



# HATE/BIAS INCIDENTS

**INDEX CODE: 1807**  
**EFFECTIVE DATE: 08-01-23**

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### **I. POLICY**

It is the policy of the Anne Arundel County Police Department to bring the investigative, operational, and support elements of this Department into quick action following any and all reported or observed incidents of racial, religious, ethnic, sexual orientation, disability, gender, gender identity, or homelessness hatred/bias.

### **II. DEFINITIONS**

#### **A. Hate/Bias Incident**

A reported act which appears to be motivated, or perceived by the victim to be motivated, all or in part, by hate/bias against a protected class or characteristic. To be considered a hate/bias incident, the act is not required to be a crime under any federal, state, or local statute. The key criterion for determining whether a crime or incident is of a hate/bias nature is the motivation, in whole or part, behind the act.

#### **B. Protected class or characteristic**

A class or characteristic of a person or group of persons includes race, religion, ethnicity, sexual orientation, disability, gender, gender identity, or homelessness.

#### **C. Racial Hate/Bias**

A pre-formed negative opinion or attitude toward an individual or group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair, facial features, etc.), generally transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asian, African American, Caucasian, etc.).

#### **D. Religious Hate/Bias**

A pre-formed negative opinion or attitude toward an individual or group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, Atheists, etc.).

#### **E. Ethnic Hate/Bias**

A pre-formed negative opinion or attitude toward an individual or group of persons of the same ethnic origin who have common or similar traits, languages, customs, and traditions (e.g., Arab, Latino, Asian, etc.).

#### **F. Sexual Orientation Hate/Bias**

A pre-formed negative opinion or attitude toward an individual or group of persons based on male or female homosexuality, heterosexuality, or bisexuality.

G. Disability Hate/Bias

Relating to persons who have physical or mental impairments/challenges, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

H. Gender and Gender Identity Hate/Bias

A pre-formed negative opinion or attitude toward an individual or group of persons due to their gender or gender identity.

I. Homelessness Hate/Bias

A pre-formed negative opinion toward an individual or group of persons who: 1. Lack a fixed, regular, and adequate residence; or 2. Have a primary residence that is: a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or b. A public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

### III. PURPOSE

The purpose of this directive is to provide guidance in determining whether a hate/bias incident has occurred. It also provides guidelines for investigating such incidents. This Department takes the approach that the unique nature of these incidents requires special handling from our agency. It will be the Department's policy to thoroughly investigate these acts and to recognize and react in a supportive manner to the emotional trauma experienced by the victims, families, and citizens of the community who have witnessed/suffered such incidents. Personnel of the Department will:

- A. Approach victims in an empathetic and supportive manner;
- B. Reduce the victim's alienation through visible and genuine concern; and
- C. Reassure the victim that the Police Department will use every available investigative and enforcement tool to find and prosecute the person or persons responsible for the crime.

### IV. CRITERIA FOR DETERMINING HATE/BIAS INCIDENTS

The following criteria and laws are to be used in determining whether or not an incident is of a hate/biased nature and whether or not it is covered by this policy. This list is not all-inclusive. Some incidents may not clearly fit a specific definition. In those cases, a common sense approach must be used. If the situation looks like an incident of hate/bias, it should be reported as such. In determining whether or not an incident reported is a hate/bias motivated act, the following criteria should be applied, either singularly or in combination. The judgment of the investigator must also be applied in the final determination since the criteria listed below are not all inclusive.

- A. Motive of the offender behind the act;
- B. A lack of any other apparent motive for the hate/bias act;
- C. Display of any hate/bias offensive symbol(s), word(s), or act(s).
- D. A common sense review of the circumstances surrounding the entire incident itself (i.e., the totality of circumstances);
- E. Effect on the victim(s);
- F. Statement(s) of suspect(s)/victim(s);
- G. Prior history of similar incidents in the same area or against the same victim group; and
- H. A violation of any of the statutes enumerated above outlining criteria for reporting hate/bias acts.

### Maryland Law

- A. Maryland Hate Crime Laws (CR 10-302, CR-10-303, CR 10-304, CR 10-305, **CR 10-305.1**) make it a crime to:
  - 1. ***Deface, damage, or destroy, or attempt to threaten to deface, or destroy, personal or real property that is owned or leased by a religious entity or for any religious purpose (place of worship; cemetery; religious school, educational facility or community center; and the grounds adjacent to them), regardless of underlying motivation.***
  - 2. Obstruct by force or threat of force, a person in the free exercise of that person's religious beliefs.

