



RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, OR DISABILITY HATE/BIAS INCIDENTS

INDEX CODE: 1807
EFFECTIVE DATE: 06-22-09

Contents:

- I. Policy
- II. Definitions
- III. Purpose
- IV. Criteria for Determining Racial, Religious, Ethnic, Sexual Orientation, or Disability Hate/Bias Incidents
- V. Criteria for Verifying a Racial, Religious, Ethnic, Sexual Orientation, or Disability Hate/Bias Incident
- VI. Investigative Procedures
- VII. Proponent Unit
- VIII. Cancellation

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, or disability (RRESOD) hatred.

II. DEFINITIONS

A. Sexual Orientation

The identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

B. Disability

Of or 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.

III. PURPOSE

The purpose of this directive is to provide guidance in determining whether a racial, religious, ethnic, sexual orientation or disability 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 RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, OR DISABILITY HATE/BIAS INCIDENTS

The following criteria are to be used in determining whether or not an incident is of a racially, religiously, or ethnically 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 RRESOD bias, it should be reported as such. Verification can be made later in the investigation. The key criterion in determining whether these incidents fit into the definition of an incident of bias is the motivation behind the act.

A. Examples of criminal acts which are directed at any person or group of persons because of their racial, religious, ethnic, sexual orientation or disability origin include:

1. Burning cross or religious symbol - Any violation of CR 6-104.
2. Explosives - Any violation of CR 9-505, perpetrated against a person or group of persons because of his/her or their RRESOD origin.
3. Bomb threats - Any violation of CR 9-504, perpetrated against a person or persons because of his/her or their RRESOD origin.
4. Destroying, injuring property of another - Any violation of CR 6-301, which is directed against RRESOD groups because of their RRESOD origin. If in violating CR 6-301, any written language or symbol is used which has been historically directed against persons because of their RRESOD origin, it must be reported. Examples include swastikas or racial epithets.
5. Assault - Any verbal threat or assault and battery which is directed against a person or persons because of his/her or their RRESOD origin. (CR 3-202)
6. Disorderly conduct - Any violation (written or oral) of CR 10-201, directed against a person or persons because of his/her or their RRESOD origin and disturbs the peace and tranquility of the community.
7. Interrupting or disturbing religious meetings - Any violation of CR 10-301, which is directed against a person or persons because of his/her or their RRESOD origin.
8. Possession of firearm in proximity of public demonstration - Any violation of CR 4-208, which occurs at a public RRESOD demonstration.
9. Unlawful use of the telephone - Any violation of CR 3-804, which is directed against RRESOD groups because of their RRESOD origin. For example, any racial, religious, ethnic, or sexual slurs.
10. All common law offenses pertaining to acts of RRESOD intimidation, hatred, etc.

B. Any non-criminal act directed at any RRESOD group (or individuals within these groups), which is done with the apparent intention to: harass, intimidate, threaten, retaliate, or create racial, religious, or ethnically motivated conflict will be considered a RRESOD incident and will be covered by this policy.

V. CRITERIA FOR VERIFYING A RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, OR DISABILITY HATE/BIAS INCIDENT

In determining whether or not an incident reported as an RRESOD motivated act is actually verified as such, the following criteria should be applied, either singularly or in combination. This verification will be done by police sergeant or supervisor at the time the incident occurs. The judgment of the investigator must also be applied in the final determination since the criteria listed below are not all inclusive.

- A. Motive;
- B. A lack of any other apparent motive for the RRESOD act;
- C. Display of any RRESOD 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 RRESOD acts.

VI. INVESTIGATIVE PROCEDURES

At the direction of the district commander, the *District Detective* supervisor will be responsible for the follow-up investigation of all confirmed RRESOD 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 RRESOD bias. In conducting an investigation of a racial, religious, ethnic, sexual orientation, or disability 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 RRESOD-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 report containing, but not limited to, the following information:
 - a. Date, time and specific location of the incident;
 - b. The specific type of RRESOD 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, or disability background which is at issue in the incident;
 - g. Offender information including the race, religion, ethnic, sexual orientation, or disability background or group affiliation (i.e., KKK); and
 - h. Circumstances including the events that led the investigator to consider the incident as a racial, religious, ethnic, sexual orientation, or disability hate/bias motivated case.
6. The officer will submit the initial written 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 RRESOD 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 engender 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, or disability 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 Intelligence Section supervisor.

C. Platoon Commander

1. Ensure that the responsibilities enumerated above are carried out.
2. 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 Intelligence Section is informed and that a copy of the report is faxed to Intelligence (410-987-9167) by the end of his or her tour of duty.
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, or disability hate/bias.
8. *Ensure that the report is faxed to the Special Assistant for Minority Affairs and Human Relations, located in the County Executive's Office (410-222-1198) by the end of his/her tour of duty.*

D. District Commander

1. Designate investigative responsibility. The district commander will have authority to require a CID investigation of any confirmed RRESOD 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 RRESOD incidents will be conducted at the district level and coordinated by the district commander.

2. As the coordinator of district-level RRESOD 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 Intelligence Section. For incidents requiring a lengthy investigation, submit a follow-up report every 10 days to the Intelligence Section.
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. Intelligence Section

1. Investigate and analyze the incident in terms of its RRESOD content.
2. Determine the severity of the case, and if it 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 Intelligence Section will investigate.
4. Formulate a monthly report to the Human Relations Officer of the County.

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 RRESOD incidents assigned to CID.
2. Provide frequent, regular briefings to the affected District Commander concerning the progress of the RRESOD investigation in question.

VII. PROPONENT UNIT: *Patrol Services* Bureau.

VIII. CANCELLATION: This directive cancels Index Code 1807, dated 10-15-03.