HATE/BIAS INCIDENTS

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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.

The unique nature of these incidents requires special handling ***by the police department.*** It ***is*** the Department's policy to thoroughly investigate these ***incidents*** 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. ***It is the goal of the department to ensure that its personnel:***

1. Approach victims in an empathetic and supportive manner.
2. Reduce ***victims'*** alienation through visible and genuine concern.
3. Reassure victim***s*** that the Police Department ***is committed to using*** every available investigative and enforcement tool to find and prosecute the person or persons responsible for ***hate/bias crimes.***

II. 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.

III. DEFINITIONS

1. **Hate/Bias Incident**: ***An incident apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness. (PS § 2-307)***
2. ***Hate Group: An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity which differs from that of the members of the organization. Examples include: the Ku Klux Klan, American Nazi Party.***
3. **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.
4. **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.).
5. **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.).

6. **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.).
7. **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.
8. **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.
9. **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.
10. **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.

IV. CRITERIA FOR DETERMINING HATE/BIAS INCIDENTS

Officers investigating possible hate/bias incidents must consider the totality of circumstances surrounding the incident to determine whether the incident qualifies as a hate/bias incident. Hate/bias incidents may or may not involve criminal acts. The following criteria***, along with any other relevant circumstances, are used to determine whether an incident must be reported as a hate/bias incident:***

1. Whether there was a display of any symbol (including acronyms, numbers, phrases, logos, flags, gestures and other miscellaneous symbols) associated with hate/bias.
2. Whether the offender used any language, phrases, or terms associated with hate/bias.
3. The stated motive or bias of the offending party.
4. Whether there was a violation of Maryland hate/bias statutes. (CR §§ 10-302 through 10-305.1)
5. The presence or lack of non-hate/bias motives of the offending party.
6. ***Whether there is a prior*** history of similar incidents in the same area or against the same victim group.

V. *REPORTING AND* INVESTIGATIVE PROCEDURES

All incidents qualifying as hate/bias incidents under this policy require an offense/incident report.

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. Central Records Section

The Central Records Section is responsible for the following:

1. ***The review of ALL incident/offense reports written by agency employees.***
2. ***Determination that an incident/offense, which was NOT indicated as a hate/bias incident or a hate/bias crime, may be incorrectly classified in the incident/offense report, and for the forwarding of such incident/offense reports to the Intelligence Unit for final determination of classification.***
3. ***Assuring hate/bias incidents and hate/bias crimes which have been confirmed or designated as such by the Intelligence Unit are reported to state and federal authorities, as required by law.***

B. Investigating Officer

Upon an allegation of a hate/bias incident or upon facts and circumstances indicating an incident is possibly a hate/bias incident, regardless of any such allegation, investigating officers are responsible for the following:

1. ***Conduct a thorough investigation of the facts, circumstances, motives, and other relevant conditions related to the incident, including identifying possible witnesses and preserving evidence.***
2. ***Make an initial determination as to whether the incident is or is not a hate/bias incident.***
3. ***Notify a patrol supervisor for all incidents that are determined to be hate/bias incidents or are possibly hate/bias incidents.***

4. Notify the Evidence Collection Unit to respond to the incident for the collection of any evidence and the recording of any destruction or defacement of property related to a hate/bias incident.

5. Prepare a detailed Offense/Incident report. ***All relevant offense types must be documented in the report. If there is no relevant criminal offense, "Miscellaneous/Non-Criminal Incident" should be used. The following information must be included in all reports of hate/bias incidents:***

   a. The condition and injuries of any victims or subjects of the hate/bias incident.

   b. Whether and what type of any weapons involved.

   c. Based on the type of hate/bias incident, information relating to the victim's or subject's race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness.

   d. The suspect/offender's race, religion, ethnicity, sexual orientation, gender, gender identity, homelessness, and any known hate group affiliations.

   e. A full accounting of the circumstances that qualify the event as a hate/bias incident including any known motives of the suspects and offending parties.

   f. Select relevant statistical reporting indicators in the offense/incident report.

   g. All other reporting requirements under other applicable policies.

C. Field Supervisor

Supervisors of hate/bias incidents have the following roles and responsibilities:

1. Respond immediately to the scene of all ***hate/bias*** incidents.

2. Ensure that the investigating officer completes all applicable responsibilities under this policy.

3. Ensure that all physical remains of the incident are removed ***from public property*** soon after ***documentation and*** processing ***are*** completed.

4. ***Encourage private property owners to*** restore or obliterate the damage so as not to generate further animosities.

5. Notify ***an*** appropriate ***and on-duty field*** commander of the nature and circumstances of the incident.

6. If it appears that the incident is being conducted by an organized known group, notify the ***Intelligence and Real-Time Information Section*** supervisor.

D. *Field* Commander

The field commander who receives notification from a field supervisor regarding a hate/bias incident has the following roles and responsibilities:

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 ***Operational Intelligence Division*** is informed.

5. Ensure that the ***Media Relations Office*** 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.

E. District Commander

District commanders have the following roles and responsibilities for hate/bias incidents which occur in their assigned patrol district:

1. Designate investigative responsibility. The district commander ***has*** 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 ***should*** 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 ***Operational Intelligence Division*** and entered into the records management system. For incidents requiring a lengthy investigation, submit a follow-up report every 10 days to the ***Operational Intelligence Division***.
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.

F. Evidence Collection Unit

The Evidence Collection Unit must respond to all hate/bias incidents for collection and documentation of relevant evidence when requested by an officer.

G. *Operational Intelligence Division*

The Commander of the Operational Intelligence Division is responsible for making final determinations as to whether reported incidents should be classified as hate/bias incidents and whether reported crimes should be classified as hate/bias crimes.

The Operational Intelligence Division is responsible for the following tasks regarding the reporting of hate/bias incidents and hate/bias crimes:

1. ***Review all reports where the incident/offense report indicates the event is a hate/bias incident or hate/bias crime and confirm the report meets reporting criteria to be indicated as a hate/bias incident or hate/bias crime.***
2. ***Review all reports referred by the Central Records Section which may be incorrectly classified as NOT hate/bias incidents or hate/bias crimes and make a final determination as to whether the criteria for a hate/bias incident or hate/bias crime has been met.***
3. Determine if the incident has connections to any ***known hate/bias group and, if linked to a known group, assume full investigative responsibility for the incident.***

H. 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.

I. 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. *MARYLAND HATE CRIME STATUTES*

1. **CR § 10-302:** ***A person may not 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 ***including:***
   a. place of worship;
   b. cemetery;
   c. religious school,
   d. educational facility or community center; and

e. the grounds adjacent to them.

Note: *This statute does not require proof of any underlying motivation by the defendant.*

2. **CR § 10-303:** ***A person may not obstruct*** by force or threat of force, a person in the free exercise of that person's religious beliefs.
3. **CR § 10-304:** 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. **CR § 10-305:** 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. **CR § 10-305.1:** 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.

Other criminal acts which may be hate/bias related include, but are not limited to:

1. Burning cross or religious symbol - CR 6-104.
2. Explosives - CR 9-505.
3. Bomb threats - CR 9-504.
4. Destroying, injuring property of another CR 6-301.
5. Assault – CR 3-202.
6. Disorderly conduct – CR 10-201.
7. Interrupting or disturbing religious meetings - CR 10-301
8. Possession of firearm in proximity of public demonstration - CR 4-208
9. Unlawful use of the telephone - CR 3-804

VII. PROPONENT UNIT: Bureau of Patrol.

VIII. CANCELLATION: This directive cancels Index Code 1807, dated ***08-01-23.***