

*Maryland-National Capital Park Police
Prince George's County Division*

DIVISION DIRECTIVE

TITLE HATE/VIOLENCE INCIDENT PROCEDURES			PROCEDURE NUMBER PG446.0
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 06/01/04	REVIEW DATE 06/01/06
REPLACES PG446.0 "Hate/Violence Incident Procedures", issued 06/01/02			
RELATED DIRECTIVES PG304.0, 604.0	REFERENCES CALEA 42	AUTHORITY Commander Larry M. Brownlee, Sr.- Division Chief	

I. PURPOSE

The purpose of this directive is to establish the Division's responsibilities for the handling of Hate/Violence (RRE) incidents. The Division will immediately conduct a thorough investigation of all malicious or criminal incidents occurring within the park system that are racial, religious or ethnic (RRE) in motivation and will support maximum prosecution of those who are apprehended for such acts. Maryland State Law requires all law enforcement agencies of the state to report to the Maryland State Police "... information relating to incidents directed against racial, religious or ethnic groups." The Division will ensure that all such incidents are reported to MSP and that violations are dealt with immediately.

II. POLICY

It is the policy of this Division to bring its investigative, operational and support elements into quick action following any and all reported or observed racial, religious or ethnic (RRE) hate/violence incidents. Special emphasis will be given to victim assistance and community cooperation in order to reduce victim/community trauma and fear.

III. DEFINITIONS

The following criteria are to be used in determining whether or not an incident is of a racially, religiously or ethnically (RRE) biased nature and covered by this directive. The 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 it looks like an incident of RRE bias, then it is and should be reported as such.

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Verification can be made later in the investigation. The key criterion in determining whether these incidents fit into the definition of an RRE bias is **the motivation behind the act**.

- A. Examples of criminal acts that may be directed at a racial, religious or ethnic group include:
1. Burning cross or religious symbol – Any violation of Criminal Law Article 6-103 or 10-303.
 2. Explosives – Any violation of Criminal Law Article 4-503 or 9-505, perpetrated against a person or group of persons because of RRE origin.
 3. Bomb threats - Any violation of Criminal Law Article 9-503, perpetrated against a person or group of persons because of RRE origin.
 4. Destroying, injuring property of another – Any violation of Criminal Law Article 6-301, perpetrated against a person or group of persons because of RRE origin. Any written language or symbol that has been historically directed against a person because of their RRE origin will be reported.
 5. Assault – Any verbal threat or assault and battery that is directed against a person or persons because of RRE origin.
 6. Disorderly conduct – Any violation, written or oral, of Criminal Law Article 10-201, that disturbs the peace and tranquility of the community and is directed against a person or persons because of RRE origin.
 7. Interrupting or disturbing religious meetings – Any violation of Criminal Law Article 10-302, directed against a person or persons because of RRE origin.
 8. Possession of a firearm in proximity of a public demonstration – Any violation of Criminal Law Article 4-208, that occurs at a public RRE demonstration.
 9. Unlawful use of the telephone – Any violation of Criminal Law Article 3-804, that is directed against any RRE group because of their RRE origin.
 10. Harassment - Any violation of Criminal Law Article 3-803, following in a public place with intent to harass a person or persons because of RRE origin.
 11. All common law offenses – as they would pertain to acts of RRE intimidation, hatred, etc.
- B. Any non-criminal act directed at any RRE group or individuals within these groups that while not criminal is done with the apparent or deliberate intention to:

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1. Harass.
2. Intimidate.
3. Threaten.
4. Retaliate
5. Create RRE conflict.

IV. CRITERIA FOR VERIFICATION

A. To determine if an incident is a RRE motivated act officers will consider the following criteria. Initial verification will be made by the first officer to respond at the time the incident is reported or observed. Since the below listed criteria are not all-inclusive, when necessary, the ODO/Shift OIC will notify Investigative Services and a final determination will be made upon arrival of an Investigator.

1. Motive as determined by the Investigating officer based on a common-sense review of the circumstances surrounding the entire incident itself (i.e. – the totality of circumstances).
2. Display of any RRE offensive symbol(s), word(s), or act(s).
3. Effect on the victim(s) or perception of the victim(s).
4. Statement(s) of suspect(s)/victim(s).
5. Prior history of similar incidents in the same area or against the same RRE group.
6. A violation of any of the statutes enumerated in Section III.A-B outlining criteria for reporting RRE acts.

B. Additionally, it may be helpful to ask the below listed questions:

1. Is the victim of the incident a member of one RRE group and the suspect a member of another RRE group?
2. Did the incident occur solely because of an RRE difference between the person(s)/group(s) or for other reasons?
3. Is the victim the only RRE group member in the neighborhood – or one of a few?
4. Did the victim recently move into the area – is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time are all the victims of one RRE group?
6. Has the victim been associated with any recent or past RRE activities relating to his/her faith or to anti-discrimination activities?
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (i.e. – color of paint used, correctness of the spelling of words, symbols and/or signs used, etc.)? Is it similar to other documented incidents?
9. Has the victim had past or repeated attacks of a similar nature?

