


<p align="center">FAIRFAX COUNTY POLICE DEPARTMENT</p>  <p align="center">GENERAL ORDER</p>	<p>SUBJECT: BIAS CRIMES AND INCIDENTS</p>		<p>NUMBER: 525</p>
	<p>EFFECTIVE DATE: April 21, 2023</p>	<p>REVIEW: April 2026</p>	
<p>RESPONSIBLE ENTITY: COMMUNITY ENGAGEMENT & EQUITY</p>			<p><input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 520.7 <input type="checkbox"/></p>
<p>ACCREDITATION STANDARDS</p>	<p>CALEA:</p> <hr/> <p>VLEPSC:</p>		

I. PURPOSE

The purpose of this policy is to outline guidelines and procedures for officers who respond to cases of reported or suspected bias crimes and/or bias incidents.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that all officers shall respond to reports of bias crimes and/or incidents as they would any other reported crime and take appropriate action to arrest and pursue criminal prosecution whenever probable cause exists. Bias crimes have the potential for tremendous harm and detrimental impact on both victim(s) and community tranquility, and regardless of the ability to achieve a successful prosecution, all Department employees shall coordinate their efforts to ensure proper resources are allocated to assist any affected community member(s) or group(s) whenever these events occur.

III. DEFINITIONS

- A. Bias Crime: Also referred to as a “hate crime,” bias crimes include any unlawful action committed against an individual with the specific intent of instilling fear or intimidation because of their race, religious conviction, color, gender or gender identity, disability (meaning physical or mental impairment that substantially limits one or more of a person’s major life activities), ethnic or national origin, and/or sexual orientation. The Code of Virginia does not specifically define a bias or hate crime as an individual violation of law, but does provide enhanced penalties for the crimes of [assault and battery](#), [falsely summoning or giving a false report to law enforcement](#), and [vandalism](#) when the acts are committed against an individual based upon these factors.
- B. Bias Incident: Bias incidents involve behaviors that are intended to intimidate or harass any individual or group because of their race, religious conviction, color, gender or gender identity, disability (meaning physical or mental impairment that substantially limits one or more of a person’s major life activities), ethnic or national origin, and/or sexual orientation, but do not constitute criminal acts.

Examples include, but are not limited to, distribution of unsolicited hate literature, hostile or hateful speech (ex: name calling, racial slurs), or other disrespectful and/or derogatory actions that may potentially be classified as violations of civil statutes. These actions become criminal acts if they directly incite perpetrators to commit violence against an individual or destroy property.

- C. Race: Group of individuals possessing common physical characteristics generally transmitted by descent and heredity that distinguish them as a distinct division of humankind.
- D. Ethnic Group: Group of individuals of the same race or national origin who share common or similar traits, languages, customs and traditions.
- E. Religious Group: Any individuals who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

IV. GENERAL PROCEDURES

- A. **Officer Responsibilities**: Officers who respond to reports of a bias crimes/incidents, or conduct subsequent follow-up investigations, shall conduct their investigation in accordance with [FCPD General Order 501, Investigative Responsibilities](#). Additionally, officers shall be required to notify a first-line supervisor immediately once evidence of bias is confirmed, and provide any victim(s) with a Virginia Crime Victim and Witness Rights brochure. Officers who respond to bias incidents in progress shall attempt to seek voluntary compliance and obtain as much information as possible before exercising lawful authority.
- B. **Supervisor Responsibilities**: Upon receiving notification that a bias crime or incident has been committed, an on-duty supervisor shall promptly respond and confirm that preliminary investigative measures have been taken. Supervisors shall request as needed any additional support to conduct specialized investigations through the Duty Officer. Supervisors shall also notify affected district station commanders, and determine any appropriate investigative follow-up measures to assist in apprehension of known perpetrators. Where events occur outside of the confines of Fairfax County, the supervisor shall ensure the affected jurisdiction is immediately notified and assist as needed.
- C. **Commander Responsibilities**: Affected station commanders shall review the facts and circumstances of all bias crimes/incidents and evaluate the need for further community outreach. The goals of community outreach are to (1) foster partnerships with any affected community group and attempt to heal any inflicted harm by the act upon members of the group, and (2) enlist community support and assistance to send a clear message to the perpetrators that such behavior will not be tolerated, prevent future acts of retaliation or escalation, and gain assistance in identifying and prosecuting offenders whenever possible.