3. *Motivated either in whole or in substantial part by another's person's or group's race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin, or because another person or group is homeless, a person may not:*
    - a. *commit a crime or attempt or threaten to commit a crime against that person or group;*
    - b. *deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group;*
    - c. *burn or attempt or threaten to burn an object on the real or personal property of that person or group; or*
    - d. *make or cause to made a false statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer about that person or group, with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report or complaint.*
  4. *Deface, damage, or destroy, attempt or threaten to deface, damage, or destroy, burn or attempt or threaten to burn an object on, or damage real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center or school:*
    - a. *because a person or group of a particular race, color, religious belief, sexual orientation, gender, gender identity, disability, or national origin, or because a person or group is homeless, has contacts or is associated with the building;*
    - b. *or there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin of that person or group or because that person or group is homeless.*
  5. *Place or inscribe an item or symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or personal property, public or private, without the express permission of the owner, owner's agent, or lawful occupant of the property, with the intent to threaten or intimidate any person or group of persons.*
- B. Criminal acts directed at any person or group of persons based upon their protected class or characteristic. Criminal acts which may be hate/bias related include, but are not limited to:
1. Burning cross or religious symbol - Any violation of CR 6-104.
  2. Explosives - Any violation of CR 9-505
  3. Bomb threats - Any violation of CR 9-504
  4. Destroying, injuring property of another - If in violating CR 6-301, any written language or symbol is used which has been historically directed against persons it must be reported. Examples include swastikas or racial epithets.
  5. Assault - Any verbal threat or assault and battery (CR 3-202)
  6. Disorderly conduct - Any violation (written or oral) of CR 10-201
  7. Interrupting or disturbing religious meetings - Any violation of CR 10-301
  8. Possession of firearm in proximity of public demonstration - Any violation of CR 4-208
  9. Unlawful use of the telephone - Any violation of CR 3-804 For example, any racial, religious, ethnic, sexual, gender, gender identity or homelessness slurs.
  10. All common law offenses pertaining to acts of hate/bias intimidation.
- C. Any non-criminal act directed at any person of group of persons based upon their protected class or characteristic which is done with the apparent intention to: harass, intimidate, threaten, retaliate, or create racial, religious, or ethnically motivated conflict will be considered a hate/bias incident and will be covered by this policy.

## **V. INVESTIGATIVE PROCEDURES**

At the direction of the district commander, the District Detective supervisor will be responsible for the follow-up investigation of all confirmed hate/bias incidents. All officers will be sensitive to the feeling and fears of the victim(s) and the community as a result of real or perceived hate/bias. In conducting an investigation of a hate/bias incident the following investigative procedures will be followed.

### **A. Investigating Officer**

1. Immediately take all possible investigative and enforcement action.
2. Preserve the crime scene and evidence.
3. Notify the Evidence Collection Unit (ECU) if any hate/bias-motivated destruction or defacement of property (i.e., cross burning, painted swastika) takes place for possible comparisons of other such incidents.
4. Gather evidence and search the scene on those incidents in which the ECU does not respond.
5. Prepare a detailed Offense/Incident report. If the information being reported involves a criminal offense or offenses, those offenses will be documented on the Offense/Incident Card in the records management system. If the information being reported does not involve a criminal offense, but is still a reportable hate/bias incident, the incident will be documented on the Offense/Incident Card using the "Miscellaneous/Non-Criminal Incident" Incident Type. In either situation, the "Hate/Bias Incident" Stat Reporting box will be checked on the Event Information Card. Hate/Bias Offense/Incident Reports will document the following information, in addition to all other information relevant to the offense/incident:
  - a. Date, time and specific location of the incident;
  - b. The specific type of hate/bias incident;
  - c. Type of property damage and value;
  - d. Injury status of all subjects injured;
  - e. Type of weapon involved;
  - f. Victim information including the race, religion, ethnic, sexual orientation, disability, gender, gender identity, or homelessness background which is at issue in the incident;
  - g. Offender information including the race, religion, ethnic, sexual orientation, disability, gender, gender identity, or homelessness background or group affiliation (i.e., KKK); and
  - h. Circumstances of the events that led the investigator to consider the incident as a racial, religious, ethnic, sexual orientation, disability, gender, gender identity, or homelessness hate/bias motivated case, including any known motive or bias of a known suspect/offender.
6. The officer will submit the initial Offense/Incident report prior to the completion of the officer's tour of duty. Additional information will be submitted on supplement reports. When it is determined that the incident is a hate/bias motivated case, the responding officer will immediately notify the field supervisor of the district.

