



OVERVIEW

**UNIVERSITY OF MARYLAND
POLICE DEPARTMENT**

HATE CRIMES AND HATE BIAS INCIDENTS

A review of the investigation process involving suspected hate crime and hate bias incidents.

What are...

‘Hate Crimes’?

Hate Crimes are criminal offenses against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, ethnic origin, or sexual orientation. (FBI)

‘Hate Bias Incidents’?

Hate Bias Incidents are acts characterized by some expression of hate or bias against a particular group, or towards an individual because of their membership in that group. (UMD OCRSM)

*Any hate crime is a hate bias incident
but not all hate bias incidents are hate crimes.*



University of Maryland Police Department (UMPD)

UMPD officers are responsible for responding to and investigating hate bias incidents committed with apparent intent to intimidate, threaten, retaliate, create a bias conflict, or cause injury or harm.

(UMPD Policy)

What is...

'Jurisdiction'?

Jurisdiction is the legal authority to investigate crimes and make arrests in certain places.

Maryland Annotated Code

Education Article 13-601

However, a University of Maryland police officer may exercise these powers only on property that is owned, leased, operated by, or under the control of the University of Maryland. The police officer may not exercise these powers on any other property unless:



- (i) Engaged in fresh pursuit of a suspected offender;
- (ii) Requested or authorized to do so by the chief executive officer or chief police officer of any county;
- (iii) Necessary in order to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the University of Maryland; or
- (iv) Ordered to do so by the Governor.

Hate crimes and hate bias incidents that occur online must happen on University of Maryland property in order for the University of Maryland Police Department to be allowed to investigate.

In addition to local law enforcement, the FBI encourages those who have experienced a potential hate crime via the web to report it to the FBI Internet Crime Complaint Center.

(<https://www.ic3.gov/>)

Maryland's Hate Crime Statute:

Annotated Code Criminal Law Article

Title 10 Subtitle 3:

1. **CR 10-302:** "A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose"
 - (1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;

(ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or

(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or
 - (2) commit a violation of item (1) of this section that:
 - (i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or
 - (ii) results in the death of a victim."
2. **CR 10-303:** "A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs."
3. **CR 10-304:** "Because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:
 - (1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or
 - (2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless."
4. **CR 10-305:** "A person may not deface, damage, or destroy, attempt or threaten to deface, damage, or destroy, burn or attempt or threaten 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:
 - (1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or
 - (2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless."

Maryland's Hate Crime Statute:

Annotated Code Criminal Law Article Title 10 Subtitle 3:

5. **CR 10-305.1:** "A person may not place or inscribe an item or symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or personal property, public or private, without the express permission of the owner, owner's agent, or lawful occupant of the property, with the intent to threaten or intimidate any person or group of persons."

a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

 GUILTY: MISDEMEANOR	 Imprisonment: <3 Years	AND OR	 Fine: <\$5,000
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b) (1) A person who commits a hate crime during the commission of a separate felony is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

 GUILTY: FELONY	 Imprisonment: <10 Years	AND OR	 Fine: <\$10,000
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(2) A person who causes a death while committing a hate crime is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.

 GUILTY: FELONY	 Imprisonment: <20 Years	AND OR	 Fine: <\$20,000
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How are they Investigated?

Hate crime and hate bias incident investigations have three dispositions; **verified**, **inconclusive**, and **unfounded**.

VERIFIED

An incident committed against a person or property where the investigation leads a reasonable & prudent person to conclude that the offender's actions were motivated, in whole or in part, by their bias against a person's race/ethnicity/ancestry, religion, sexual orientation, disability, gender, gender identity, or homeless status.

INCONCLUSIVE

An incident where the evidence is conflicting, incomplete, or otherwise insufficient to classify as verified.

UNFOUNDED

An incident in which the evidence or investigation definitely indicates that it was not motivated by bias against a person's race/ethnicity/ancestry, religion, sexual orientation, disability, gender, gender identity, or homeless status, or that the incident did not occur.

