

SOUTH BURLINGTON POLICE DEPARTMENT

PR 310: Hate Crimes – Bias Incident Response

Effective: 6/15/2020

Updated: 6/11/2020

1. PURPOSE

The purpose of this policy is to establish guidelines for identifying and investigating both hate crimes and bias incidents in order to assist victimized individuals and communities. A swift and strong response can critically aid the community in addition to resourcing directly affected victims.

2. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias intended to infringe upon the rights of individuals are viewed very seriously by the South Burlington Police and will be given high priority.

The South Burlington Police will employ all necessary resources and vigorous investigation to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative impacts these crimes have on the community, this agency shall be mindful of and responsive to the security concerns of victims and other community members impacted.

The South Burlington Police shall follow a standard system for collecting, analyzing, and reporting incidents that are, in whole or in part, directed against individuals because of race, religion, ethnicity, gender, sexual orientation, gender identity, or disability.

3. DEFINITIONS

1. **Hate Crimes:** Actual or attempted crimes maliciously motivated by the victim's actual or perceived race, color, religion, age, disability, national origin, ancestry, sexual orientation, gender identity or service in the armed forces.
2. **Civil Harassment Offenses:** Conduct, whether a crime or not, that violates state or federal civil laws prohibiting harassment or discrimination in daily life, such as employment, housing, or public accommodations.
3. **Biased but Protected Speech:** Speech or expressive conduct that while biased and deeply offensive to members of the community, may nonetheless be constitutionally protected under the Vermont and federal constitutions.

4. INITIAL RESPONSE PROCEDURES

1. Initial responding officers at the scene of a suspected hate crime or bias incident shall follow agency's standard protocol for responding to and investigating incidents. In particular, officers shall:

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- a. Render necessary aid to any or all victims and show appropriate empathy.
- b. Identify witnesses.
- c. Collect physical evidence.
- d. Recognize the potential need for and request the assistance of a translator or other support mechanism needed to support the victim(s).
- e. Notify the Officer in Charge (OIC).
- f. Ensure that all statements made by victims, witnesses and suspects are recorded in a timely fashion; exact language is critical in establishing evidence of hate or bias.
- g. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photographs should be taken and the owner of the property should be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The investigator shall follow up to ensure that this is accomplished in a timely manner.
- h. Identify prior bias-motivated occurrences in the immediate area or against the same victim.
- i. Follow reporting standards specific to bias incidents / hate crimes.

5. SUPERVISOR RESPONSIBILITIES

1. The on duty OIC shall respond to the scene of any hate crime or bias incident and take command of the investigation.
 - a. Notify the responsible Lieutenant of the nature and seriousness of the incident and its potential inflammatory / negative impact on the community.
 - b. Request additional resources; BCI or other partner agencies respond to assist with the investigation.
 - c. Provide updated information on the status of the investigation and the community impact by the end of their shift.
 - d. Provide immediate assistance to any associated victim(s)
 - e. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the incident under investigation.
 - f. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, religious leaders, advocates, State organizations such as the Human Rights commission or non-governmental organizations such as the Vermont Pride Center.
 - g. Oversee any criminal investigation and insure that the State Attorney's Office is conferred with regarding Hate Crime enhancement as outlined in Title 13 VSA 1455.

6. REPORTING

1. In addition to conducting investigations, and the Department's standard operating procedure of presenting criminal cases to the Chittenden County State's Attorney, this Department will

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promptly notify the Attorney General’s Office (AGO) of any incident bias or hate crime in nature. Notifications shall be provided even if the complaint or report of a Bias Incident does not appear to constitute a crime.

2. Notice to the AGO may be provided by phone at **(802) 828-3657** or by email to ago.civilrights@vermont.gov.
3. The AGO may provide direct assistance and/or refer the incident to other criminal or civil enforcement authorities, such as the U.S. Attorney’s Office or the Vermont Human Rights Commission. The AGO may also assist in non-enforcement responses, such as community outreach, in cases of Biased but Protected Speech.

7. COMMUNITY RELATIONS AND PREVENTION

1. Hate crimes and bias incidents are viewed in the community not only as acts against the targeted victim(s), but also as a crime against the identified group as a whole. The agency’s community relations function, or officers assigned, shall perform the following:
 - a. Continue to help the victim, including protecting their privacy as much as possible.
 - b. Work with segments of the larger community after such incidents to help reduce fear, stem possible retaliation, reduce stigma, and encourage any other previously victimized individuals to step forward and report those incidents.
 - c. Especially in the most serious crimes, meet with neighborhood groups, residents in target communities, and other identified groups as soon as possible to allay fears; emphasize the agency’s concern over the specific hate crime / bias incident under investigation and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.
 - d. Engage the media as soon as possible as partners in restoring victimized communities through sensitive and accurate reporting.
 - e. Conduct public meetings or forums designed to address the community-wide impact of hate crime or bias incidents in general.
 - f. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate crimes or bias incidents.
 - g. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

APPROVED BY:



DATE: 06/11/2020