concerns and express his/her feelings; reassure the victim that the department will take appropriate action.
5. Assist the victim in identifying or contacting individuals or agencies that may provide support and or assistance (i.e., family members, friends, clergy, Counseling Center, Employee Assistance Program, "Team Against Bias", etc.).
6. Provide security and precautionary advice to the victim. Refer the victim to the Office of Community Standards, Human Resources, or Academic Affairs, whichever is appropriate for the situation, as a point of contact for further assistance.
7. Ensure that the appropriate law enforcement agency has been notified if the victim desires criminal prosecution or if the crime is a felony level hate crime
8. Notify a detective in the DPS Investigations Section if the crime is a felony level hate crime.
9. Ensure that photographs of the scene and/or victim(s) are taken as required.
10. If the crime or bias related incident involves graffiti, ensure that the Physical Plant or Housing is notified in a timely manner for removal of the graffiti after it has been photographed.
11. Ensure that the primary officer has conducted a thorough initial investigation to include preliminary interviews with the victim and any witnesses.
12. Ensure that all relevant facts are documented in the officer's report and make a determination as to whether the incident should be classified as a hate crime or bias related incident.
13. Notify the Duty Officer if the incident is determined to be a hate crime or bias related incident.
  - a. Consult with the Duty Officer to determine what other notifications, if any, are required. Reference is made to SOP 2011-53 Emergency and Incident Notifications to Other University Departments.

**F. Duties and Responsibilities of the Investigations Section:** The DPS Investigations Section will be responsible for the following:

1. All case follow-up work after the initial investigation of a hate crime or bias related incident unless otherwise directed by the **Associate Vice President & Chief, Campus Safety and Emergency Management Services** (Chief) and Deputy Chief.



2. Conduct a comprehensive re-interview with all victims and witnesses and canvas the neighborhood for additional personal sources of information.
3. Notify and brief other appropriate personnel in the chain of command, depending upon the seriousness and nature of the offense, and its potential inflammatory impact on the community.
4. If prosecution is desired, work closely with the appropriate law enforcement agency and the District Attorney's Office to ensure that an adequate case is developed for prosecution.
5. Coordinate the investigation with the appropriate law enforcement agency in an effort to obtain an analysis of any discernible patterns, organized groups, and/or suspects potentially involved in the offense.
6. Make a recommendation to the Deputy Chief, Public Safety whether the incident should be classified as a hate crime or bias related incident.
  - a. The Deputy Chief, Campus Safety will make the final determination whether the incident should be classified as a hate crime or bias related incident.
7. Upon consultation with the Chief or designee, consider issuing a Campus Crime Alert.
8. Complete any reports necessary to comply with statistical reporting requirements for hate crimes and bias related incidents as mandated by law and university policy.
9. Take the lead role in providing ongoing assistance and support to the victim(s) to include:
  - a. Information about the status of the investigation, if known.
  - b. Coordinate and work closely with the Team Against Bias (TAB) advocate.
  - c. Contacting the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
  - d. Offer assistance and support to victim during any court or administrative appearances to include transportation to and from the proceedings.

**G. Crime Prevention Duties and Responsibilities of the Special Events/Community Policing Section:** Hate crimes and bias related incidents are viewed in the community not only as a crime or incident against the targeted victim, but also as a crime or incident against the victim's race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age group as a whole.

Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, help prevent additional hate crimes and/or bias related incidents, and encourage other victimized individuals to step forward and report those crimes or incidents. **(45.1.1 a) (45.1.2)**

Towards this end, members of the Special Events/Community Policing Section will:

1. Meet with campus community groups and other identified groups to allay fears, relay the department's concerns over and response to bias crimes and incidents, research the potential for counter violence and provide safety, security, and crime prevention information. **(45.2.1 a, c, f)**
2. Provide direct and referral assistance to the victim where circumstances indicate credible reasons for fear of intimidation or further victimization. **(55.2.2).**
3. Conduct public meetings on race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age group threats and violence in general, and as it relates to a specific incident.
4. Establish liaison with formal organizations, groups, and leaders within and around the campus community to include the "Team Against Bias" (TAB).

#### **H. Duties and Responsibilities of Deputy Chief, Public Safety:**

The Deputy Chief, Public Safety, or in their absence the Chief will coordinate with the Internal Communications and Marketing Manager to post to the Department of Public Safety website hate crime or bias-related incident reports made to the Department of Public Safety within 48 hours of receipt of the complaint.

If it is determined that posting a hate crime or bias-related incident to the DPS website may jeopardize an ongoing investigation the Chief or Deputy Chief, Public Safety may authorize to keep that information from being published to the website. **(04/12/23)**

#### **I. Duties and Responsibilities of the Internal Communications and Marketing Manager:**

Once notified of a hate crime or bias-related incident the Internal Communications and Marketing Manager will publish information about the incident as provided to them to the Department of Public Safety "Bias Incident Reports" web page. This information will be posted at the earliest convenience but no more than 48 hours of receipt of the complaint by DPS. **(04/12/23)**

#### **J. Victim/Witness Assistance:**

It is the policy of the DPS to promote internally and externally the development and implementation of victim/witnesses assistance programs, to offer victims and witnesses of hate and bias incidents and crimes all available assistance; and to work collectively and collaboratively with other agencies and University departments to offer all available support. (Reference is made to SOP 2011-20 Victim & Witness Assistance for more details and services) **(55.1.1 a, c, d)**

#### **K. Training:**

All employees of the Department of Public Safety will receive initial training upon hire and annual training in the identification and investigation of hate crimes, hate incidents and bias incidents.

### **POLICY REVISION HISTORY**

<b>NO</b>	<b>SECTION REVISED</b>	<b>DATE ISSUED</b>
1	Entire SOP Reviewed/Revised re Titles/Format	7/3/13
2	Revised re IACLEA and Title IX	09/30/15
3	Revised Policy and Definitions, Training	02/24/21
4	Revised re: Duties and Responsibilities; Titles	04/12/23