

Bias Related incidents	Related Policies: Biased Based Policing, Arrest Search and Seizure
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes: Title 13, §1455 & §1156	
CALEA Standard:	
Date Implemented:	Review Date:

I. Policy:

When biased related incidents are reported they shall be treated as a high priority and sufficient resources will be utilized to identify and arrest the perpetrator(s) if possible. All acts of bias related violence or threats will be considered serious and the investigation given appropriate attention. Members of this department shall be particularly sensitive to the victim's concerns. During responses to bias related incidents members shall take necessary action to reduce fear and provide safety to those threatened.

II. Definition:

Biased related incident means any unlawful act that is maliciously motivated, fully or in part, by a victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity as described in Title 13, VSA §1455 and §1456. If an incident appears to be motivated by bias, it should be treated as such. Incidents should be closely reviewed for patterns of occurrences at either the same or general location or directed at a particular individual or target group.

III. Procedure:

- A.** Members will investigate all bias related incidents thoroughly and completely.
- B.** The following areas should be examined to determine if an incident is bias related:
 - a.** Motivation of the perpetrator
 - b.** Perception of the victim
 - c.** Display of a symbol or emblem that could be perceived as offensive
 - d.** Date and time of occurrence with relation to recognized holidays, religious and historical events (Martin Luther King Day, Hanukkah, etc.)
 - e.** Statements made by the perpetrator
 - f.** Is the victim from one racial, religious or ethnic group and the suspect from another

- g. Did the victim recently move into the area.
- h. If there are multiple incidents, did they occur in a short time frame and/or are the victims members of the same racial, religious, or ethnic group

C. Initial Response Procedures:

- a. Secure the scene
- b. Stabilize the victim(s) and request medical attention where necessary
- c. Ensure the safety of the victims and witnesses
- d. Secure physical evidence such as: hate literature, spray paint cans, symbolic objects such as crosses or swastikas
- e. Request the assistance of a translator where necessary
- f. Notify the on-duty supervisor and request that he/she respond to the scene
- g. Prepare a fully documented report identifying victims, witnesses and any suspects
- h. Canvass the area for the presence of video surveillance cameras and witnesses

D. Supervisory Oversight:

- a. When notified of a possible Bias Related Incident the on-duty supervisor will respond to the scene of the incident.
- b. Express empathy for the victim and explain the department's policy on conducting such investigations
- c. Ensure that all relevant facts are documented in the report
- d. Notify other appropriate members of the department up the chain of command providing them with information relative to the seriousness of the incident and its potential inflammatory and related impact on the community
- e. Identify individuals or agencies that may provide support and assistance to the victim. These may include family members, clergymen, or other community organization that provide temporary shelter, clothing and food.
- f. Make victims aware of services provided to them by the Victim's Assistance Act, and other state agencies and support groups

E. Investigators Responsibilities:

- a. Ensure the scene is properly protected and all evidence is photographed, tagged and collected
- b. If evidence is of an inflammatory nature and cannot be physically removed (e.g. painted words or signs on a wall), the owner of the property will be contacted to do all that is possible to ensure the graffiti is removed as soon as possible
- c. Interview victims, witnesses, and suspects
- d. Notify and work closely with the local prosecuting authority

F. Community Resources:

- a. Members of this department who receive complaints of denial of services, deprivation of basic rights, housing issues, or other acts that appear to be occurring

due to a person's race, color, religion, sex, handicap, familial status or national origin should refer the complaint or the complainant in contacting:

Vermont Human Rights Commission

14-16 Baldwin St.

Montpelier, Vermont 05633-6301

800-416-2010 (voice)

802-828-2480 (voice)

802-828-2481 (fax)

877-294-9200 (tty)

Human.rights@state.vt.us