



# Hate Bias Incidents and Crime

Section: 2.430  
Effective Date: May 25, 2010  
Amended: January 26, 2021

---

## 2.430 Hate Bias Incidents and Crimes

### 2.430.02 University Position and Investigation of Hate Bias Incidents & Crimes

- A. The University of Baltimore is located in a vibrant, multicultural city and embraces the challenges of multiculturalism and inclusion in its academic and co-curricular programming, enrollment processes, retention initiatives, and hiring decisions.
- B. The University is, at the same time, committed to creating an inclusive community in which diversity is respected and celebrated. (Cultural diversity is defined as the inclusion of those racial and ethnic groups and individuals that are or have been underrepresented in higher education.) As such, the Office of the Provost is ultimately responsible for cultural diversity and through the publication of ***Cultural Diversity Plan***, the University's initiatives toward creating a campus that welcomes and embraces diversity in its many forms is explained. This plan specifies a set of objectives that will enhance the cultural diversity of the University along with plans for achieving those objectives. It also answers specific questions concerning the process for responding to campus based hate crimes and resources needed to support the diversity plan.
- C. The University embraces the plan's cultural diversity principles which affect all university students, faculty, staff, departments, committees, offices, and organizations. It will not tolerate any incidents involving racial, religious, ethnic, cultural or sexually oriented intimidations and harassment.
- D. To address hate crimes as defined under title 10, subtitle 3 of the Criminal Law Article, the University's Police Department, which maintains an active role in promoting peace and harmony among the many diverse groups present in the University community, is responsible for responding to and investigating those potential hate bias incidents which have been perpetrated with an apparent intent to:
  - 1. Intimidate;
  - 2. Threaten;
  - 3. Retaliate;
  - 4. Create a bias conflict; or
  - 5. Cause injury or harm.
- E. If a hate crime, as defined under title 10, subtitles 3, of the Criminal Law Article, is reported to the University of Baltimore Police Department (UBPD), the department shall immediately assign the case to an investigator and begin a criminal investigation with a view towards prosecution. Moreover, any hate crime investigated by the UBPD is reported to the Federal Bureau of Investigation in accordance

with the Uniform Crime Report (UCR) guidelines. In addition to the UCR reporting protocols, any such hate crime is also reported to the U. S. Department of Education as mandated by the federal law known as the ***Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act***. The Dean of Students and the Office of Diversity Education and Programs would be notified of any hate crime so that intervention and counseling services could be activated to support the campus community.

- F. Officers assigned to investigate reports of hate bias incidents are responsible for initiating a timely response to hate bias incident scenes for clean-up and/or removal of any remaining offensive artifacts remaining after incident scene processing.

#### **2.430.04 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.

#### **2.430.06 Maryland Hate Bias Reporting Law**

- A. The Captain 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.

**2.430.08 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.
1. The Captain or specifically designated employees, are responsible for ensuring Hate/bias incidents are reviewed.

**2.430.10 Investigating Officer**

- A. The investigating officer is to respond in a sensitive way to the feeling and needs of the victim/s, thus reducing the feeling of alienation;
- B. Immediately take all possible investigative and enforcement action;
- C. Preserve the crime scene and evidence;

- D. Gather evidence and search the scene;
- E. Photograph the crime scene;
- F. Identify and question all possible witnesses, obtaining statements when appropriate;
- G. Notify the Shift Commander or designee of the circumstances pertinent to the reported incident;
- H. Upon the completion of the processing of the crime scene have the offensive material removed or covered, so not to further upset the victim or passers-by;
- I. Prepare a Police report, which must be submitted prior to the end of the officer's tour of duty.
- J. Provide the victim with the information on any support/assistance that may be available via the Victims Witness Assistance Program. **A Victim/Witness Assistance Guide will be provided.**
- K. The Shift Commander or designee will determine at any time who assume control of the investigation and any subsequent follow-up.

#### **2.430.12 Shift Supervisor/OIC Responsibility**

- A. Respond to the scene of all Hate Biased incidents;
- B. Ensure that the crime scene is protected;
- C. Ensure that the crime scene is properly searched and evidence is gathered;
- D. Meet, as soon as possible, the victim(s), assuring each that the preliminary investigation, as well as any follow-up, will be actively pursued;
- E. Arrange for an immediate increase of patrols throughout the affected area;
- F. Ensure that all physical remains of the incident are removed after processing is completed. If the remains cannot be physically carried away (example: paint on wall), the supervisor is to make every effort to see the proper University personnel complete restoration;
- G. Make the required command contacts;
- H. Ensure that the report which is filed by the investigating officer is completed prior to the end of the officer's tour of duty and contains full data of the incident (cross, literature, paint, etc. including the size, construction, wrappings, messages);
- I. Ensure that the crime scene has been photographed and that said photographs are properly forwarded with any other evidence collected pertinent to the investigation
- J. Ensure that the victim(s) have received the Victims/ Witness Guide(s);
- K. Ensure that there is follow-up contact made with the victim(s)
- L. The final determination in reference to the verification of investigated incidents and the reporting of the incidents to the Maryland State Police UCR Program will be the responsibility of the Lieutenant or designee.