

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-23 SECTION F-5

REPORTING OF HATE CRIMES AND HATE/BIAS-BASED INCIDENTS Revisions Approved: September 27, 2022

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions
- IV. Identifying Hate Crimes and Hate/Bias-Based Incidents
- V. Criteria for Verifying Hate Crimes and Hate/Bias-Based Incidents
- VI. General Responsibilities
- VII. Effective Date

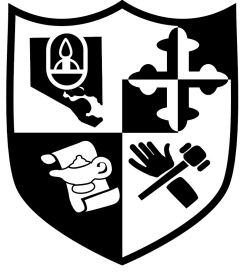
I. DIRECTIVE

It is the responsibility of the Baltimore City School Police Force (“BCSPF” or “School Police”) to bring the operational, investigative, and support elements of this department to respond and address all reported or observed incidents of hate crimes, as well as hate/bias-based incidents.

Baltimore City Public Schools (“City Schools”) will not tolerate the occurrence of hate crimes or bias-based/hate incidents, and it will ensure that individuals and groups in and around our schools are free of bullying, harassment, and intimidation based on their actual or perceived personal characteristics. For purposes of this General Order, actual or perceived personal characteristics include race, ethnicity, color, ancestry, national origin, nationality, religion, sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, family structure, ability (cognitive, social/emotional, and physical), veteran status, genetic information, age, immigration or citizenship status, socioeconomic status, language, or any other legally or constitutionally protected attributes or affiliations

II. PURPOSE

The purpose of this General Order is to provide guidance in determining whether a hate/bias-based incident or hate crime has occurred. The unique nature of these incidents requires special handling from the BCSPF. It is the BCSPF’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. BCSPF recognizes the fears and distress typically 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, BCSPF



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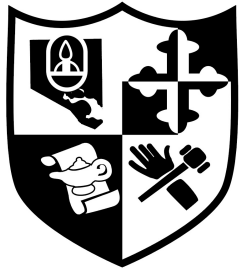
personnel should be mindful and responsive to the safety concerns of victims and their families. Special emphasis shall be placed on victim assistance and community cooperation in order to reduce fear and intimidation.

This General Order also serves the purpose of aligning BCSPF's policies and procedures with Baltimore City Board of School Commissioners ("Board") Policies ACA (Nondiscrimination – Employees and Third Parties), ACB (Sex-Based Discrimination – Employees and Third Parties), ADA (Equity), JBA (Nondiscrimination – Students), and JBB (Sex-Based Discrimination – Students), as well as the accompanying administrative regulations, and General Orders 10-58 (Equal Opportunity) and 10-40 (Sexual Harassment and Other Sex-Based Discrimination).

When investigating a hate crime or hate/bias-based incident directed toward a member of the lesbian, gay, bisexual, transgender, and queer/questioning community, BCSPF personnel shall also be guided by General Order 18-05 (Interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning ("LGBTQ") Persons). When investigating a hate crime or hate/bias-based incident directed toward an individual with a disability, BCSPF personnel shall also adhere to General Order 18.04 (Individuals with Disabilities).

III. DEFINITIONS

- A. **Bias** – An opinion or judgment formed beforehand or without full knowledge or complete examination of facts.
- B. **Hate/Bias-Based Incident** – Conduct, speech, or expression motivated, in whole or in part, by bias, hate, or prejudice towards an individual or group based on their actual or perceived personal characteristics, which does not rise to the level of a criminal offense.
- C. **Hate Crime** – A crime, including a threat to commit a crime, motivated either in whole or in substantial part by another individual's or group's race, color, religious beliefs, sexual orientation, gender, disability, national origin, or because the individual or group is homeless. *See* Maryland Ann. Code, Criminal Law Article, § 10-304.
- D. **Personal Characteristics** – Race, ethnicity, color, ancestry, national origin, nationality, religion, sex, sexual orientation, gender, gender identity, gender expression, marital status, pregnancy or parenting status, family structure, ability (cognitive, social/emotional, and physical), veteran status, genetic information, age, immigration or citizenship status,



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socioeconomic status, language, or any other legally or constitutionally protected attributes or affiliations.

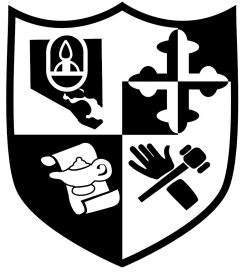
IV. **IDENTIFYING HATE CRIMES AND HATE/BIAS-BASED INCIDENTS**

A hate/bias-based incident is a reported act which appears to be motivated, or is perceived by the victim to be motivated, all or in part by actual or perceived personal characteristics. To be a hate/bias-based incident, the act is not required to be a crime under any federal, state, or local statutes. 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 bias or hate, 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 or hate is the motivation behind the act.

A. Hate Crimes

Examples of hate crimes 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.
9. Possession of firearm in proximity of public demonstration - Any violation of CR 4-



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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.

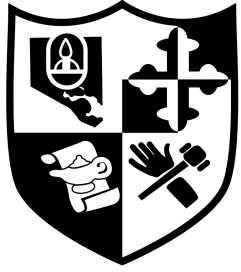
B. Hate/Bias-Based Incidents

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 conflict motivated by actual or perceived personal characteristics will be considered a hate/bias-based incident and will be covered by this General Order.