Challenges in Hate Bias Investigations



Social media based investigations take longer periods of time



Lack of witnesses

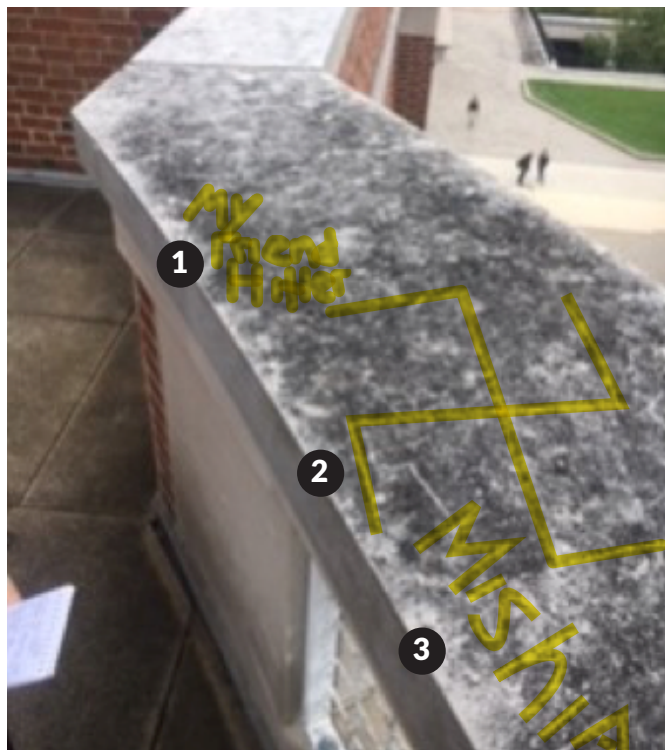
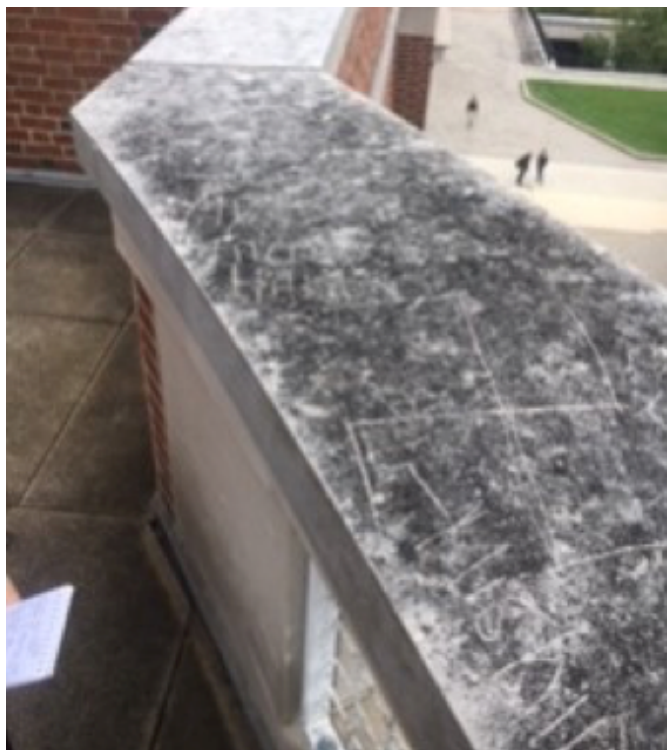


Proving intent beyond a reasonable doubt

Case Study

#1 | Outdoor Graffiti

WHAT DO YOU SEE?



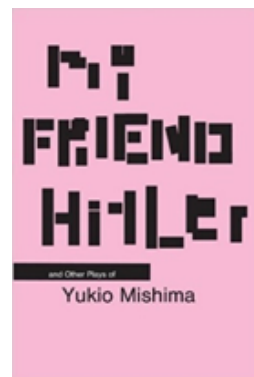
Graffiti Markings

- ① 'My Friend Hitler'
- ② Buddhist Swastika
- ③ 'MISHIMA'

Investigation Result:

