



Norwich Police Department

Policy & Procedures

Subject:	Bias Incident Reporting	
Distribution:	All Officers & H.Q.	
Approved / By order of:	Jennifer Frank, Chief of Police	

I. PURPOSE:	<p>The purpose of this policy is to enhance communication between the Norwich Police Department and other law enforcement authorities regarding reports of bias incidents, and to serve as a guideline for reporting hate crimes and other bias incidents in Vermont.</p> <p>This Standard Operating Procedure becomes effective August 25, 2020, and rescinds all previous rules and regulations pertaining to the subject.</p>
II. POLICY:	<p>The Norwich Police Department is committed to bias-free policing and has agreed to follow the following protocol guiding the reporting of hate crimes and other bias incidents in Vermont.</p> <p>A. <u>Bias Incidents:</u> Whether rising to the level of a hate crime or not, bias incidents include events intended to threaten, offend or intimidate another because of the other’s actual or perceived race, color, religion, age, disability, national origin, ancestry, sexual orientation, gender identity or service in the armed forces.</p> <p>B. <u>Civil Enforcement:</u> Bias-motivated misconduct that does not constitute a crime—or that may not be provable beyond a reasonable doubt—may nonetheless be subject to civil enforcement by the Attorney General’s Office (AGO), the Vermont Human Rights Commission (HRC) or federal authorities, including the U.S. Attorney’s Office. The AGO, HRC and federal authorities may address non-criminal bias incidents under civil laws prohibiting harassment in (1) employment; (2) housing; or (3) places of public accommodation.</p>

	<p>C. <u>Protected Speech</u>: Some bias incidents do not involve either a criminal or civil violation but instead involve speech or expressive conduct that is constitutionally protected. Although enforcement action in response to such protected “hate speech” may not be possible, complaints of such incidents should be documented and taken seriously. The complaints may (1) relate to other actions that are unlawful; (2) identify community conflicts that may lead to unlawful activity; and (3) provide a basis for community outreach regarding positive, lawful responses to hate speech.</p>
<p>III. DEFINITIONS:</p>	<p>A. <u>Bias Incident</u>: Any offense or unlawful act that occurs to a person, private property, or public property for which the victim is targeted specifically because of race, religion, ethnicity, gender identity or expression, sexual orientation, national origin, color, or disability; and the offender is motivated to act solely because of that particular characteristic.</p> <p>B. <u>Biased but Protected Speech</u>: Speech or expressive conduct that while biased and deeply offensive to members of the community, may nonetheless be constitutionally protected under the Vermont and federal constitutions.</p> <p>C. <u>Civil Harassment Offenses</u>: Conduct, whether a crime or not, that violates state or federal civil laws prohibiting harassment or discrimination in daily life, such as employment, housing, or public accommodations.</p> <p>D. <u>Disability</u>: Individuals who have physical or mental impairments/challenges, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.</p> <p>E. <u>Hate Crimes</u>: Actual or attempted crimes maliciously motivated by the victim’s actual or perceived race, color, religion, age, disability, national origin, ancestry, sexual orientation, gender identity or service in the armed forces.</p>
<p>IV. PROCEDURES:</p>	<p>A. <u>General Responsibilities</u>:</p> <ol style="list-style-type: none"> 1. When employees of the Norwich Police Department encounter any incident directed against an individual or group because of the individual or group's race, religion, ethnic origin, sexual orientation, or a disability, the following shall apply: <ol style="list-style-type: none"> a. Determine whether a reported incident/offense was directed against a person's race, religion, ethnic origin, sexual orientation, or a disability.

	<ul style="list-style-type: none"> b. Report all incidents, criminal or non-criminal, which appear to be motivated by race, religion, ethnic origin, sexual orientation, or a disability, as may be determined by the following factors: <ul style="list-style-type: none"> - Symbols or written language which are known historically to be directed against a person(s) because of their race, religion, ethnic origin, sexual orientation, or a disability. - The victim's opinion; the racial, religious, ethnic origin, sexual orientation, or a disability of the community, statements made by the suspects and/or witnesses, prior history of similar incidents in the same area affecting the same victim group. c. Note the bias alleged under the circumstances code in CAD. <p>2. The following is a list of incidents that should be reported, but is not all inclusive:</p> <ul style="list-style-type: none"> a. Assault which is directed against a person(s) because of their race, religion, ethnic origin, or sexual orientation. b. Bomb threats perpetrated against a person(s) because of their race, religion, ethnic origin, or sexual orientation. c. Burning or attempting to burn any object which is directed against an individual or institution because of race, color, religious beliefs, or national origin. d. Destroying / injuring the property of another which is directed against people or groups because of their race, religion, ethnic origin, or sexual orientation. e. Disorderly conduct (written or oral) directed against a person(s) because of their race, religion, ethnic origin, or sexual orientation which disturbs the peace and tranquility of the community. f. Explosives perpetrated against a person or group of persons because of their race, religion, ethnic origin, or sexual orientation. g. Unlawful use of the telephone which is directed against people or groups because of their race, religion, ethnic origin, or sexual orientation. <p>B. <u>Bias Incident Reporting:</u></p> <ul style="list-style-type: none"> 1. In addition to responding to complaints of Bias Incidents, conducting criminal investigations, and the Department's standard operating procedure of presenting criminal cases to the Windsor County State's Attorney, the Norwich Police Department will promptly notify either the Attorney General's Office (AGO) or the designated Bias
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	<p>Incident Coordinator at the Department of State’s Attorneys and Sheriffs.</p> <p>2. Notifications should be provided even if the complaint or report of a Bias Incident does not appear to constitute a crime. Notice to the AGO may be provided by phone at (802) 828-3657 or by email to ago.civilrights@vermont.gov. Notice to the Department of State’s Attorneys and Sheriffs may be provided to the designated Bias Incident Coordinator by phone at (802) 828-2891 or by email to BiasIncidentCoordinatorSAS@vermont.gov.</p>
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