



BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-23 SECTION F-5

REPORTING OF BIAS INCIDENTS RELATING TO RACE, RELIGION, ETHNIC ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION OR A DISABILITY Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions
- IV. Criteria for Determining Racial, Religious, Ethnic, Sexual Orientation, Gender Identity, Gender Expression or Disability Hate/Bias Incidents
- V. Criteria for Verifying Racial, Religious, Ethnic, Sexual Orientation, Gender Identity, Gender Expression or Disability Hate/Bias Incidents
- VI. General Responsibilities
- VII. Effective Date

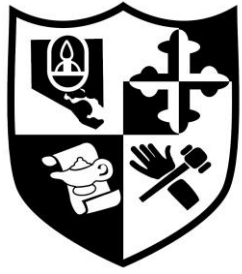
I. DIRECTIVE

It is the responsibility of the Baltimore City School Police Force (BCSPF) to bring the operational investigative, and support elements of this department to respond and address all reported or observed incidents of racial, religious, ethnic, sexual orientation, gender identity, gender expression or disability hatred.

Baltimore City Public Schools will not tolerate the occurrence of such incidents and will ensure that individuals and groups in and around our schools are free of racial, religious, or ethnic (RRE) intimidation or harassment and, intimidation or harassment based upon sexual orientation, gender identity, or gender expression.

II. PURPOSE

The purpose of this General Order is to provide guidance in determining whether a racial, religious, ethnic, sexual orientation, gender identity, gender expression or disability hate/bias incident has occurred. The BCSPF takes the approach that the unique nature of these incidents requires special handling from the department. It is the department's responsibility to investigate these acts and to recognize and react in a supportive manner to the emotional trauma experienced by the victims, families, and citizens of the community who have witnessed/suffered such incidents. The department recognizes the fears and distress typically



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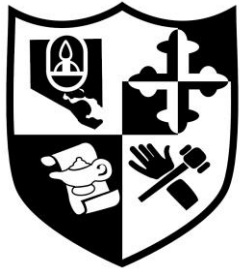
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suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community. As a result, departmental members should be mindful and responsive to the safety concerns of victims and their families.

III. DEFINITIONS

- A. **Bias-Based Incidents-** Conduct, speech or expression motivated, in whole or in part, by bias or prejudice. It differs from a hate crime in that no criminal activity is involved.
- B. **Ethnic Group** A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.
- C. **Gender Expression-** One's personal way of showing their gender identity through dress, manner, description and/or outward indications.
- D. **Gender Identity-** One's personal sense of having, or not having, a specific gender. While some people personally identify as male or female, others may identify as transgender, gender queer, gender non-conforming, and/or other gender related personal identifications.
- E. **Hate Crimes-** Criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.
- F. **People with Disabilities-** A group of persons having a condition which may substantially limit one or more of the major life functions (i.e. hearing, seeing, walking, learning, concentrating, etc.). People who have a history of disability or who are regarded as having a disability may also be protected.
- G. **Race-** A group of persons who possess common physical characteristics (i.e., color of skin, eyes, and/or hair, facial features, etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.
- H. **Religious Group-** Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- I. **Sexual Orientation-** One's emotional, romantic, and/or sexual feelings toward others. These feelings may be directed toward those of sexual orientations which are the same as and/or different from one's own sexual identity, gender identity and/or gender expression.



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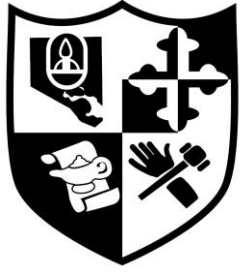
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IV. CRITERIA FOR DETERMINING RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION OR DISABILITY (RRESOD) HATE/BIAS INCIDENTS

The following criteria are to be used in determining whether or not an incident is racially, religiously, or ethnically biased nature and whether or not it is covered by this policy. This 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 the situation looks like an incident of RRESOD bias, it should be reported as such. Verification can be made later in the investigation. The key criterion in determining whether these incidents fit into the definition of an incident of bias is the motivation behind the act.

- A. Examples of criminal acts which are directed at any person or group of persons because of their racial, religious, ethnic, sexual orientation, gender identity, gender expression or disability origin include:
1. All common law offenses pertaining to acts of intimidation, hatred/bias, etc.
 2. Assault- Any verbal threat or assault and battery which is directed against a person or persons because of their origin (CR 3-202).
 3. Bomb threats- Any violation of CR 9-504, perpetrated against a person or persons because of their origin.
 4. Burning cross or religious symbol- Any violation of CR 6-104.
 5. Destroying, injuring property of another- Any violation of CR 6-301, which is directed against groups because of their origin. If in violating CR 6-301, any written language or symbol is used which has been historically directed against persons because of their origin, it must be reported. Examples include swastikas or racial epithets.
 6. Disorderly conduct- Any violation (written or oral) of CR 10-201, directed against a person or persons because of their origin and disturbs the peace and tranquility of the community.
 7. Explosives- Any violation of CR 9-505, perpetuated against a person or group of persons because of their origin.
 8. Interrupting or disturbing religious meetings- Any violation of CR 10-301, which is directed against a person or persons because of their origin.