**B. Field Supervisor**

1. Respond immediately to the scene of all incidents as defined above.
2. Ensure that the crime scene is protected.
3. Ensure that the Evidence Collection Unit has been notified if any evidence is to be collected.
4. Ensure that the scene is properly searched and evidence gathered for incidents in which ECU does not respond.
5. Ensure that all physical remains of the incident are removed soon after processing is completed. The property owner should be encouraged to restore or obliterate the damage so as not to generate further animosities.
6. Ensure that all reports, evidence, and procedures are in order and that the report clearly identifies the incident as one motivated by racial, religious, ethnic, sexual orientation, disability, gender, gender identity, or homelessness hate/ bias.
7. Notify the appropriate platoon commander of the nature and circumstances of the incident.
8. If it appears that the incident is being conducted by an organized known group, notify the Homeland Security and Intelligence Unit supervisor.

**C. Platoon Commander**

1. Ensure that the responsibilities enumerated above are carried out.
2. If a criminal act has been committed, as outlined in Section IV above, personally visit and advise the victim of the status of the investigation.
3. Arrange for an immediate increase of patrols throughout the affected area as needed.
4. Ensure that the Homeland Security and Intelligence Unit is informed.
5. Ensure that the Public Information Officer is apprised of such incidents, clearances, and any other information which may be of interest to the media.
6. Apprise the district commander in a timely fashion as dictated by the severity of the incident.
7. Ensure that the report clearly and distinctively identifies the incident as one motivated by racial, religious, ethnic, sexual orientation, disability, gender, gender identity, or homelessness hate/bias. This is

accomplished by ensuring the “Hate/Bias Incident” Stat Reporting box is checked on the Event Information Card of the Offense/Incident Report in the records management system. In addition, if the incident involved a criminal offense or offenses, by ensuring the “Suspected Hate Crime” drop down list indicates “Yes” and the appropriate factor is selected from the “Hate/Bias Motivation” drop down list on the Offense/Incident Card.

**D. District Commander**

1. Designate investigative responsibility. The district commander will have authority to require a CID investigation of any confirmed hate/bias incident. However, only those serious crimes usually investigated by CID, such as homicide, robbery, sexual assault, arson, or life-threatening assault should be assigned to CID. All other hate/bias incidents will be conducted at the district level and coordinated by the district commander.
2. As the coordinator of district-level hate/bias investigations, assign a sufficient number of investigators and technical specialists to the investigation to assure a thorough and professional investigation. Requests for the assistance of personnel outside the district commander's command will be routed through the chain of command to the appropriate source.
3. Ensure that a follow-up report is completed within 10 days and forwarded to the Homeland Security and Intelligence Unit and entered into the records management system. For incidents requiring a lengthy investigation, submit a follow-up report every 10 days to the Homeland Security and Intelligence Unit.
4. Serve as the primary Police Department contact person for the victims, neighbors, community leaders, and others seeking information about the incident or the status of the investigation.
5. Increase the uniformed patrol presence in the affected community or neighborhood for as long a period as the commander deems necessary.

**E. Homeland Security and Intelligence Unit**

1. Investigate and analyze the incident in terms of its hate/bias content.
2. Determine if the incident has connections to any organized known group.
3. If it is determined that the incident is connected to an organized known group, inform the District Commander that the Homeland Security and Intelligence Unit will investigate.

**F. Community Relations Section Commander**

1. At the request of the affected District Commander, provide such services to the victim and community that will mobilize community sentiment against the act(s) of the suspect(s) in a positive manner, calming the victim's community to prevent retaliatory actions. This may include neighborhood canvassing, foot patrols, enlisting the aid of religious, community groups, business leaders, in an effort to obtain public condemnation of the incident, and other efforts designed to reduce fear in the affected neighborhood.
2. Provide frequent, regular briefings to the affected District Commander concerning the progress of the community relations effort in question.

**G. Criminal Investigation Division Commander**

1. Coordinate the follow-up investigation of all hate/bias incidents assigned to CID.
2. Provide frequent, regular briefings to the affected District Commander concerning the progress of the hate/bias investigation in question.

**VI. PROPONENT UNIT: Bureau of Patrol.**

**VII. CANCELLATION: This directive cancels Index Code 1807, dated *11-15-21*.**