

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: <b>HATE, VIOLENCE &amp; RRE INCIDENTS</b>		NUMBER: <b>646</b>
EFFECTIVE DATE: <b>May 17, 2010</b>		REVIEW DATE: <b>May 17, 2022</b>
New    X Amends    Rescinds		Dated <b>April 23, 2002</b>
AUTHORITY: <b>Chief Ronald A. Ricucci</b>		TOTAL PAGES: <b>5</b>

**01 Purpose:** To set out guidelines for police action required when incidents are directed toward racial, religious or ethnic (RRE) groups/individuals, as well as groups and/or individuals with sexual orientation or handicaps.

**02 Policy:** Police officers will take an active role in promoting peace and harmony among diverse groups of people who live and work within the City of Takoma Park. The Department will respond quickly, with all enforcement and investigative capabilities, following every reported RRE incident.

**03 Mandatory Requirements:**

A. Maryland Code, Public Safety Article, §2-307 mandates that: (1) each local law enforcement agency shall provide the Maryland State Police (MSP) information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation; and (2) the MSP shall make monthly reports about such information to the State Commission on Human Relations. The Department fulfills this responsibility to the MSP by inclusion of any hate/bias incidents in the monthly Uniform Crime Reports.

After verifying that an RRE incident occurred, the reporting officer shall notify the Montgomery County Office of Human Rights (MCOHR) at telephone no. 240-777- 8450/fax no. 240-777-8460 within 24 hours or one business day. In the event an RRE incident occurs on Montgomery County Public Schools (MCPS) property, or at a MCPS sponsored event, or in surrounding communities that involve MCPS faculty, students, or staff, the following additional county entities are to be notified within 24 hours or one business day by fax, confidential e-mail or telephone as appropriate: MCPS; Montgomery County Police Department; Maryland National Capital Police - Montgomery County Division; Rockville City Police Department; and Gaithersburg City Police Department.

Notifications are to include: the type of property where the incident occurred (e.g., MCPS school, MCPS-sponsored event, county park); the number of people involved (e.g., three perpetrators, two victims); the status of the individuals involved (e.g., faculty, students, or staff); the level of the school involved (e.g., elementary school, middle school, high school); a short plain statement of the incident (e.g., male student verbally harassed lesbian student); the way the incident came to the attention of school staff, if known; and the school’s immediate and long-term response, if known.

Insofar as possible, a 60-day watch of the RRE victim's neighborhood will be conducted by patrol units.

**04 Criminal Acts - RRE Criteria:** The key criterion for determining whether an incident will be classified as an RRE is the motivation behind the act. Although a precise description of RRE incidents is not possible, a common-sense approach must prevail. The following examples of criminal acts against groups or individuals based on racial, religious, ethnic, handicap, or sexual orientation will be used as criteria:

- A. Cross burning or destruction of a religious symbol on the property of such groups or individuals, or any violation of Maryland Code, Criminal Law Article, §§10-301 thru 10-305.
- B. Explosives: Any violation of Maryland Code, Criminal Law Article, §§4-501 thru 4-503.
- C. Bomb threats: Any violation of Maryland Code, Criminal Law Article, §9-504.
- D. Destroying, Injuring property of another: Any violation of Maryland Code, Criminal Law Article, §§6-301 and 6-302.
- E. Assault and/or Battery as described in Common Law,
- F. Harassment: Any violation of Maryland Code, Criminal Law Article, §3-803.
- G. Interrupting, obstructing or disturbing religious meetings: Any violation of Maryland Code, Criminal Law Article, §10-303.
- H. Possession of a firearm at, or in the vicinity of, a public demonstration: Any violation of Maryland Code, Criminal Law Article, § 4-208.
- I. Unlawful use of the telephone: Any violation of Maryland Code, Criminal Law Article, §3-804.
- J. Misuse of electronic mail: Any violation of Maryland Code, Criminal Law Article, §3-805.
- K. All common law offenses as they pertain to acts of intimidation, harassment, hatred, etc...

