

Purpose

To provide guidelines for the response and investigation of hate bias incidents while ensuring the continuity of on-scene support during the investigation of specific crimes.

Policy

The Cecil County Sheriff's Office will immediately respond to, and investigate **all** reports of violence and extremism directed at individuals or groups based upon their race, religion, ethnicity, sexual orientation or disability.

The Annotated Code of Maryland makes it a crime to attempt, or actually:

- Deface, damage, or destroy real or personal property because of a person's race, color, religious beliefs, or national origin, or because that property is owned, leased or used by a religious entity.
- Obstruct by force or threat of force, a person in the free exercise of that person's religious beliefs.
- Harass or commit a crime upon a person or damage the real or personal property of a person because of that person's race, color, religious beliefs, or national origin.

Definitions

Hate/Bias Incident: A reported act which appears to be motivated, or is perceived by the victim to be motivated, all or in part by race, religion, ethnic background, sexual orientation or disability. To be considered an incident, the act is not required to be a crime under any federal, state, or local statutes.

- Some incidents may not clearly fit a specific definition. In this case, such incidents are to be reported and handled as hate-bias incidents: verification can be made later in the investigation.

Hate/Bias Crime: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a particular race, religion, ethnic/national origin, or sexual orientation, even if the victim is not a member of the target group. Also known as "Hate Crime".

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.

Ethnicity/National Origin Bias: A preformed, negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions. (e.g. Arabs, Hispanics, Asians, etc.)

Hate Group: An organization whose primary purpose is to promote animosity, hostility and malice against persons belonging to a racial, religious, ethnic/national origin, or sexual orientation group which differs from that of the members of the organization. (e.g. Kh Klux Klan, American Nazi Party, etc.).

Racial Bias: A preformed, negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair/facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of human kind (e.g. Asians, blacks, whites, etc.)

Religious Bias: A preformed, negative opinion or attitude toward a groups 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.).

Sexual Orientation Bias: A preformed, negative opinion or attitude toward a group of persons based on the sexual attraction toward and responsiveness to members of their own sex or members of the opposite sex (e.g. Lesbians, Gays, Bisexuals, Transgender, Questioning, Heterosexuals, etc.).

Target Group: Any racial, religious, ethnic/national origin and/or sexual orientation group toward which a hate crime is directed.

Procedure

A. Identifying a Hate Bias Incident

1. In determining whether or not an incident is to be reported as a hate-bias act, an impartial review of the totality of the circumstances will be applied. Consideration will be given to motive, victim's perception, evidence, statements, and prior history in the same area against the same victim.
2. Some incidents may not clearly fit the specific definition. In this case, such incidents are to be reported and handled as hate-bias incidents; verification can be made later in the investigation. Criminal Acts that may be hate-bias related include, but not limited to:
 - a. Burning, or causing to be burned, any cross or other religious symbol.
 - b. Molotov cocktails, explosives, pipe bombs and bomb threats directed against a person or group of persons because of racial, religious or ethnic origin or affiliation.
 - c. Destroying or damaging property of another because of racial, religious or ethnic origin or affiliation.
 - d. Any action which constitutes a first or second degree assault that is directed against a person or group of

person because of racial, religious, or ethnic origin or affiliation.

- e. Disorderly conduct, interrupting, or disturbing religious meetings.
- f. Trespassing, harassment and/or telephone misuse motivated by racial, religious or ethnic origin or affiliation.

B. Initial Response and Investigation

1. Whenever a suspected or verified hate crime/incident comes to the attention of a member of the Sheriff's Office, the act or incident shall be thoroughly investigated and documented in detail via an Incident Report.
2. The investigation shall continue until such time that a determination can be made of the following:
 - a. Motivation of the act(s).
 - b. Identification of suspect(s) or the lack of sufficient evidence to determine the identification.
 - c. Means by which the act(s) were carried out.
 - d. Potential for continued acts.
 - e. The arrest of any known criminal offender(s).
3. Photographs will be taken on **All** indicated marks that sustain a hate crime/incident.
4. A Crime Scene Technician should be requested for technical or extensive processing.
5. All members shall be responsive, supportive and sensitive to the victim's rights and needs in dealing with all victims of hate crimes/incidents.
6. Reports of hate-bias incidents **will not** be taken by telephone. All complaints shall be investigated in person.

C. Supervisory Response

1. Upon notification of a possible hate crime/incident, the on duty Shift Supervisor shall be notified.
2. A Supervisor **will** respond to the scene of the crime/incident to supervise the investigation and determine if any additional resources are needed.
3. The responding Supervisor shall personally make contact with the victim(s) and reporting person (if different from the victim).

4. Take all steps necessary to ensure that the incident does not escalate.
5. Ensure that all reports are properly completed, approved and distributed before securing from that day's tour of duty.

D. Classification

1. All hate crimes/incidents must be classified as one of the following:
 - a. Verified.
 - b. Inconclusive.
 - c. Unfounded.
 - d. Inconclusive name calling
2. If the crime incident cannot be determined to have been caused or created as a result of any other type of problem, the crime/incident shall be considered **verified**.
3. To be classified as a verified hate crime/incident, one or more of the following conditions must be met:
 - a. The act must have been motivated or apparently motivated by race, religious, ethnic, sexual orientation or disability prejudices.
 - b. The act or incident is perceived by the victim as being motivated by prejudices.
4. The inconclusive classification is for those acts or incidents when the evidence is conflicting, incomplete, inconclusive and/or insufficient.
5. The unfounded classification shall be used for acts or incidents when one or more of the following conditions are met:
 - a. The evidence clearly indicates that hate prejudices were not a motivational consideration.
 - b. The reported act or incidence never occurred (i.e. false report).

E. Personal Contact with Victim

1. The investigating member shall ensure that a minimum of one personal follow-up contact is made with the victim(s) of a hate crime/incident to gather additional information and/or to promote the well-being of the victim(s).
 - a. The first personal follow-up contact shall be made within 72 hours following the original complaint.
 - b. Follow-up contacts shall continue as necessary and practical, until any effects of fear are eliminated or have

been sufficiently reduced.

F. Criminal Investigation Division Response

1. The Shift Supervisor will notify the Supervisor of the Criminal Investigation Division of **all** reported hate bias incident(s).
2. If required, a Criminal Investigation Division Investigator shall respond to the scene and assume the investigation.
3. The Criminal Lieutenant may contact other Sheriff's Office resources to include the Community Resources Unit if necessary to assist in the investigation or aid the victim(s).
4. When appropriate, the Criminal Lieutenant may direct the Public Information Officer, or other sections, to meet with neighborhood groups to allay fears, reduce the potential for further trouble and provide safety information.
5. The Criminal Lieutenant shall determine the referral of investigative responsibility and final disposition for all hate-bias investigations to include UCR data reporting to the Maryland State Police.

G. Reporting

1. The preliminary investigative Incident Report shall be completed and submitted prior to the conclusion of the investigating member's tour of duty.
2. Upon receipt of the Incident Report, Command Staff personnel and the Criminal Investigation Division Supervisors shall receive copies of the report the next day, excluding weekends and holidays.