

2.430 HATE BIAS INCIDENTS & CRIMES

- A. The University of Maryland Human Relations Code is applicable to all university students, faculty, staff, departments, committees, offices, and organizations under the supervision and control of the university administration.
- B. The agency is responsible for responding to and investigating only those potential hate bias incidents as otherwise described in this directive that have been perpetrated with apparent intent to:
 1. Intimidate;
 2. Threaten;
 3. Retaliate;
 4. Create a bias conflict; or
 5. Cause injury or harm.
- C. Persons complaining of, or witnessing, alleged hate bias related incidents that are not within the authority of this agency to investigate will be referred to the Office of Diversity Education & Compliance or other appropriate agencies.
- D. Notifications within the agency of hate bias incidents will be made consistent with **2.442 Notifications**.
- E. Officers assigned to investigate reports of hate bias incidents are responsible for ensuring appropriate maintenance units are notified and initiate timely responses to hate bias incident scenes for clean up and/or removal of any remaining offensive artifacts remaining after incident scene processing.

2.430.20 Religious and Ethnic Crimes

- A. Persons may not commit crimes against religious property, institutions, or persons or property because of race, religious beliefs, etc., as established in CR 10-301/CR 10-304.
- B. Other criminal acts which may be perpetrated because of illegal hate bias motivation include, but are not limited to:
 1. CR 4-208 - Restrictions on possession of firearms at demonstrations in public places;
 2. CR 6-301 - Destroying, injuring, etc., property of another;
 3. CR 10-201 - Obstructing free passage; making unseemly noises; obscene language, etc.;
 4. CR 3-803 - Harassment;
 5. CR 9-504 - False statement or rumor as to bomb;
 6. CR 10-301/10-304 - Interrupting or disturbing religious meetings;
 7. CR 3-804 - Unlawful use of telephone;
 8. CR 3-805 - Electronic mail; prohibitions
 9. Various violations of Art. 38A pertaining to explosives; and
 10. Various statutory and common law crimes against persons such as assaults, murder, sex crimes, arson, etc.

2.430.30 Maryland Hate Bias Reporting Law

- A. The chief is responsible for ensuring agency compliance with Maryland's Bias Incident Reporting Law consistent with Art. 88B, Sec. 9 and the procedures adopted thereunto.
- B. Any or all of these criteria will be considered in determining whether incidents are to be reported as hate bias acts. Incidents that do not clearly fit into specific definitions should be reported and handled as hate bias incidents. The criteria are:
 1. A review of the totality of the circumstances;
 2. Motive;
 3. Display or expression of symbols, words, or acts which are known to victims, institutions, or groups to represent hate groups or represent bias against victims or institutions;
 4. Victim's perceptions;
 5. Prior history or similar incidents in the same geographic areas or against the same victims;
 6. Area demographics; and
 7. What responding officers know about the community wherein the incidents occurred.
- C. Any or all of these criteria will be used to determine whether reported incidents are to be verified as hate bias incidents. The

criteria are:

1. If the motive is known; or
2. If the motive is not known, but:
 - a. Victims are members of targeted groups;
 - b. If offenders and victims are of different groups;
 - c. If incidents would have taken place if victims and offenders were of the same groups;
 - d. If biased oral comments, written statements, or gestures were made by offenders which indicate their bias;
 - e. If bias related drawings, markings, symbols, or graffiti were left on incident scenes;
 - f. If bias related objects, items, or things which indicated bias were used or left behind by offenders;
 - g. If victims are members of groups which are overwhelmingly outnumbered by members of other groups in neighborhoods where victims live and incidents took place;
 - h. If victims were visiting neighborhoods where previous hate crimes had been committed against other members of their same groups;
 - i. If several incidents occurred in the same localities, at or about the same times, and if the victims are all of the same groups;
 - j. If substantial portions of communities where the incidents occurred perceive that the incidents were motivated by bias;
 - k. If victims were engaged in activities promoting their groups;
 - l. If incidents coincide with holidays relating to, or dates of particular significance to, groups;
 - m. If offenders were previously involved in hate crimes or are members of hate groups;
 - n. If there were indications that hate groups were involved;
 - o. If historically established animosity exists between victims' groups and offenders' groups;
 - p. If incidents are similar to other known and documented cases of bias;
 - q. If victims have been previously involved in similar situations;
 - r. If other explanations for incidents are unreasonable; and
 - s. If offenders have some understanding of the impact their actions would have on the victims.

2.430.40 Agency Responsibilities

- A. The agency's response to, investigation and reporting of, and victim/witness assistance provided as the result of, hate/bias related incidents will be thorough and consistent with applicable agency directives.
- B. Patrol supervisors will respond to calls for service involving hate bias incidents and crimes.
- C. Notifications will be made consistent with 2.442 Notifications.
- D. Reporting officers are responsible for ensuring appropriate maintenance units are notified and initiate timely responses to hate/bias incident scenes for clean up and/or removal of any remaining offensive artifacts remaining after incident scene processing.
- E. The chief, or specifically designated employees, are responsible for ensuring:
 1. Hate/bias incidents are reviewed;
 2. Notifications are made to the Office of Diversity Education & Compliance;
 3. Assistance is solicited from the Office of Diversity Education & Compliance as appropriate; and
 4. All hate/bias incidents are reported as required to MSP and the FBI.