


<b>Franklin Township Police Department</b>				
<b>AG Directive</b>	<b>Memorandum Order</b>	<b>FT19-12</b>		
<b>SUBJECT: Revised Bias Incident Investigation Standards AG Guidelines</b>				
<b>EFFECTIVE DATE:</b> 05/03/2019	<b>ACCREDITATION STANDARDS:</b>	<b>REVISION DATE</b>	<b>PAGE #</b>	
<b>BY THE ORDER OF:</b> Lieutenant Timothy Snyder Jr. Officer-in-Charge				
<b>SUPERSEDES ORDER #:</b>				

Effective immediately, See the following; Revised Bias Incident Investigation Standard Guidelines. Also, HCPO Bias Crime liaisons are DSG Pete Pfeifer and Det. Vanessa Jimenez.

Please read and familiarize yourself with following policy.

# **Attorney General's Bias Incident Investigation Standards**

**TO:** All Law Enforcement Chief Executives

**FROM:** Gurbir S. Grewal, Attorney General of New Jersey

**DATE:** April 5, 2019

**SUBJECT:** Revised Bias Incident Investigation Standards  
Attorney General's Law Enforcement Guideline

Pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97, et seq., all prior versions and amendments of the Attorney General's Bias Incident Investigation Standards are hereby rescinded and replaced by this new, revised version.

## **1. POLICY STATEMENT FROM THE ATTORNEY GENERAL TO NEW JERSEY LAW ENFORCEMENT**

Bias incidents are increasing throughout the State and the nation. As a result, communities have been gripped by uncertainty, tension, and conflict. The promulgation of the Attorney General's Bias Incident Investigation Standards (Standards) serves as recognition that the unique nature of suspected or confirmed bias incidents requires special handling by the New Jersey law enforcement community.

Crimes with a component of intimidation based on race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity manifest themselves in a wide spectrum of anti-social activities. These bias incidents jeopardize the active and open pursuit of freedom and opportunity. They erode, undermine, and attack the identity and heritage of our citizens. They also dehumanize people based solely on group affiliation and shake the very foundations of our cultural and religious institutions, as well as our longstanding pursuit of tolerance and acceptance.

Therefore, it shall be the policy of New Jersey law enforcement to bring the investigative and enforcement elements of the law enforcement community into quick action following any and all suspected or confirmed bias incidents. There shall also be special emphasis placed on victim assistance and community relations in order to reduce victim trauma and community tension or fear.

All suspected or confirmed bias incidents are serious and should be treated as such. Bias incident investigations shall be conducted in a timely fashion using all appropriate resources to rapidly determine the facts and circumstances surrounding each incident. Careful attention should be given to identifying the motive and cause of the bias

incident and to identifying suspects. Referrals to the County Prosecutors' Offices of Victim-Witness Advocacy or to the Division on Civil Rights shall be made as appropriate.

The proper investigation of a suspected or confirmed bias incident is the responsibility of each New Jersey law enforcement agency confronted with this problem. Each law enforcement officer must be sensitive to the feelings, needs, and fears that may be present in the victims, and the community at large, as a result of a suspected or confirmed bias incident.

Law enforcement agencies handling bias incidents shall:

- Approach victims in a sensitive and supportive manner.
- Reassure victims that appropriate investigative and enforcement methods will be used by the law enforcement agency to properly address the bias incident.
- Ensure that a thorough and complete initial response and follow-up investigation are conducted as required by the facts and circumstances surrounding the suspected or confirmed bias incident, which includes providing for appropriate community relations activities and crime prevention programs.
- Refer the victims/witnesses to the appropriate Office of Victim-Witness Advocacy or the Division on Civil Rights, where appropriate.
- Interact with concerned community service organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.
- Effectively calm victims and reduce their fear and alienation through direct, ongoing official communication regarding the bias incident.
- Notify the Division of Criminal Justice (DCJ), the Division of State Police (NJSP), and the appropriate County Prosecutor's Office of all bias incidents as detailed herein.
- Ensure that victims and other concerned parties are afforded all the rights and protections provided under the New Jersey Constitutional Amendment for Victim's Rights (N.J. Const. art. I, para. 22) and the Crime Victim's Bill of Rights (N.J.S.A. 52:4B-34, et seq.)

It must be remembered that the actions taken by New Jersey law enforcement in responding to suspected or confirmed bias incidents are visible signs of concern and commitment to the citizens of the communities we serve.

