



GENERAL ORDER ADM-10 HATE-BIAS INCIDENTS

EFFECTIVE JULY 10, 2020

This General Order contains the following numbered sections:

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- II. DEFINITIONS
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- IV. STANDARDS FOR IDENTIFYING HATE-BIAS INCIDENTS
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I. POLICY

The Howard County Department of Police (HCPD) does not tolerate hate crimes or hate-bias incidents directed at individuals or groups based upon protected characteristics as such crimes infringe upon the rights and well being of all citizens. The HCPD shall take immediate action to address such activity and will make notifications to the appropriate agencies.

II. DEFINITIONS

- A. Disability: Of or relating to persons who have physical or mental impairments or challenges, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.
- B. Hate-Bias Incident (HBI): A reported act that appears to be motivated or is perceived by the victim to be motivated, all or in part, by bias against a protected class or characteristic. An act may be a HBI even if it is not a crime under any federal, state, or local statutes.
- C. Hate Crime: A criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity (Federal Bureau of Investigation, Uniform Crime Reporting).
- D. Protected class or characteristic: A characteristic of a person or group of people that may not be used as the basis for discrimination or bias, including but not limited to age; cultural group; disability; ethnicity; gender or gender identity; housing status; immigration status; national origin; race; religion; or sex, sexual identity, or sexual orientation.
- E. Victim: As defined by the FBI's Uniform Crime Reporting (UCR) Program, the victim of a hate crime may be an individual; a business or financial institution; a government entity; a religious organization; or society or the public as a whole.

III. DEPARTMENTAL ROLE AND OBJECTIVES

- A. The Department shall:
 - 1. Bring the investigative, operational, and support functions into quick action following any incident determined to be an HBI.
 - 2. Work to assist all citizens who have been victimized by acts of prejudice based on a protected class or characteristic.
 - 3. Ensure that all HBIs are promptly reported to the appropriate agencies including the Maryland State Police, the Howard County Office of Human Rights, the Office of the State's Attorney, and the Federal Bureau of Investigation.
 - 4. Analyze HBIs and attempt to determine trends to help curb these types of events.

- B. All HCPD members will be trained in the implementation of the HCPD's hate-bias policy and procedures.

IV. STANDARDS FOR IDENTIFYING HATE-BIAS INCIDENTS

- A. The following criteria are to be used in determining if an incident is of a hate-bias nature. 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.
- B. The Annotated Code of Maryland makes it a crime to attempt to or to actually:
 - 1. Deface, damage, or destroy real or personal property because of a person's protected class or characteristic.
 - 2. Obstruct by force or threat of force a person in the free exercise of that person's religious beliefs.
 - 3. Harass or commit a crime upon a person or damage the real or personal property of a person because of that person's protected class or characteristic.
- C. A common-sense review of the totality of the circumstances should be applied before an incident can be classified as a hate crime. Sufficient objective facts must be present to meet a probable cause-type standard that the offender's actions were motivated in whole or in part by bias.
- D. Factors that an officer should consider in determining whether an incident is an HBI:
 - 1. The offender and the victim were of different protected classes. For example, the victim was black and the offender was white.
 - 2. Bias-related oral comments, written statements, or gestures were made by the offender that indicate bias. For example, the offender shouted a racial epithet at the victim.
 - 3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.
 - 4. Items indicating bias were used. For example, the offender(s) wore white sheets with hoods covering their faces or a burning cross was left in front of the victim's residence.
 - 5. The area or neighborhood where the victim lives or the incident took place is one where the victim is overwhelmingly outnumbered by others not sharing the same protected class or characteristic.
 - 6. The victim was visiting a neighborhood where previous hate crimes were committed against other members of his protected class and where tensions remain high against his group.
 - 7. Several incidents have occurred in the same locality, at or about the same time, and the victim(s) were all the same protected class.
 - 8. A substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.
 - 9. The victim was engaged in activities promoting a protected class or is a member of an advocacy group supporting the protected class, even if the victim is not a member of the targeted protected class. For example, the victim participated in a protest on behalf of a protected class or demonstration protected under the first amendment.
 - 10. The incident coincided with a holiday or a date of significance to a protected class.

11. The offender was previously involved in a similar hate crime or is a member of a hate group.
12. There were indications that a hate group was involved.
13. A historically established animosity exists between the victim's and the offender's groups.

C. Criminal acts that may be hate-bias related include but are not limited to:

1. Burning or causing to be burned any cross or other religious symbol.
2. Molotov cocktails, explosives, pipe bombs, and bomb threats.
3. Destroying or damaging the property of another.
4. Any action that constitutes a first- or second-degree assault that is directed against a person or group of persons because of a protected class or characteristic.
5. Disorderly conduct or interrupting or disturbing religious meetings.
6. Illegal possession of a firearm in proximity to a public demonstration.
7. Unlawful use of a telephone, trespassing, or harassment.

V. **SPECIFIC RESPONSIBILITIES**

A. Investigating Officer

1. A patrol officer will respond to all reported hate-bias incidents.
2. School Resource Officers (SROs) shall assume case responsibility for all HBIs at their assigned schools. If a patrol officer handles an HBI at a high school when the SRO is not available, he shall handle all the necessary follow-ups until the SRO assumes case responsibility.
3. Telephone and online reporting will not be used for hate-bias complaints. Reports received in this manner shall be directed to an available officer.

