
	GAITHERSBURG POLICE DEPARTMENT		
	Investigation of Hate/Bias Crimes		
	GENERAL ORDER	604.4	
Effective Date	03/19/2015		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. DEPARTMENT POLICY

It is the policy of the department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnicity, sexual orientation, gender, or disability.

It is the policy of the department to assist employees in identifying crimes motivated by hate and bias toward an individual's race, religion, ethnicity, sexual orientation, gender, or disability and to define appropriate steps for assisting victims and conducting investigations.

Patrol officers are responsible for the preliminary investigation of incidents motivated by a person's race, religion, ethnicity, disability, or sexual preference.

The department will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators and attend to the security and related concerns of the immediate victims and their families.

II. DEFINITIONS

A. **Hate Crime**
Any unlawful action designed to frighten, harm, injure, intimidate, or harass an individual in whole or in part because of a bias motivation against the victim's actual or perceived race, religion, ethnic background, sexual orientation, gender, or disability of the victim.

B. **Hate Incident**
Hate incidents are those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.

III. Prohibitions Under Criminal Law CR 10-301

A. A person may not attempt or actually deface, damage, or destroy religious real or personal property that is owned, leased, or used by a religious entity.

B. A person may not by force or threat of force, obstruct or attempt to obstruct a person in the free exercise of that person's religious beliefs.

- C. A person may not harass or commit a crime on another person or damage real or personal property of another person because of that person's race, color, religious beliefs, sexual orientation or national origin.
- D. A person may not deface, damage or destroy, attempt to deface, damage or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased or used, including a cemetery, library, meeting hall, recreation center, or school; because a person or group of a particular race, color, religious belief, or national origin has contacts or is associated with the building or; if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, or national origin of that person or group.

IV. Investigative Procedures

A. Patrol Officer Responsibility

1. Patrol officers investigating an incident allegedly committed because of the victim's race, religion, ethnicity, disability, or sexual preference will notify the on-duty shift supervisor, MCP Watch Commander, GPD Investigative Section and/or the appropriate MCP Investigative Section for events requiring specialized investigators of all verified incidents or arrests.
2. Upon verification of the incident, the officer conducting the preliminary investigation will ensure that the MCP Community Relations Section, MCP Media Services, and the GPD PIO are notified of all incidents. **Copies of all relevant reports will be immediately faxed to MCP Community Relations.**
3. Preliminary and follow-up investigations will be conducted pursuant to established GPD procedures and investigative protocols.
 - **See General Order 604.2 - *Preliminary and Follow-up Investigations.***
 - **See General Order 607.2 - *Notifications of Investigators.***
 - ***A photocopy shall also be faxed by the investigating officer to the 6th District Montgomery Village Victim Advocate.***
 - ***The on-duty supervisor shall ensure that a Command Staff notification is made, via email or telephone, promptly***

for any Hate Crime or Incident reported in the city to Gaithersburg Police or Montgomery County Police.

B. Notification of Human Relations Commission

1. The Chief of Police is ultimately responsible for reporting information relating to victims of hate/bias incidents/crimes to the Human Relations Commission. This is accomplished by faxing a copy of the event report to the MCP Records Division.
2. The MCP Records Division provides to the HRC, within three days of the date the incident, information pertaining to the incident and its victims.

C. Reporting Requirements

1. All verified incidents require an Event Report and an appropriate follow-up investigation.
2. Officers will complete the appropriate sections of the event report to indicate the nature of the hate crime.
3. Reports documenting hate crimes must be completed and submitted by the investigating officer for supervisory review prior to the conclusion of the investigating officer's tour of duty.