

COLLEGE of CHARLESTON

OFFICIAL POLICY

8.1.2

Hate Crime Reporting

2/8/2016

Policy Statement

All officers and members of this department will, as a matter of duty, make every effort to prevent and combat hate crimes within our jurisdiction. Violence committed because the victim looks different, practices a different faith, or has a different sexual orientation threatens Americas most cherished ideals. It is most unsettling to the victims because there is nothing they can do to alter the situation, nor is there anything that they should be expected to change. Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in the community is affected.

For these reasons, officers must be particularly skillful in responding in such a way that the trauma of the victim and the community is not compounded by a lack of sensitivity in the law enforcement response. Like sexual assault victims, victims of hate crimes suffer possible serious and long-lasting traumatic stress which could be increased by an Inappropriate law enforcement response. It may be helpful to obtain or recommend the assistance of an individual whom the victim trusts, such as a friend, clergy member, or victims advocate group. C.A.R.E. will be notified when the victim is a student or staff member and a victim of a violent crime. **(953-3390) Pager, Emergencies only (724-3600)**

Policy Manager and Responsible Department or Office

Student affairs, public safety, legal affairs

Purpose/Reason for the Policy

In response to Congress= passage of the ΔHate Crime Statistics Act of 1990 and subsequent acts that amended the directive, the FBI Uniform Crime Reporting (UCR) Program collects and publishes data about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation or ethnicity.

Departments/Offices Affected by the Policy

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Procedures Related to the Policy

C. Procedure

1. Definitions:

- a. A ΔBias@ is a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, ethnicity/national origin or sexual orientation.
 - b. A Δhate crime@ is a criminal offense committed against persons, property or society that is motivated, in whole or in part, by an offender=s bias against an individual or a group=s perceived race, religion, disability, sexual orientation or ethnic/national origin. Hate crimes are **NOT** separate, distinct crimes but any traditional criminal offense motivated by the offender=s bias.
 - c. ΔBias Incidents@ involve behaviors that, though motivated by bias against a victim=s race, religion, ethnic/national origin, disability or sexual orientation, are not criminal acts. Hostile or hateful speech, or other disrespectful or discriminatory behavior, may be motivated by bias, but yet not illegal. Bias incidents may also involve criminal acts motivated by a bias not included in the 5 categories listed. For example, crimes motivated by age or sex biases are **NOT** hate crimes.
2. The supervisor on scene will determine if the crime is bias motivated. The Investigative section will review the facts of the incident and make a recommendation to the Chief/Director.

3. The responding officer on the scene of an incident will be responsible for determining whether a hate crime or a hate incident has occurred.

a. The officer will investigate and report the incident as any other, utilizing the standard Incident Report, form PSD-17. However, if he/she, during the interview and investigative process, believes that the offense involves a hate crime or a hate incident will check yes in the bias-motivation box, and, at the end of the narrative, in parenthesis, type (Suspected Hate Crime) or (Suspected Hate Incident).

b. The officer will, in addition to the Incident Report, fill out the form Suspected Hate/Bias Motivated Incident, (Attachment # 1), the officer is to quote exact wording of statements made by perpetrators, if any, and note any particular hate crime indicators, and any reason(s) why you, the reporting officer, feel that a bias motivated offense has occurred.

c. The officer will:

§ Secure the scene, stabilize the victim(s) and request medical attention if necessary.

§ Ensure the safety of the victims, witnesses and perpetrators.

§ If necessary, have an investigator respond to the scene to collect and photograph physical evidence such as:

Hate Literature, Spray Paint Cans, Threatening Letters
Symbolic objects normally used by hate groups, (i.e. swastikas, crosses, graffiti, etc.)

§ Refer media representatives to College Relations.

4. Responding officers should consider the following factors to help identify a suspected hate or bias offense:

a. Is the motivation of the offender known?

b. Are the victim and the offender from different racial, religious, ethnic or sexual- orientation groups?

c. Does the victim perceive that the offender=s actions were bias motivated?

d. Are there other clear motivations for the offense?

e. Did the offender make any bias remarks concerning the victim=s race, religion, ethnicity, disability or sexual orientation or leave offensive symbols, objects or graffiti at the scene? Usually, the mere use of bias

remarks by the offender does not in-and-of-itself provide sufficient basis to report an incident as a suspected hate crime.

- f. Did the offense occur near a holiday or other day of significance to the victim=s or offender=s group?
- g. What are the demographics of the area in which the offense occurred?
- h. Absence of any other motive such as economic gain.

NOTE: Victims should not be asked directly whether they believe they were the victim of a hate crime, but it is appropriate to ask if they have any idea why they might have been victimized@.

5. The Second Level Judgement Officer:

This officer, who presently is the department=s Records Officer, will examine the incident report, the Suspected Hate/Bias Motivated Incident form and any additional information in order to present to the Chief/Director sufficient facts for him to make a final determination as to whether a hate crime or incident has occurred. Once a final determination has been made with regard to whether the incident is or is not a hate crime or hate incident, the report will be processed through the appropriate systems. If the determination is that a hate crime has occurred, a paper copy of the incident report with any attachments will be promptly mailed to SLED.

Related Policies, Documents or Forms

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Next Review Date:10/8/2020

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 8.1.2

President or
Chairman, Board of Trustees



Date: 2-8-16