I. PURPOSE

A. To establish procedures for properly documenting bias related incidents and crimes according to federal laws, state statute, and departmental and university policies.
B. To define appropriate steps for assisting victims and apprehending suspects.
C. To ensure that the proper university personnel are notified of hate/bias crimes and incidents to ensure proper follow-up by the university’s judicial process and counseling center.
D. To acquaint all officers with these procedures and hold all personnel accountable for proper documentation and follow-up.

I. POLICY

A. It is the policy of the University of Rhode Island Police Department to safeguard the state and
federal rights of all individuals irrespective of their race/skin color, religion, ethnic background, sexual orientation, gender identity, gender expression, or disability.

B. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes designed to infringe upon these rights are viewed very seriously by the University of Rhode Island Police Department and will be given high priority.

C. Any bias or hate related incidents or crimes will be properly documented in the records management system. Notifications will be made to the appropriate university personnel.

D. Particular attention will be given to addressing the security and related concerns of the victims and others affected by these crimes or incidents.

I. DEFINITIONS

A. HATE CRIMES—as defined by Rhode Island General Law 42-28-46—“any crime motivated by bigotry and bias, including, but not limited to threatened, attempted, or completed acts that appear after investigation to have been motivated by racial, religious, ethnic, sexual orientation, gender or disability prejudice.”

B. BIAS-BASED INCIDENTS—As defined by the University of Rhode Island Student Handbook—"A bias-based incident is one which has a negative effect on an individual or group and which is based on or motivated by bias against any race, color, religion, national origin, sexual orientation, gender, disability or age. The incident is experienced as hurtful by one or many and may involve harassment, the creation of a hostile environment, property damage, verbal threats of violence, or physical violence. The incident may or may not involve breaches of University Policies or state or federal law."

C. 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 (i.e., Asians, whites, blacks, etc.)

D. ETHNIC GROUP—A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (i.e., Arabs, Hispanics, etc.)

E. 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.e., Catholics, Jews, Protestants, Atheists, etc.)

F. 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. (i.e., gays, lesbians, heterosexuals, etc.)

G. 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.

H. GENDER EXPRESSION—One’s personal way of showing their gender identity through dress, manner, description and/or other outward indications.

I. 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.
I. PROCEDURE

A. When an officer arrives on the scene of a potential hate crime or incident, the following factors should be considered in determining whether a crime is a “hate crime”:
   1. The offender and victim are of a different and/or perceived to be of different racial, ethnic, religious, sexual, or gender identities, and/or ability/disability. (i.e. black/white; heterosexual/homosexual).
   2. Bias or prejudice in a statement made by the offender (oral or written)- (i.e., racial, religious, or ethnic slur, anti-female remark, anti-gay remark, comments against disabled persons.)
   3. Bias or prejudice related objects, drawings, symbols, or graffiti left at the scene of the crime (i.e. swastikas, cross-burning, etc.)
   4. Members of another group in the dorm/housing where the victim lives and where the incident took place outnumber the victim.
   5. The victim was visiting an area where hate crimes have been previously committed against his/her group.
   6. The victim was engaged in or supports rights of a protected group.
   7. The crime coincided with a significant holiday, date or event.
   8. The offender is a member of a hate group or was previously involved in a hate crime.
   9. A hate group claimed responsibility or was active on campus.
  10. There is a history of problems or animosity between the victims group and the offenders group.

B. After making a determination that a hate crime or bias incident occurred, the officer will notify the Officer-in-Charge. The officer will document the incident/crime through photographs, seizure of evidence; interview/written statements of complainants, witnesses and suspects, if applicable. Evidence, such as spray painting on a wall, should be photographed as soon as possible and then have the offensive items removed immediately. The OIC will ensure that the appropriate University personnel are contacted to remove offensive writings/markings.

C. After conducting a thorough investigation, the officer will take appropriate enforcement measures necessary, and if probable cause exists, charge the suspect under the applicable statute (Ex. Assault 11-5-3, Disorderly Conduct 11-45-1, Malicious Damage 11-44-1, etc.)

D. Whether or not charges are filed against a suspect(s), it is the OIC’s responsibility to promptly notify the Major and the Department’s Civil Rights Appointee (currently Lieutenant Michael Donohue) immediately following the potential incident.

E. The supervisor/OIC will notify the Prosecution Officer or the bail commissioner that the crime fits the criteria of a hate crime classification.

F. Crimes or incidents of bigotry or bias involving students will be reported to the Office of Student Life. The university’s judicial process would be able to utilize a broad range of options when these incidents do not meet the threshold of a crime. The Prosecution Officer is responsible for making these notifications to the Office of Student Life.
G. The Major will ensure that notifications are made to all other University personnel pursuant to University policy.

H. Whenever it appears that a person may be subject to the Hate Crimes Sentencing Act, The Department Civil Rights Appointee will work with the Prosecution Officer and the Department of the Attorney General to ensure that notice is filed with the court no later than the pretrial conference specifying that the defendant, upon conviction, is subject to the impositions of sentencing in accordance with R.I. General Law 12-19-38, the Hate Crimes Sentencing Act.

I. R.I. General Law 12-19-38 provides for the District Court to conduct a sentencing hearing. The court, at a sentencing hearing, determines beyond a reasonable doubt that the defendant’s actions were so motivated because of his/her hatred or bias toward the actual or perceived race, relation, color, disability, national origin or ethnicity, gender or sexual orientation of that person or owner/occupant of that property.

J. R.I. General Law 42-28-46, development of system monitoring crimes motivated by bigotry and bias-requires police departments within the State to report quarterly on the occurrences of hate crimes to the State Police. The State Police maintain a permanent record of these offenses categorized by community of occurrence, type and target of offense, and such other information, as the department deems relevant.

1. To facilitate this requirement, an appropriate hate crime classification will be denoted in the IMC Reporting System in the selection box designated for this purpose. This will be found in the “Offense” tab. On the bottom of the page there is a box for “Bias Motivation”. This has a drop-down box with a listing of all the potential biases. The officer entering the offense will also enter the bias motivation. The approving supervisor should ensure that the correct bias motivation(s) appears.

2. The Departmental IBR Clerk will ensure that this information is forwarded to the State Police in accordance with the law.

3. The University’s annual Clery Report will also contain a listing of all hate crimes reported in the previous year.

K. Community Policing-Crime Prevention

1. Racial, religious, ethnic, or sexual orientation bias crime often is directed on an entire group of people. Working constructively with segments of this larger audience after such incidents is essential to help reduce fears, stem possible retaliation, and help prevent additional hate crimes. The police department’s officers, as part of their community policing philosophy will:
   a. Meet with any targeted group in order to allay fears, relay the department’s concern and response to the issue, reduce the potential for counter violence and provide safety, security, and crime prevention information.
   b. Provide direct and referral assistance to the victim and his/her family.
   c. Conduct public meetings or instruction on hate crimes, threats and violence in general as it relates to specific incidents.
   d. Establish liaisons with formal organizations and leaders.
By order of:____________________________

Major Stephen Baker