**05 Non-Criminal Acts - RRE Criteria:** Any non-criminal act directed at any individual or group, as described in **01** of this General Order, done with apparent or deliberate intent to harass, intimidate, threaten, retaliate, and/or create conflict.

**06 Verifying RRE Incidents:**

A. The on-duty supervisor will initially verify that an incident fits the criteria of RRE. Criteria may be applied singularly or in combination. Since the criteria are not all-inclusive, the supervisor, when necessary, will confer with CID. CID will then make a final determination. The criteria are:

- \* Apparent motive, or lack of a motive other than obviously RRE intended;
- \* Display of offensive symbols, words or acts;
- \* A common-sense review of all circumstances surrounding the incident;
- \* Effect and/or impression upon the victim;
- \* Statement(s) of suspects;
- \* Prior consistent incidents of a similar nature; and
- \* Violation of any statutes enumerated previously herein.

**07 Verification - Victim Interview:** In applying the preceding criteria, it may be helpful to ask the questions listed below. These questions are a guide and not all-inclusive.

- A. Are the victim and the suspect members of conflicting groups?
- B. Did the incident occur solely because of an RRE related difference between perpetrator and victim?
- C. Is the victim a minority in the neighborhood?
- D. When multiple incidents occur at the same time, are all victims related as to group affiliation?
- E. Has the victim had past attacks of a similar motivation?
- F. Did the act coincide with religious observances?

If, after applying the aforementioned criteria, and asking appropriate questions, the incident cannot be categorized as any other type of problem, it will be classified as an RRE incident.

**08 Patrol Responsibilities:**

- A. Any officer handling a suspected RRE incident will respond in a sensitive way to the feelings and needs of the RRE victim.
- B. The crime scene and available evidence will be carefully preserved, and all possible enforcement and investigative action will be taken immediately.
- C. CID will be notified immediately.

**D.** A detailed written report will be prepared documenting all facts and circumstances surrounding the incident.

**E.** The working shift supervisor will:

1. Respond immediately to the scene.
2. Ensure that the scene is adequately protected and that CID has been notified.
3. Cause the notification of the appropriate agencies (e.g., FBI, Fire Marshal, etc...) depending on the crime in accordance with General Order 621 Notifications, Media and Release of Information.
4. Cause the notification of the Duty Commander.
5. Assure the victim that the preliminary investigation, as well as any subsequent follow-up, will be actively pursued.
6. If the incident occurred on public property, ensure that all physical remains of the incident are removed after processing has been completed. If the remains are on private property, the supervisor shall coordinate their expedited removal.
7. Ensure that the original officer's report contains full data, including a detailed description of the materials used, the messages, plus the method of removal and disposition of the remains.
8. Ensure that all photos are forwarded to CID.
9. Arrange for increased patrol as needed.

**09 CID Responsibilities:** CID may respond to the scene and, if necessary, will:

- \* Collect all appropriate evidence,
- \* Photograph the scene, and
- \* Begin immediate investigation.

**10 Criminal Investigations Commander Responsibilities:**

- A.** Ensure that an investigator, when appropriate, responds to every reported, verified incident. Ensure that the investigation is actively pursued to a successful conclusion, or until all leads, have been exhausted.
- B.** Make sure that the case receives top priority, and that the victim is contacted immediately and regularly.
- C.** Make a follow-up contact to the victim within 72 hours as assurance that the Department is vigorously pursuing the case, and to assuage the victim's fears and concerns.
- D.** Ensure that the proper notifications to the MCOHR (and other county entities if appropriate according to Section 03 herein) have been made.
- E.** Coordinate with the Patrol Operations Commander to ensure that increased patrol of the affected area is continuing.
- F.** Ensure that statistics relating to RRE incidents are available and up-to-date.
- G.** Ensure that the victim and other concerned persons are notified of a case clearance.
- H.** The assigned beat officer will conduct a neighborhood canvass to inform residents of the incident and gather appropriate information.
- I.** Report any investigative leads or information to CID.