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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Hate/Bias Incidents

Distribution:	All Employees	Policy Number:	OPS 0305
Responsible Unit:	Criminal Investigations Division	Rescinds:	MAN 1100
Original Issued Date:	08/31/21	Revision #:	1
Latest Required Review was Completed:	06/06/24	Latest Revision Date:	06/06/24
		Next Review Due:	06/06/27

1. Purpose

To establish procedures for response to Hate/Bias incidents.

2. Policy

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the Harford County Sheriff's Office (HCSO) and will be given high priority. Members will employ all necessary resources and vigorous law enforcement action to identify and arrest hate/bias perpetrators. Also, recognizing the fears and the distress typically suffered by victims, the potential for reprisal, the escalation of violence, and the far-reaching negative consequences of these crimes on the community, members will be mindful of, and responsive to, the security concerns of victims and their families.

3. Definitions

BIAS: an opinion or judgment formed beforehand or without full knowledge or complete examination of facts.

DISABILITY: a person having a physical or mental impairment, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

GENDER: either of the two sexes (male and female), especially when considered with reference to social and cultural differences rather than biological ones. The term is also used more broadly to denote a range of identities that do not correspond to established ideas of male and female.

GENDER IDENTITY: means the gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by:

- Consistent and uniform assertion of the person's gender identity; or
- Any other evidence that the gender identity is sincerely held as part of the person's core identity.

HATE/BIAS INCIDENT: an act, not necessarily a violation of a federal, state, or local law, motivated by one or more of the following with bias undertones:

- Any suspected or confirmed act of prejudice, hate or violence, directed against an individual, group, organization, or institution because of their race, religion, nationality, sexual orientation, gender, handicap, homelessness, or mental illness; or

- Any reported act which appears to be motivated or is perceived by the victim to have been motivated all or in part by hate directed at an enumerated background or belief.

INCONCLUSIVE: this classification is for those acts or incidents when the evidence is conflicting, incomplete, questionable, and/or insufficient.

RACE: of or relating to a person's physical characteristics (such as skin, eye, and hair color) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

RELIGIOUS GROUP: a 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.

SEX: either of the two main categories (male and female) into which humans and most other living things are divided based on their reproductive functions

SEXUAL ORIENTATION: means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

UNFOUNDED: this classification will be used for acts or incidents when one or more of the following conditions are met:

- The evidence clearly indicates that hate prejudices were not a motivational consideration; or
- The reported act or incident never occurred (i.e., false report).

VERIFIED: to be classified as a verified hate/bias incident, one of the following conditions must be met:

- The act must have been motivated or apparently motivated by race, religion, nationality, sexual orientation, gender, handicap, homelessness, or mental illness; or
- The act or incident is perceived by the victim as being motivated by prejudices.

4. References

Maryland Code Annotated **Criminal Law Article § 10-301 – 10-309**
Maryland Code Annotated State Government Article § 20-101
Maryland Code Annotated Public Safety Article § 2-307

5. Procedures

A. All hate/bias incidents must be classified as one of the following:

1. Verified;
2. Inconclusive; or
3. Unfounded.

B. 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 will be considered inconclusive.

- C. Whenever a suspected or verified hate/bias incident comes to the attention of a member of the HCSO, the act or incident will be thoroughly investigated and documented on an Incident Report in the Law Enforcement Records Management System (RMS) by a member of the Police Operations Bureau (POB).
 - 1. If the incident occurred at the Harford County Detention Center (HCDC) the act or incident will be thoroughly investigated and documented on an Incident Report in the RMS by a member of the POB, and in addition, a member of the Correctional Services Bureau (COB) will also document the incident on an HCDC Incident Report (DC-316).
- D. The Hate Crime Data Collection Narrative (SO-047) will be completed and forwarded with the appropriate reports prior to the end of the investigating member's tour of duty.
- E. The investigation will continue until the following is determined:
 - 1. Motivation of the act(s);
 - 2. Identification of suspect(s) or the lack of sufficient evidence to determine the identification;
 - 3. Means by which the act(s) were carried out;
 - 4. Potential for continued acts;
 - 5. The arrest of any known criminal offender(s); and
 - 6. Verification that the incident was a hate/bias incident in nature.
- F. All members will be responsive, supportive, and sensitive to the victim's rights and needs in dealing with all victims of hate/bias incidents.
- G. In determining whether an incident is to be investigated as hate/bias, consider:
 - 1. The totality of the circumstances;
 - 2. The motivation behind the incident;
 - 3. The victim's perception of the incident;
 - 4. Evidence at the scene, such as the display of symbols or words which are known to the victim to represent a hate group or bias against the victim;
 - 5. Statements, comments, or gestures made by any suspects;
 - 6. Prior history of incidents with similar circumstances;
 - 7. Area demographics (e.g., an above average number of lesbian, gay, bi-sexual, transgender, and/or queer (LGBTQ) members residing and/or working in the community); and
 - 8. The deputy's knowledge of the community where the incident occurred.

H. Notification

1. Upon notification of a possible hate/bias incident, an on-duty supervisor will be advised of the incident.
2. A supervisor will respond to the scene of the crime/incident to assist the investigating member and determine if any additional resources are required.
3. The responding supervisor will personally contact the victim(s) and reporting person (if different from the victim).
4. The investigating member will ensure that a minimum of one personal follow-up contact is made with the victim(s) of a hate/bias incident to gather additional information and/or to promote the well-being of the victim(s).
5. The first personal follow-up contact (in person if local or by telephone if not local) will be made within 72 hours following the original complaint; if the investigating member is unable to meet this deadline, it is the responsibility of the supervisor to ensure the deadline is met.
6. Follow-up contacts will continue as necessary and practical, until any effects of fear are eliminated or have been sufficiently reduced.
7. The investigating Deputy(s) will keep requested information by the victim confidential provided that doing so would not interfere with or impede the investigation.

I. Criminal Investigations Division (CID) Response


1. The POB supervisor will notify the CID on-call supervisor if he determines the crime/incident is biased in nature and one or more of the following criteria are met:
 - a. Circumstances are such that continued hate acts are likely to occur;
 - b. The crime/incident is sufficiently complex in nature; and/or
 - c. Death threats, arson, serious bodily injury, or cross burning has occurred.
2. If required, a CID investigator will respond to the scene and assume the investigation.

J. Law Enforcement Records

1. On a monthly basis, Law Enforcement Records will provide the Department of State Police with information about incidents directed against an individual or group because of race, religion, sexual orientation, or ethnicity as mandated by Maryland Code Annotated Public Safety Article § 2-307.

6. Summary of Changes

- A. On 05/13/24 the 3-year review of the policy was conducted, and the following changes were made:
1. Added reference Maryland Code Annotated Criminal Law Article § 10-301 – 10-309; and
 2. Added Section 5.H.7. The investigating Deputy(s) will keep requested information by the victim confidential provided that doing so would not interfere with or impede the investigation.

Approved

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SHERIFF
DATE 6.6.24