B. When the officer arriving on the scene determines that an incident may be hate-bias related, he shall:

1. Take all possible investigative and enforcement action including crime scene processing. The Crime Lab should be used for more sophisticated processing.
2. Provide assistance and support to the victim, including making any appropriate referrals.
3. Immediately notify the area patrol supervisor or SRO supervisor and request they respond.
4. With appropriate supervisory approvals and following the procedures established in General Order OPS-55, Covert Operating Funds, advise the victim, potential witnesses, and any other persons likely to provide investigative leads that a monetary reward may be payable to anyone providing information leading to the arrest and conviction of a perpetrator of a hate-bias crime.
5. Prepare a detailed Incident Report including a full description of the hate-bias aspects of the incident and submit the report by the end of that day's tour of duty.

6. All leads must be exhausted before an HBI case can be recommended to be inactivated. At no time will a case be inactivated without at least one follow-up, a supplemental report filed, and authorization by the appropriate District Commander or the Youth Division Commander.
- C. The area patrol supervisor will respond to the scene of all HBIs and the SRO supervisor will respond to the scene of all school-based HBIs to:
1. Determine whether additional personnel or resources are needed.
 2. Take all steps necessary to ensure the incident does not escalate.
 3. Supervise the preliminary investigation.
 4. Assure the victim of the Department's concern and commitment to follow up on the investigation.
 5. Assist in any reasonable manner with the removal of any physical remains of the incident after all necessary crime scene processing has concluded, including but not limited to encouraging property owners or agents to restore the scene to its original state.
 6. Notify the Watch Commander and the Youth Division Commander.
 7. Ensure all reports are properly completed, approved, and distributed prior to securing from that day's tour of duty.
 - a. Direct one copy to the attention of the appropriate District or Division Commander.
 - b. Verify one copy is hand delivered or emailed to the Community Outreach Section for dissemination to the Office of Human Rights.
 - c. Ensure that copies of subsequent supplements are forwarded through the chain of command to the appropriate District or Division Commander.
 8. Case responsibility will remain with the primary officer unless re-assigned by the appropriate District or Division Commander or his designee.
 9. Ensure the incident is placed in the officer's follow-up log for a minimum of one follow-up.
 10. Obtain approval from the appropriate District or Division Commander before inactivating an HBI.
- C. The Watch Commander, before securing from that day's tour of duty, shall:
1. Provide information about the incident to the oncoming Watch Commander and the District Commander, if applicable.
 2. Ensure that a patrol briefing notice is completed and include the incident in the Watch Commander's Daily Report.
 3. Arrange for an immediate increase of patrols in the area of the occurrence for major incidents.
 4. Assess the need to notify the Public Information Officer.
 5. Ensure that the completed Incident Report is forwarded as appropriate.

6. Complete HCPD Form 3125, HBI Final Review,¹ once the incident is closed, and forward the incident report and HBI form to the appropriate District or Bureau Commander for final approval.
- D. The District or Bureau Commander or his designee shall:
1. Ensure that written reports detailing any follow-up investigations are completed every ten (10) days and the investigation proceeds in a timely manner.
 2. Determine the final disposition or refer the investigation to another Bureau Commander. In those instances where the case has been referred, the respective Bureau Commander will make the final disposition and advise the Operations Commander.
 3. Ensure other sections, as appropriate, meet with neighborhood groups to allay fears, reduce the potential for further trouble, and provide safety and protection information.
 4. Include all active HBIs in the District or Bureau Monthly Report.
 5. Review and approve the completed HCPD Form 3125 and forward it to the Records Section to be placed in the case file.
 6. Once an incident has been approved to be inactivated, forward an email to the HBI Coordinator noting the case status.
- E. The Records Section shall:
1. Be responsible for providing statistical reports to the Maryland State Police.
 2. Provide HBI incident reports to the Howard County Office of Human Rights through the Operation Support Section. Reports will be released in compliance with the law.
- F. The Community Outreach Section shall:
1. Receive copies of all hate-bias reports and act as a central repository of such cases and information.
 2. Promptly email the Office of Human Rights and provide the incident report number, hundred block of the address, date and time of the incident, and a brief synopsis.
 3. Monitor daily logs and Watch Commander sheets to identify any possible HBIs that require dissemination.
 4. Ensure that any juvenile, victim, or suspect data is appropriately redacted prior to dissemination.
 5. Maintain a file of all transmitted data, including a notation of the date and time it is transmitted to the Office of Human Rights.
 6. Any further requests for information must be made in writing from the Office of Human Rights to the Records Section. Information released will be in accordance with the Privacy Act of 1980, the Maryland Public Information Act, or other applicable law.
 7. Assist with hate-bias investigations when requested.
 8. Conduct community outreach to allay fears, reduce the potential for further trouble, and provide safety and protection information.

¹ CALEA 82.2.1b

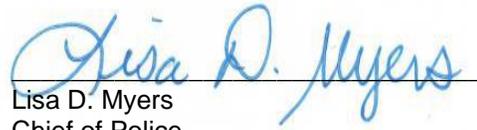
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- 9. Prepare a monthly status report on all Hate-Bias incidents and determine if there are any trends to help curb such offenses.
 - a. The report will include the status of all HBIs reported in the last 12 months.
 - b. A copy of the report will be provided to the Chief of Police, the Deputy Chief of Operations, the District Commanders, the Commander of the Special Operations Bureau, and the Office of Human Rights.
 - 10. Attend monthly HBI taskforce meetings.
- G. A member of the HCPD shall participate in the HBI impact panel as scheduled by the HBI taskforce.

VI. CANCELLATION

This General Order cancels and replaces General Order ADM-10, Hate-Bias Incident Management, dated March 14, 2014.

AUTHORITY:



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