## **2. PURPOSE OF THE BIAS INCIDENT INVESTIGATION STANDARDS**

The purpose of these Standards is to establish uniform law enforcement procedures for the response to, and investigation of, bias incidents.

New Jersey law enforcement shall take an active role in promoting peace and harmony among the diverse groups living and working within the State and protect all citizens from bias incidents.

New Jersey law enforcement agencies shall conduct a thorough and complete investigation of all suspected or confirmed bias incidents and shall cooperate with prosecutors in the prompt and appropriate prosecution of these matters.

To accomplish these purposes, the chief executives of all law enforcement agencies shall apply the elements of these Standards to their individual agencies through a formal written order or directive which reflects the individual needs of each New Jersey law enforcement agency and the community it serves.

### **3. DEFINITION OF BIAS INCIDENT AND RELATED CRIMINAL VIOLATIONS**

For New Jersey law enforcement purposes, a bias incident is defined as any suspected or confirmed violation of N.J.S.A. 2C:16-1(a)(1) or (2).<sup>1</sup> Some suspected bias incidents may not clearly fit the described definition. In those cases, a common sense approach to the incident must be used. If an incident appears to be bias-based, it should be investigated and reported as such. Verification of motive and intent can be made during the ensuing investigation.

Law enforcement officers must recognize that a single bias incident may initially appear as less serious when viewed in the larger context of all crime. Nonetheless, any suspected or confirmed bias incident is serious by its very nature. What may appear to be a minor incident can easily escalate into a larger problem or public safety concern.

### **4. REQUIREMENT TO REPORT ALL BIAS INCIDENTS**

It is the duty of all law enforcement agencies in the State to report bias incidents to the New Jersey Attorney General's designees. DCJ and NJSP have designated an electronic reporting system for this purpose — the Electronic Uniform Crime Reporting (eUCR) portal. When a bias incident report is submitted through the eUCR portal, the information is automatically forwarded to the Bias Crimes Unit at DCJ, the NJSP, the New Jersey Office of Homeland Security and Preparedness, and the appropriate County Prosecutor.

Local law enforcement agencies shall report all confirmed or suspected bias incidents through the eUCR system as soon as is practicable, but not more than 24 hours from the initial law enforcement response. Under current eUCR procedures, each law enforcement agency in New Jersey receives a single log-in for the eUCR system. Chief

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<sup>1</sup> Subsection (3) was ruled unconstitutional in *State v. Pomianek*, 221 N.J. 66, 91 (2015).

law enforcement executives must plan accordingly to ensure their agencies meet the reporting requirements of this guideline.<sup>2</sup>

In cases of suspected or confirmed bias incidents involving: (1) homicide, aggravated sexual assault, sexual assault, aggravated assault, or arson; (2) a law enforcement officer as the alleged perpetrator; (3) an organized hate group as the perpetrator; or (4) a potential to generate large-scale public unrest, the local law enforcement agency shall also **immediately** notify the Bias Crimes Unit at DCJ. Such immediate notification is to be made by calling the Bias Crimes Unit duty phone, the number of which is available on DCJ's website at [www.nj.gov/oag/dcj/biascrime/](http://www.nj.gov/oag/dcj/biascrime/). The local law enforcement agency also must **immediately** notify the appropriate County Prosecutor of such an incident. Each County Prosecutor retains the discretion to establish procedures for such notification.

In bias incidents where there is a nexus to terrorism, such as when an organized hate group is involved, the Attorney General's SAR Reporting Directive, No. 2016-7, requires additional notifications. Suspicious activity with a nexus to terrorism must be reported **immediately**, per existing county protocols. Activity also can be reported 24/7 to NJOHSP's CTWatch at **866-4SAFENJ** (866-472-3365) or [tips@njohsp.gov](mailto:tips@njohsp.gov).

It is the responsibility of the chief executive of each local law enforcement agency to institute policies and procedures to ensure compliance with this reporting requirement.

## **5. REQUIREMENT TO REPORT ALL ACCUSATIONS AND INDICTMENTS ALLEGING BIAS INTIMIDATION**

It shall be the responsibility of every County Prosecutor to promptly notify DCJ of his or her office's intention to file an accusation or seek an indictment alleging Bias Intimidation under N.J.S.A. 2C:16-1. Such notification shall be made to DCJ in a manner prescribed by the Director of DCJ.