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10. Is there a coincidence of the act to holidays, school activities, etc
 11. Is there an ongoing neighborhood problem that may have sparked/contributed to the event (i.e.- could the act be retribution for some conflict with neighbors, area juveniles, etc.)?
 12. If an organized hate group (i.e.- Ku Klux Klan, American Nazi Party, skin heads, Adolfo Defense League, etc.) is indicated in the incident:
 - a. Is any literature present – printed or handwritten?
 - b. Does the same signify a “copy-cat” syndrome?
 - c. Is there any documented or suspected organized hate group activity in the area?
 - d. Was this group indicated in a true sense, or as a fear or scare tactic?
 13. What was the motivation (as far as can be determined or reasonably inferred) of the party(s) responsible?
 14. Were the true (documented) intentions of the responsible party(s) RRE oriented, or were there other reasons such as childish pranks, unrelated vandalism, etc.
 15. Do the responsible party(s) have a true understanding of the impact of the incident on the RRE victim(s) or other group members?
- C. If, after applying the criteria listed above and asking the appropriate questions, a reported RRE incident cannot be definitely determined to be any other type of problem (or is a borderline case), it will be verified as RRE for investigative and statistical purposes.

V. PROCEDURES

A. All Officers

1. Will, at all times, respond in a sensitive way to the feelings and needs of victims of RRE motivated hate/violence incidents.
2. Will, upon discovering or responding to a RRE hate/violence incident, immediately take all possible investigative and enforcement action and preserve the crime scene and any evidence present.
3. Will immediately notify the ODO/Shift OIC if any RRE motivated destruction or defacement of property has occurred or is suspected (i.e.- cross burning, painted swastikas, etc.).
4. Will gather evidence, including photos, and conduct a thorough search of the crime scene on those incidents where Investigative Services does not respond.

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5. Will prepare a detailed written report, documenting all facts and circumstances surrounding the incident. Report will be clearly classified as RRE.
6. In incidents of cross burning, arson or malicious burning, request a Fire Department Investigator. The Fire Department has primary responsibility in these cases, while the police department provides support.

B. Shift Supervisor

1. Will immediately respond to the scene of all RRE hate/violence incidents occurring within the jurisdiction of this Division where there is a victim (as opposed to a complainant).
2. Will ensure that the crime scene is adequately protected and that Investigative Services has been notified if any RRE motivated destruction or defacement has taken place.
3. Will notify the office of the Fire Marshall whenever a cross burning, arson or other malicious burning has occurred.
4. Will ensure that the crime scene is thoroughly searched and evidence gathered whenever Investigative Services does not respond.
5. Will ensure that all physical remains of the incident are removed after processing has been completed. If the remains are too large to be transported by police cruiser, maintenance will be contacted for use of an appropriate transport vehicle. If the remains cannot be physically carried away (i.e.- paint on the walls, sidewalks, play equipment, etc.), maintenance will be contacted for immediate cleaning and repair.
6. Will ensure that the written report contains full data on the materials used (cross, literature, paint, etc.) including size, construction, wrappings, messages, plus the method of removal and the disposition of the remains.
7. Will ensure that all photos taken are forwarded to the Investigative Services for follow-up investigation.
8. Will notify the Prince George's County Human Relations Commission of incidents having an identified victim. Notifications shall be made between 0900-1600 hours, Monday through Friday. Notification will be made no later than the following working day. Date, time and person notified will be documented.
9. Will as soon as possible, contact the victim(s), assuring them that the preliminary investigation, as well as any necessary follow-up investigation will be actively pursued.
10. Will arrange for increased directed patrol of the area as needed.

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C. Investigative Services

1. Will respond to the scene of any cross burning or any other RRE motivated hate/violence incident if requested by the ODO/Shift OIC and:
 - a. Obtain a sample of the cross, paints or other materials used.
 - b. Photograph and process the scene.
 - c. Gather and take custody of any related evidence.
 - d. Begin an immediate follow-up investigation of the incident.
2. Will conduct a neighborhood canvass to inform residents of the incident and gather appropriate information concerning the general “climate” of the community.
3. Will attempt to mobilize community sentiment against the act(s) of the perpetrator(s) in a positive manner calming the victim(s) community to prevent retaliatory actions.
4. Will enlist the aid of religious groups, community groups, business groups, educational groups and leaders in all areas of society in an effort to obtain public condemnation of the incident.

D. Investigative Operations Assistant Chief/Manager

1. Will ensure that the investigation is actively pursued to a successful conclusion or until all investigative leads have been exhausted.
2. Will ensure that Investigators make immediate follow-up contact with the victim(s) to assure them that the investigation is being actively pursued.
 - a. Within 72 hours, make a follow-up visit to the victim(s) to help eliminate the fear factor, and to assure the victim(s) that the Division is doing everything possible to apprehend the responsible party(s).
3. Will ensure that increased directed patrols of the affected area are continued as long as necessary, but at least for thirty (30) days following the incident.
4. Will maintain contact with the victim(s) concerning the progress of the investigation.
5. Will ensure that the victim(s) and other concerned parties are notified of a case clearance.

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E. Records Management Supervisor

Will ensure that all RRE motivated incidents are reported to the Maryland State Police in accordance with the requirements of the law.

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