Commanders should consider the following community outreach techniques:

1. Meet with affected community groups and residents to allay fears, convey Department concern and inform them of response measures taken, reduce potential counter-violence, provide assistance services to victims and witnesses of bias crimes/incidents, and provide crime prevention and safety information as needed. Commanders should also seek to establish liaisons with formal/informal organizations and leaders within the affected community and utilize available resources to inform them on bias crimes/incidents.
2. Consult with the Department's Bias Crime Investigations Coordinator and Community Engagement and Equity Division (CEED) Commander.
3. Conduct aggressive follow-up enforcement to ensure the needs of the community are met to help reduce anxiety and prevent potential recurrence of similar events.
4. Request assistance from the Human Rights Commission (HRC) as needed to hold community meetings.

V. DOCUMENTATION AND RESPONSIBILITIES

- A. **Documentation:** Officers shall document all bias crimes/incidents in an incident report and complete the bias section event tab in the current Records Management System (RMS). Where a crime occurred, the event type should include the specific crime (e.g., "simple assault"), and where no criminal offense occurred, the event should be classified appropriately (e.g., "suspicious event").
- B. **Notifications:** The reviewing first line supervisor shall ensure all bias crime/incident reports are sent to the following:
 1. Affected station commanders.
 2. Affected Patrol Bureau commanders.
 3. Community Engagement and Equity Division (CEED) commander.
 4. Planning and Research Bureau (PRB) commander.
 5. Public Affairs Bureau.
 6. Special Investigations Division (SID) commander.
 7. For LGBTQ+ cases only, the Department LGBTQ liaison.
 8. Appropriate Investigative authority (Major Crimes Bureau)
 9. Victim Services Division (VSD)
- C. **Tracking:** Reporting of all bias crimes to the Virginia State Police as required by the [Code of Virginia](#) shall be conducted by the Department's Central Records Division. The PRB commander shall appoint a Bias Crimes Investigations Coordinator and coordinate with the CEED commander to ensure that any

additional needed department resources are allocated for reports of bias crimes/incidents in coordination with the affected district station commanders. The CEED commander shall directly liaison, upon the request of any affected district station commander, with any community groups affected by bias crimes/incidents and additional County resources and agencies as needed.

The Bias Crimes coordinator shall analyze all reports received and share information as needed with the (1) VSD, (2) HRC, and (3) the Office of the Commonwealth's Attorney. The Bias Crimes Coordinator shall also compile an annual report on bias crimes.

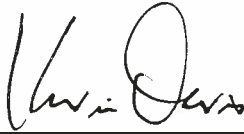
- D. **SID Commander:** The SID Commander shall coordinate any intelligence-related activities and establish a clearinghouse system for collection and review of investigative reports for intelligence gathering.
- E. **Office of the Chief:** The Office of the Chief will be responsible for forwarding a copy of the Department's annual report on bias crimes to the (1) Fairfax County Board of Supervisors, (2) HRC, and (3) Chief's Citizen Advisory Council.

VI. LEGAL REFERENCES

- A. [Va. Code Ann. § 8.01-42.1](#); Civil action for racial, religious, or ethnic harassment, violence or vandalism.
- B. [Va. Code Ann. § 18.2-57](#); Assault and battery; penalty.
- C. [Va. Code Ann. § 18.2-121](#); Entering property of another for purpose of damaging it, etc.
- D. [Va. Code Ann. § 18.2-423](#); Burning cross on property of another or public place with intent to intimidate; penalty; prima facie evidence of intent.
- E. [Va. Code Ann. § 18.2-423.1](#); Placing swastika on certain property with intent to intimidate; penalty; prima facie evidence of intent.
- F. [Va. Code Ann. § 18.2-461](#); Falsely summoning or giving false reports to law-enforcement officials.
- G. [Va. Code Ann. § 52-8.5](#); Reporting hate crimes.

General Order 525 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

A handwritten signature in black ink, appearing to read "Kevin Davis", written over a horizontal line.

Chief of Police

APPROVED BY:

A handwritten signature in blue ink, appearing to read "John P. DeStefano", written over a horizontal line.

County Executive