## **6. GENERAL ROLE AND RESPONSIBILITIES OF THE LAW ENFORCEMENT CHIEF EXECUTIVE**

This section outlines the general role and responsibilities of the chief law enforcement executive regarding bias incidents.

1. Provide leadership and direction by developing a clear and concise formal bias incident written order or directive based upon these Standards and disseminating it to all law enforcement officers of the agency.

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<sup>2</sup> Future updates to the eUCR system are expected to result in each law enforcement officer being issued their own eUCR log-in. Once those changes are in place, chief law enforcement executives may revise their agency's procedures accordingly.

2. Publicly announce the agency's bias incident investigation policy. Explain that the public should immediately contact the police when a bias incident occurs.
3. Ensure that all law enforcement officers of the agency receive required and appropriate training in bias incident response and investigation.
4. Ensure that an appropriate initial law enforcement response is provided to all suspected or confirmed bias incident victims and that a complete follow-up investigation is carried out, as appropriate.
5. Ensure that security is increased in the affected area, as appropriate.
6. Offer to personally meet the victim of a bias incident, or designate an officer to do so.
7. Ensure that the bias incident investigation is actively pursued to a successful conclusion or until all leads have been considered.
8. Ensure that all relevant information regarding suspected or confirmed bias incidents is shared with the appropriate County Prosecutor and other appropriate law enforcement agencies within a reasonable period of time.
9. Ensure that victim/witness service referrals are made in a timely manner, as appropriate.
10. Enlist the aid of faith-based, community, business, and educational groups, as well as other community leaders, in an effort to moderate the impact of the bias incident, to reduce the potential for counter-violence, and to promote positive police-community relations.
11. Ensure that community relations activities and crime prevention programs are conducted, as appropriate.
12. Maintain contact with community leaders concerning the bias incident, realizing that not all information may be able to be shared.
13. Conduct appropriate media relations. Prepare accurate and timely public information news releases, as appropriate.
14. Ensure that all suspected and confirmed bias incidents are reported as required through the eUCR system using the NJSP Uniform Crime Reporting procedures.
15. Ensure that victims, and as appropriate, other concerned parties, are informed of the final disposition of the investigation.

## **7. INITIAL LAW ENFORCEMENT RESPONSE TO A BIAS INCIDENT**

This section outlines the initial law enforcement response to a reported bias incident. This outline is designed to provide a practical approach to initial response and initial investigation of suspected or confirmed bias incidents.

Bias incidents may generate fear and concern among victims and the community. These incidents have the potential of recurring, escalating, and possibly causing counter-violence. Therefore, bias incidents require a thorough and comprehensive law enforcement response.

### **Responding Officer:**

When the initial responding officer arrives on the scene and determines that the situation may involve a bias incident, he or she shall:

1. Apprehend the actor (if applicable).
2. Provide assistance to the victim.
3. Protect the crime scene to prepare for the gathering of evidence.
4. Request that a law enforcement supervisor respond to the scene, as appropriate.
5. Conduct a standard preliminary investigation.
6. Obtain the names and addresses of all persons who witnessed or who are acquainted with the circumstances of the incident. All such persons should be questioned in detail.
7. Prepare a standard police incident report. Document the basic facts and circumstances surrounding the incident to include the following:
  - a. Name, address, telephone numbers and other information regarding the victim and witnesses.
  - b. Where incident occurred.
  - c. Person and/or property targeted.
  - d. How targeted.
  - e. Means of attack.
  - f. Time of incident.
  - g. Method of operation, trademark, or unusual characteristics of incident.
  - h. Any and all other relevant information provided by the victim and witnesses.
8. Refer the victim and witness to the appropriate Office of Victim-Witness Advocacy.

