

# **BIAS-RELATED INCIDENTS** Directive 6.23

## **A. Policy**

The Department will take a proactive role in protecting the rights of all individuals which are guaranteed by state laws and the constitution, regardless of one's race, religion, ethnicity, national origin or sexual orientation. The Department will vigorously enforce Chapter 35 of the Wilmington City Code regarding bias related instances. All members of the department should be sensitive to the feelings, needs and fears of citizens that may be present in the community as a result of bias-related incidents.

## **B. Definition**

1. A bias-related crime is defined by 2 Wilm. Code 35-1 as "an offense or unlawful act committed by an individual person or group of persons against another individual person, group of persons or the property of the same, and which is motivated whole or in part by the race, religion, ethnicity, national origin or sexual orientation of the person or group and such offenses may include but shall not be limited to the offenses of "ethnic intimidation" and "institutional vandalism."
2. Ethnic intimidation is defined by 2 Wilm. Code 35-1 as tortious conduct performed with the intent to injure another person, or group of persons, or his, her or its property, because of such other person's or group's race religion, ethnicity, national origin, or sexual orientation."
3. Two Wilm. Code 35-1 defines institutional vandalism as, "the intentional desecration, as defined in Title 11 of the Delaware Code, Section 1331, vandalizing, defacing, defiling or otherwise damaging of:
  - a) any church, synagogue or other communal facility regularly used for religious worship, meditation, contemplation or other related purposes;
  - b) any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;
  - c) any courthouse, historic monument or landmark, museum or civic shrine, including, without limitation, the Public Building and the Louis L. Redding City/County Building;
  - d) the grounds occupied by any facility set forth in subsections (3) (a), (3) (b), or (3) (c);

- e) any property located in any facility set forth in subsections (3)(a), (3)(b), or (3)(c)."

### C. Factors Identifying Crimes As Bias-Related

1. The motivation behind the act determines whether an incident is bias-related. Although no one factor is conclusive, the following criteria, applied alone or in combination, should be used to determine if probable cause exists to believe that an incident was motivated entirely or in part by malice toward the victim because of one's race, religion, sexual orientation, ethnicity or national origin:



### D. Procedure

1. Upon receiving a report or complaint of a bias-related incident, the investigating officer responding to the scene shall:
  - a. Respond in a sensitive way to the feelings and needs of the victim(s).
  - b. Immediately conduct a preliminary investigation and take appropriate action.
  - c. Preserve the crime scene.
  - d. Prepare a detailed written report.
2. Patrol officers who respond to a routine call for service such as criminal mischief, harassment or an assault, and who determine that the possibility exists that the incident may be bias-related shall:
  - a. Notify the Patrol Sergeant of the incident.
  - b. Take appropriate initial police action to stabilize the situation.
  - c. Protect the crime scene, if applicable.

- d. Complete a crime report, stating the appropriate crime(s) that has been committed and then writing "Bias-Related Incident" in box 45 of the crime report (underlining "Bias-Related Incident" to highlight same).
3. Patrol Sergeants who become aware of a reported or suspected bias-related incident should respond and speak with victim.
    - a. Determine if additional manpower is needed to stabilize the situation.
    - b. Ensure that the crime scene and or evidence is secure.
    - c. Instruct the dispatcher to notify the Detective Division of the bias-related incident.
    - d. Notify the Duty Officer if an incident is serious.
    - e. Ascertain if the incident is bias-related. The following questions may help to determine if the officers are dealing with a bias-related incident:

■ [REDACTED]



targeted incidents to the Crime Analysis Officer for maintenance in a file.

- f. Maintain liaison with Federal, State and Local agencies for the purposes of intelligence gathering and exchange of information.
- g. Maintain contact with the victims and other concerned parties regarding the status of the case.

**5. Criminal Investigations Division Commander shall:**

- a. Promptly notify the Director of Human Relations and forward a copy of all bias-related incident reports to his office. State Office Building, 820 N. French Street, 4th Floor., Phone # 571-3716.
- b. Notify the State Attorney General's Office of any bias-related incidents.
- c. Report the findings of the investigation, as soon as practical, to the Chief of Police.

**E. Media and Community Relations**

**1. The Public Information Officer shall:**

Maintain contact with the news media concerning the progress of the investigation as directed by the Chief of Police.

**2. The Community Services Unit shall:**

- a. Maintain contact with the community leaders concerning the progress of the investigation as directed by the Chief of Police.
- b. Work quietly and "behind the scenes" with community leaders, as well as in the public view as the situation demands.
- c. Assist in preventing, reducing, and eliminating racial and intergroup tensions, problems and conflicts within the community.
- d. Perform all other tasks and functions as designated by the Chief of Police or the Inspector of Uniform Operations.