UNFOUNDED

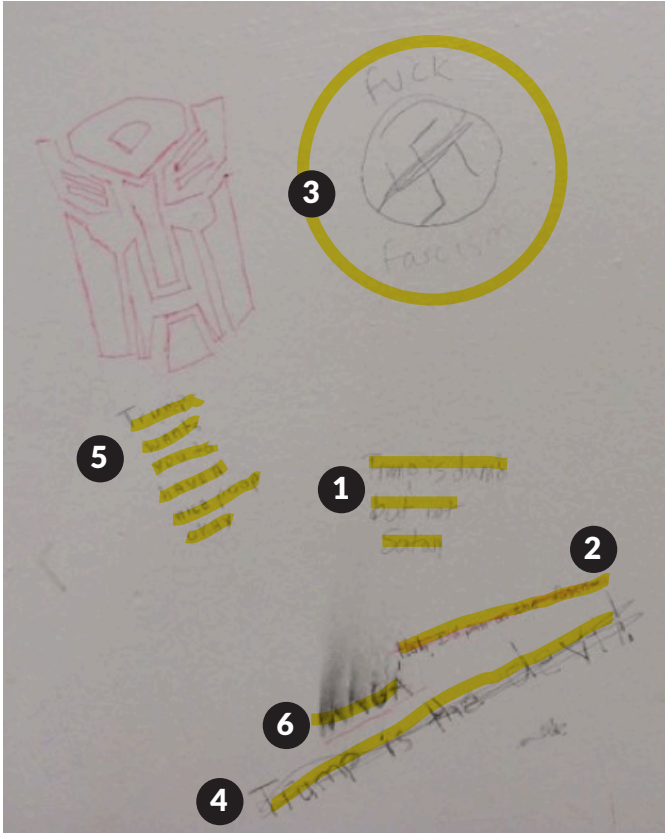
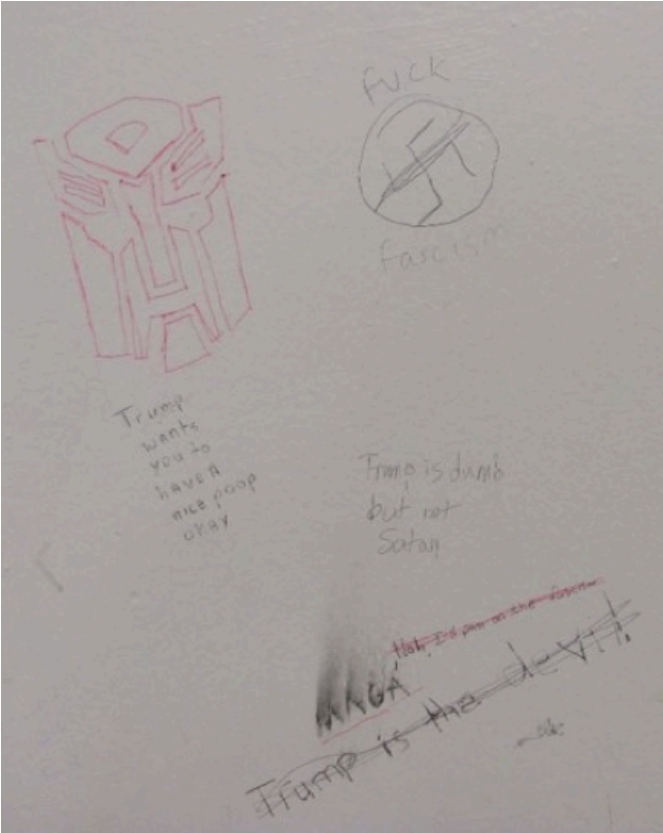
Investigation revealed the graffiti referenced a work by Yukio Mishima and was not motivated by bias against any religion, race/ethnicity/ancestry, sexual orientation, gender identity, or homeless status.



Case Study

#2 | Bathroom Graffiti

WHAT DO YOU SEE?



- Graffiti Markings**
- 1 'Trump is dumb but not Satan'
 - 2 'tbh I'd piss on the facism'
 - 3 'Fuck Fascism'
 - 4 'Trump is the devil'
 - 5 'Trump wants you to have a nice poop okay'
 - 6 'MAGA'

Investigation Result: **UNFOUNDED**

Investigation revealed the speech was political in nature and; therefore, protected. Additionally, the use of the Nazi swastika was

not motivated by bias against any religion, race/ethnicity/ancestry, sexual orientation, gender identity, or homeless status.

Case Study

#3 | Chair Graffiti

WHAT DO YOU SEE?



Graffiti Markings ① Nazi Swastika

Investigation Result:

VERIFIED

Investigation revealed an individual or individuals drew the Swastika on a seat in a large lecture hall at an unknown time. The Swastika was a Nazi Swastika, leading investigators to believe it was likely motivated by bias against a person's race/ethnicity/ancestry, religion, sexual orientation, disability, gender, gender identity, or homeless status. However, investigators did

not have a clear timeline of when the Swastika appeared, were unable to retrieve forensic evidence, and only the initial caller reported seeing the Swastika. Due to a lack of evidence, detectives have been unable to identify the person(s) responsible, this remains an open investigation.

What is...

‘Freedom of Speech’?

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Bill of Rights

In *Everson v. Board of Education* (1947), the Court drew on Thomas Jefferson’s correspondence to call for “a wall of separation between church and State”, though the precise boundary of this separation remains in dispute.

Speech rights were expanded significantly in a series of 20th- and 21st-century court decisions that protected various forms of political speech, anonymous speech, campaign financing, pornography, and school speech; these rulings also defined a series of exceptions to First Amendment protections.

The Supreme Court overturned English common law precedent to increase the burden of proof for defamation and libel suits, most notably in *New York Times Co. v. Sullivan* (1964). Commercial speech is less protected by the First Amendment than political speech, and is therefore subject to greater regulation.