### **Law Enforcement Supervisor:**

Upon arriving at the scene of a suspected or confirmed bias incident, he or she shall:

1. Supervise the preliminary response and investigation.
2. Confer with the initial responding officer.

3. Assist in the stabilization of the victim as required.
4. Ensure that the crime scene is properly protected and preserved.
5. Take steps to insure that the incident does not escalate.
6. Determine if additional personnel are required to provide complete public safety services.
7. Arrange for an immediate increase of patrols throughout the affected area, as appropriate.
8. If the potential exists for further acts of violence or damage to property, arrange for officers to be assigned to the location of the incident in a fixed post position.
9. Attempt to verify if the occurrence is a confirmed bias incident following the guidelines for confirming bias incidents contained in these Standards. Verification assistance should be provided by other levels of command and/or additional investigative personnel, as required.
10. Request that investigative personnel respond to the scene if a bias incident is suspected or confirmed.
11. Notify headquarters and other levels of command regarding the facts and circumstances surrounding the incident.
12. Request that the next level of command respond to the scene, as appropriate.
13. Provide their agency's headquarters with updated factual information regarding the incident.
14. Ensure that the chief executive of the law enforcement agency is notified of the incident.
15. Ensure that the necessary basic information is obtained to sustain a follow-up investigation.
16. Ensure that all initial response reports are properly completed as soon as possible.

#### **8. BIAS INCIDENT FOLLOW-UP INVESTIGATION**

This section outlines the follow-up investigation of a reported bias incident. This outline is designed to provide a practical approach to the continuing investigation of suspected or confirmed bias incidents.

Bias incident follow-up investigations should be conducted by trained detectives or investigators; however, a number of officers who are not detectives or investigators may become involved in a typical investigation, particularly in smaller agencies.

Bias incident investigations shall be given the appropriate degree of priority treatment. Follow-up investigations and community relations activities shall be timely and comprehensive. The victim shall be kept informed of the progress of the investigation. Referrals to the appropriate support services shall be made, as required. Referrals shall also be made to the Division on Civil Rights, if appropriate.



The work of the investigator may involve working with people with diverse backgrounds. The investigator must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for prosecution.

Victims of bias incidents, like all victims of crime, experience emotional stress as a result of their victimization. This stress may be heightened by a perceived level of threat or personal violation due to the special nature of the bias incident.

Investigators assigned to handle bias incident cases should have a background in working sensitive cases. They should also have experience handling community relations. In any case where language barriers are an issue, if possible, investigators fluent in the particular language should be assigned to assist in the investigation.

Additionally, investigators should be generally familiar with various forms of bias incidents and organized hate groups operating within the State of New Jersey. The DCJ Bias Crimes Unit and the Office of Homeland Security and Preparedness can provide information and assistance regarding organized hate groups operating within the State.

#### **Investigator Responsibilities:**

Investigative personnel shall respond to the scene of a suspected or confirmed bias incident as directed by supervisory personnel.

When the investigator arrives on the scene and determines that the situation may be a bias incident, he or she shall:

1. Assume control of the bias incident follow-up investigation.
2. Ensure that the scene of the bias incident is properly protected and preserved.
3. Conduct a thorough and comprehensive follow-up criminal investigation. Continue bias incident verification procedures following the guidelines for confirming bias incidents contained in these Standards, as necessary.
4. Ensure that the scene of the bias incident is properly documented and searched and evidence is gathered for analysis, as required. Documenting the crime scene should include taking samples of physical evidence, securing and transporting into custody related movable evidence, and photographing the crime scene, as appropriate.
5. Interview all victims and witnesses.
6. Canvass the community to identify other victims and witnesses. Conduct additional interviews, as necessary.
7. Determine the primary elements of the incident and obtain information necessary to complete the data elements of the Uniform Crime Supplementary Bias Incident Offense Report. Primary elements of the investigation include:
  - a. **Person(s) targeted** - This includes the name, address, telephone number, personal background and other details of the victim(s).

- b. **Object targeted** - This includes details on the type of premises, building, or institution against which the offense was committed (private premises, public property or property primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, religion, sexual orientation or ethnicity).
  - c. **How targeted** - This includes the way in which the person or property was attacked or damaged (assaulted, put in fear of bodily violence by placing on public or private property a symbol, an object, a characterization, an appellation or graffiti that exposes another to threats of violence, contempt or hatred on the basis of race, color, creed or religion, defacement or damage by placing of symbol, an object, a characterization, an appellation, or graffiti that exposes another to threat of violence, contempt or hatred on the basis of race, color, religion, sexual orientation or ethnicity).
  - d. **Means of attack** - This includes the instrument, tool, device, or method by which the person or property was attacked or damaged.
  - e. **Time and date** - This includes both the time and date reported and the actual time and date the offense was committed.
  - f. **Trademark** - This includes the *modus operandi* (M.O.), or individual identifying characteristics, of the bias incident, which may serve to distinguish the offense from others committed in much the same fashion. This element is helpful in connecting a suspect with past incidents.
  - g. If a series of bias incidents has occurred, these investigative elements will be crucial in developing an operating pattern and in identifying suspects. This investigative process will also assist in identifying participation of organized hate groups.
8. Conduct surveillance and other appropriate investigative activities in order to obtain additional evidence and to identify suspects.
  9. Contact other appropriate law enforcement agencies for assistance, as required. Notify the County Prosecutor's Office as soon as possible, not to exceed 24 hours.
  10. Work closely with the County Prosecutor to ensure that legally sufficient cases are presented for prosecution.
  11. Assist the victim/witness in obtaining appropriate support services.
  12. Prepare standard investigative reports documenting the bias incident investigation, as appropriate.
  13. Ensure that all suspected and confirmed bias incidents are reported through the eUCR system.
  14. Assist with community relations activities and crime prevention programs, as appropriate.