V. CRITERIA FOR VERIFYING HATE CRIMES AND HATE/BIAS-BASED 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 a School 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 incident;
- B. Evidence at the scene, such as the display or symbols or words which are known to the victim(s) to represent a hate group or bias/prejudice/hate against the victim(s);
- C. A common-sense review of the totality of the circumstances surrounding the entire incident;
- D. Effect on the victim(s);
- E. The perception of the incident by the victim(s);
- F. Statement(s), comments, or gestures of suspect(s)/victim(s);
- G. Prior history of incidents with similar circumstances (e.g., incidents in the same area or



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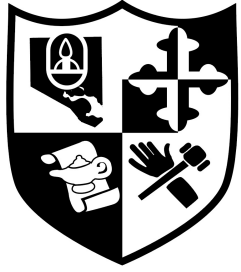
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against the same victim group);

- H. Area demographics (e.g., an above average number of LGBTQ members residing and/or working in the community);
- I. The officer's knowledge of the community where the incident occurred; and
- J. A violation of any of the statutes enumerated above outlining criteria for reporting hate/biased acts.

VI. GENERAL RESPONSIBILITIES

- A. Md. Code Ann., Pub. Safety Art. § 2-307 provides for the reporting of certain hate/biased-based incidents to the Maryland State Police based on race, religion, ethnicity, or sexual orientation. To ensure that such incidents are reported and investigated as required by law, the following procedures must be followed by all BCSPF personnel.
 - 1. City Schools staff will follow all reporting and investigation protocols, procedures and requirements regarding discrimination, including bullying, harassment, and intimidation of students, as set forth in Board Policies ACA, ACB, JBA, JBB, and JICK, as well as their accompanying administrative regulations, as well as General Orders 10-58 (Equal Opportunity) and 10-40 (Sexual Harassment and Other Sex-Based Discrimination).
 - 2. Pursuant to these protocols, City Schools staff must forward to the City Schools' Equal Educational/Employment Opportunity & Title IX Compliance Manager ("EEO Manager") all reports of bullying, harassment, or intimidation, based on actual or perceived personal characteristics, that may constitute a hate crime.
 - 3. In addition, City Schools personnel will promptly report all alleged criminal incidents, including hate crimes, to the School Police.
 - 4. School Police personnel will investigate such reports to determine whether they are to be verified as hate crimes or hate/bias-based incidents.
 - 5. When hate crimes or hate/bias-based incidents involving students are reported to the School Police or otherwise come to their attention, they will consult with the EEO Manager and the principal/designee to determine appropriate next steps and whether law enforcement action or a diversion/intervention referral is warranted, and, when necessary, involve other appropriate law enforcement agencies, consistent with the

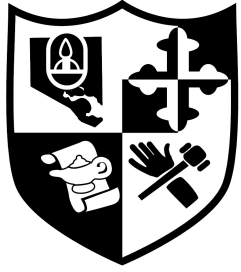


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- Memorandum of Understanding between BCSPF and the Baltimore City Police Department.
6. School Police will work with the EEO Manager to report incidents to the Maryland State Police as required by law in conjunction with the Maryland State Department of Education.
 7. School officials will also take appropriate disciplinary action regarding students and school personnel directly involved in hate/bias-based incidents on school property accordance with Board Policies JBA (Nondiscrimination – Students) and JBB (Sex-Based Discrimination – Students) and the accompanying regulations.
- B. When BCSPF personnel encounter any alleged hate crime or hate/bias-based incident, BCSPF personnel shall:
1. Render aid, if needed.
 2. Identify and document whether the reported incident appears to have been motivated by an individual's or group's actual or perceived personal characteristics, based on the criteria listed above.
 3. Report all alleged hate crime or hate/bias-based incident to the on-duty supervisor.
 4. Request the assistance of the on-duty supervisor, criminal investigator, and/or EEO Manager as needed.
 5. 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)
 6. Advise the victim to contact the School Police or Baltimore City Police Department if any further threats or acts of intimidation occur.
 7. Conduct a thorough preliminary investigation of the alleged hate crime or hate/bias-based incident.
 8. Preserve the crime scene and have it processed for incidents such as burnings or attempt to burn, bombings, etc., and note in the offense report when appropriate.
 - a. If incendiary or similar hazardous material is involved, notify the Fire Department.
 - b. If there is a display or graffiti that is offensive, immediately cover or remove it after it is processed. The display or graffiti must be noted in the Crime/Incident Report.
 9. Complete a Crime/Incident Report to include the following:



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- 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 actual or perceived personal characteristics 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.

10. Conduct a follow-up investigation as appropriate/needed.

C. Field Operations Command Shall:

1. Compile a permanent statistical log recording all hate crimes and all hate/bias-based incident reports forwarded.
2. Provide guidance and direction, as needed, to subordinates conducting preliminary investigations
3. Ensure that all reports have been forwarded to the EEO Manager.
4. Ensure that the incident is handled in an appropriate and professional manner.
5. For incidents that meet the criteria for hate crime or incident reporting, ensure the "Hate Crime" fields are appropriately marked on the Crime/Incident Report.
6. 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.
7. Ensure that an appropriate follow-up investigation has been undertaken.
8. Ensure follow-up visits are conducted with the victim to alleviate fear and intimidation. Be conscientious of the victim's concerns.

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 _____