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9. Possession of firearm in proximity of public demonstration- Any violation of CR 4-208, which occurs at a public demonstration.
 10. Unlawful use of the telephone- Any violation of CR 3-804, which is directed against groups because of their origin. For example, any racial, religious, ethnic, or sexual slurs.
- B. Any non-criminal act directed at any identified group (or individuals within these groups), which is done with the apparent intention to: harass, intimidate, threaten, retaliate, or create racial, religious, or ethnically motivated conflict will be considered a hate/bias incident and will be covered by this General Order.

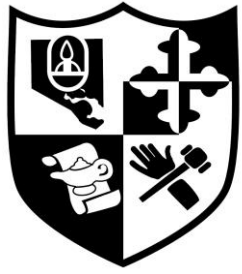
V. CRITERIA FOR VERIFYING RACIAL, RELIGIOUS, ETHNIC, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION OR DISABILITY HATE/BIAS INCIDENTS

In determining whether or not an incident reported as a hate/bias motivated act is actually verified as such, the following criteria should be applied, either singularly or in combination. This verification will be done by police sergeant or supervisor at the time the incident occurs. The judgement of the officer must also be applied in the final determination since the criteria listed below are not all inclusive.

- A. Expressed motive or lack of any other apparent motive for the hate/bias act.
- B. Display of any hate/bias related offensive symbol(s), word(s), or act(s);
- C. A common sense review of the circumstances surrounding the entire incident itself (i.e., the totality of circumstances);
- D. Effect on the victim(s);
- E. The victim(s) perception of the incident;
- F. Statement(s), comments, or gestures of suspect(s)/victim(s);
- G. Prior history of similar incidents in the same area or against the same victim group; and
- H. A violation of any of the statutes enumerated above outlining criteria for reporting hate/biased acts.

VI. GENERAL RESPONSIBILITIES

Md. Code Ann., Pub. Safety Art. § 2-307 provides for the reporting of hate based incidents to the Maryland State Police. To ensure that such incidents are investigated and reported as required by



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law, the following procedures must be followed by all staff.

- A. School officials will promptly report to the School Police all incidents coming to their attention.
- B. School Police personnel will investigate such reports to determine whether they are to be verified as incidents.
- C. School Police will take appropriate law enforcement action where it is warranted and, when necessary, involve other appropriate law enforcement agencies.
- D. School Police will report incidents to the Maryland State Police as required by law in conjunction with the Maryland State Department of Education.
- E. School officials will also take appropriate disciplinary action with regard to students and school personnel directly involved in incidents on school property in accordance with established rules and procedures of the New Board of School Commissioners.

When members of this department encounter any incident directed against an individual or group because of the individual's or group's race, religion, ethnic origin, sexual orientation, gender identity, gender expression or a disability, members of the BCSPF shall:

1. Determine whether a reported incident/offense was directed against a person's race, religion, ethnic origin, sexual orientation, gender identity, gender expression, or a disability.
2. Report all incidents, criminal or non-criminal with racial, ethnic origin, sexual orientation, gender identity, gender expression or a disability interest to the on-duty supervisor.
3. Request the assistance of the on-duty supervisor and criminal investigator as needed.
4. Provide the victim with contact information for the Baltimore City Community Relations Commission, which provides direct service to victims of bias/discrimination related acts of intimidation and violence. (410-396- 3141)
5. Have the crime scene processed for incidents such as burnings or attempt to burn, bombings, etc., and note in the offense report when appropriate.
6. Complete a crime incident report to include the following:
 - a. Record the name of the person in box #20 of the Crime/Incident Report when applicable.
 - b. Enter the actual type of incident in box #1, with a notation in parenthesis whether it was directed against the race, religion, ethnic origin, sexual orientation, gender



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- identity, gender expression or disability of a person or group.
- c. Identify the name of the individual(s) or group on the first line of the narrative section of each field report.
7. Conduct a follow-up investigation as appropriate/needed.

Field Operations Command Shall:

1. Compile a permanent statistical log recording all Bias Incident Reports forwarded.
2. Ensure that an appropriate follow-up has been made and forwarded.
3. Send a summary of those reports, including a reflection of any reports subsequently determined unfounded to be consistent with the reporting requirements specific by Md. Code Ann., Pub. Safety Art., § 2-307.

VII. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____ Date _____