Investigators should ensure that all physical remains of the incident are removed after crime scene processing is completed. If the remains cannot be physically carried away (example: paint on walls), the appropriate level of command should attempt to notify building or property owners regarding the need for complete removal as soon as possible after the crime scene has been fully processed.

Community leaders and organizations are important resources during any bias incident investigation. These resources can help to broaden the investigator's understanding of the incident. They can also help to convince reluctant victims and witnesses to cooperate with investigators and encourage more victims to report bias incidents.

Investigators shall be sensitive to the safety concerns of victims and witnesses, and arrange for appropriate security measures to be implemented to protect persons and property.

## **10. GUIDELINES FOR CONFIRMING BIAS INCIDENTS**

To assist law enforcement officers in confirming whether a suspected bias incident is actually motivated by bias, the following criteria shall be applied. These criteria are not all-inclusive. Common sense judgment must also be applied in the final determination.

### *Motive*

1. The absence of any other apparent motive for the bias incident.
2. Display of any bias symbols, words, graffiti, or other types of evidence.
3. Statements made by the suspects.
4. Statements made by the witnesses.
5. Prior history of similar incidents in the same area affecting the same victim or community group.
6. A common sense review of the facts and circumstances surrounding the incident. Consider the totality of the circumstances.

When the above criteria are applied, it may be helpful to ask the following questions:

1. Is the victim from one racial, religious, or ethnic group and the suspect from another?<sup>5</sup>
2. Did the incident occur solely because of a bias against the victim by the actor involving a status or class protected under N.J.S.A. 2C:16-1, or for other reasons?
3. Is the victim the only member of a particular protected class or status under N.J.S.A. 2C:16-1 in the neighborhood, or one of a few?
4. Did the victim recently move into the area?

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<sup>5</sup> The suspect and victim do not need to be from a different group or groups covered under the Bias Intimidation statute. The victim or suspect's actual membership in a particular group is not an element of the offense of Bias Intimidation. Also note that N.J.S.A. 2C:16-1(h) prohibits the defense of mistake.

5. Is the victim acquainted with neighbors and/or associated with local community groups?
6. What was the trademark (M.O. of the actor)? Is it similar to other documented bias incidents?
7. Has the victim experienced past or repeated incidents of a similar nature?
8. Is there a connection between the date of the incident and holidays, school activities or other special public discussions or events?
9. Has there been prior or recent media coverage of similar incidents?
10. Is there an ongoing neighborhood problem that may have contributed to the event?
11. Does the M.O. signify a "copycat" of other incidents?
12. Is an organized hate group indicated in the incident?
  - a. Is hate literature involved? What type is it?
  - b. Is there any documented or suspected organized hate group activity in the area?
  - c. Was organized group involvement actually present or made to appear so?
13. Were the real intentions of the actor to commit a bias incident or were there other motives?
14. Does the actor have a true understanding of the impact of the bias incident on the victim?
15. Was the victim put in fear due to the incident?
16. Did the victim feel threatened due to the incident?

If after applying these criteria and asking the appropriate questions, a suspected bias incident cannot be definitively determined to be any other type of incident or is a borderline case, it should be treated as a bias incident for continuing investigation purposes.

## **11. INTER-AGENCY COOPERATION**

The overall effectiveness of law enforcement agencies responding to bias incidents can be enhanced through policies which promote inter-agency law enforcement cooperation. The impact that inter-agency cooperation and training can have upon a bias incident can be much greater than that of a single agency.

### *Division of Criminal Justice*

The Division of Criminal Justice, as part of the Department of Law and Public Safety, under the authority of the Attorney General, has the broad responsibility of overseeing the criminal justice process and the law enforcement function. This is accomplished through interaction with various levels of government in order to secure the benefits of a uniform and efficient enforcement of the criminal law and administration of criminal justice.

Located within DCJ is the Prosecutors Supervision and Training Bureau, which assists in the coordination of anti-bias and bias incident training. The Attorney General's Continuing Law Enforcement Affirmative Relations (CLEAR) Institute is a part of the Prosecutors Supervision and Training Bureau.

Also within DCJ is the Bias Crimes Unit. The Bias Crimes Unit receives and reviews all notifications of bias incidents from local law enforcement agencies, county prosecutors' offices, and the NJSP. In certain cases, the Bias Crimes Unit may participate in the investigation or prosecution of a bias incident. Tips from the public to the Attorney General's Bias Crimes Hotline or Bias Crimes Website are also reviewed by the Bias Crimes Unit. Those tips are retained for investigation by the Bias Crimes Unit or referred to a local law enforcement agency for investigation, as appropriate.

#### *The New Jersey Division of State Police*

In addition to actively investigating bias incidents and assisting other law enforcement agencies in investigating bias incidents, the NJSP are responsible for collecting statistics on suspected and confirmed bias incidents. Effective January 1, 2019, the NJSP required all New Jersey law enforcement agencies to submit their UCR-required bias incident reports directly into the State's UCR Repository database. The data collected in these submissions is compiled and is used to generate the annual Bias Incident Offense Report for New Jersey and is also submitted to the Federal Bureau of Investigation's (FBI) UCR unit to be included in the Federal annual Hate Crime Report. The UCR Repository serves as the storage repository for the bias incident data submitted by the police community of New Jersey.

#### *The New Jersey Office of Homeland Security and Preparedness*

To further facilitate inter-agency cooperation and a holistic view of the current threat in the State, the New Jersey Office of Homeland Security and Preparedness (NJOHSP), along with the NJSP, DCJ, and all 21 County Prosecutors Offices' bias crime officers, shall be notified of all suspected or confirmed bias incidents by an instant notification from the eUCR module within the New Jersey Infoshare system. At such time, each incident shall be reviewed by NJOHSP for a possible nexus to terrorism and, if appropriate, entered into the New Jersey Suspicious Activity Reporting System (NJSARS). Incidents that involve an organized extremist group or extremist ideology will be of particular interest for further investigation and inclusion by NJOHSP and the FBI. The eUCR module shall also be available to query within the Global Search feature of Infoshare, thus allowing for a single, federated query of various law enforcement systems throughout the State.

### *County Prosecutors' Offices*

The County Prosecutors are the chief law enforcement officers of the counties and are charged with the duty of faithfully enforcing the law by using all reasonable and lawful means to detect, arrest, indict, and convict offenders. The County Prosecutors' duties include providing county-wide law enforcement leadership and assisting and supplementing law enforcement agencies within one's jurisdiction with personnel and investigative resources, as necessary.

The County Prosecutors' Offices shall be notified of a suspected or confirmed bias incident as soon as possible, not to exceed 24 hours. The County Prosecutors' offices shall monitor the investigation of all suspected or confirmed bias incidents, within one's jurisdiction, as necessary.

Further, a law enforcement agency's chief law enforcement executive or a designee shall contact their County Prosecutor's Office for legal advice and investigative assistance, as necessary.

### *Division on Civil Rights*

The Division on Civil Rights (DCR), as part of the Department of Law and Public Safety, under the authority of the Attorney General, is responsible for enforcing New Jersey's Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49.

Among other things and with some exceptions, the LAD makes it unlawful to discriminate against or harass a person based on race, color, creed/religion, sex/gender, disability, sexual orientation, gender identity or expression, national origin, nationality and ancestry. The LAD also prohibits discrimination and harassment based on age, pregnancy, breastfeeding, marital status, familial status, domestic partnership status, civil union status, and service in the U.S. armed forces.

DCR's jurisdiction is limited to addressing acts of bias, prejudice, discrimination, and harassment in:

- Employment;
- Housing and real estate;
- Credit and contracting; and
- Places of public accommodation, including schools, government buildings, restaurants, hotels, stores, hospitals, theaters, and other places open to the public.

Where it appears that there may have been discrimination or harassment based on any of the characteristics listed above, DCR has jurisdiction to accept complaints from individuals and to investigate those complaints. Individuals need not be represented by

counsel to file a complaint with DCR; they simply must file a complaint within 180 days of the most recent act of discrimination or harassment. DCR can also open its own investigation into discrimination or harassment without an individual filing a complaint. This is called a Director-Initiated Investigation.

Where DCR's investigation shows probable cause to believe prohibited discrimination or harassment has occurred, DCR will prosecute the violation either in the Office of Administrative Law or in Court. After an administrative hearing, if DCR's Director finds that the LAD has been violated, the Director has the power to order appropriate remedies, including money damages to the victim, injunctive relief, changes in policies, anti-bias or anti-discrimination training, and statutory penalties.

In some cases, a Bias Incident may also constitute a violation of the LAD. When a law enforcement agency is confronted with a suspected or confirmed violation of New Jersey's Law Against Discrimination, the victim shall be informed of the Division on Civil Rights' jurisdiction and referred to the Division, if appropriate, and the Division on Civil Rights shall be contacted.

#### *Division on Civil Rights Inter-Agency Services*

The Division on Civil Rights can provide the following services to law enforcement agencies upon request:

- Education and training relating to acts of bias, prejudice, discrimination, and harassment;
- Literature, publications and exhibits relating to acts of bias, prejudice, discrimination, and harassment; and
- Model policies to address discrimination and harassment.

Many of these services are available in a bilingual format.

The Division on Civil Rights can also send staff members to participate in community events hosted by law enforcement agencies to address bias incidents in the community.

#### *Division on Civil Rights Branch Offices*

##### *Northern Regional Office/Newark*

973.648.2700  
P.O. Box 46001  
81 Clinton Street, 8<sup>th</sup> floor  
Newark, NJ 07102

*Central Regional Office/Trenton*

609.292.4605  
P.O. Box 89  
140 East Front Street, 6<sup>th</sup> floor  
Trenton, NJ 08625-0089

*Southern Regional Office/Cherry Hill*

856.486.4080  
5 Executive Campus, Suite 107  
Cherry Hill, NJ 08002

*South Shore Regional Office/Atlantic City*

609.441.3100  
1325 Boardwalk, 1st floor  
Tennessee Ave & Boardwalk  
Atlantic City, NJ 08401

Additional information about the Division on Civil Rights is available at [www.njcivilrights.gov](http://www.njcivilrights.gov).

## **12. CONTINUING EDUCATION**

Consistent with Attorney General Directive 2016-5 that established the Community Law Enforcement Affirmative Relations Continuing Education Institute ("the CLEAR Institute"), it is reaffirmed in this guideline that core law enforcement values of professionalism, fairness, compassion, and impartiality that are first taught to recruits at police academies, must be reinforced throughout an officer's career. Because of the effect that bias incidents and bias crimes have on protected groups and classes, individual victims, and the community, it is equally important that pre-service training recruits and sworn law enforcement officers receive training in detecting and reporting bias incidents and investigating/prosecuting bias crimes.

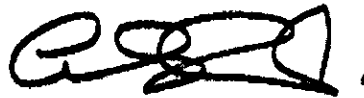
Currently, training for pre-service police recruits is strictly regulated through prescribed curricula approved by the Police Training Commission (PTC) for state (excluding the NJSP), county, and local law enforcement agencies. The NJSP pre-service curricula is regulated by the Superintendent of the NJSP and the Attorney General Office of Law Enforcement Professional Standards (OLEPS). Continuing education courses for all law enforcement officers is regulated by the Office of the Attorney General, Division of Criminal Justice through the CLEAR Institute by Attorney General Directive 2016-5.



Since the creation of the Attorney General's Bias Incident Investigation Standards in 1988, pre-service law enforcement curricula has required mandatory training on the detection, investigation, and reporting of bias incidents and crimes.

Therefore, it is directed that the Office of the Attorney General, Division of Criminal Justice, in consultation with the County Prosecutors Association of New Jersey, each County Associations of Chiefs of Police, the New Jersey State Association of Chiefs of Police, the New Jersey Bias Crimes Officers Association, faith-based leaders, and community stakeholders either update or create a continuing education course through the CLEAR Institute on detecting and reporting bias incidents and investigating and prosecuting bias crimes consistent with this new guideline. It is further directed that the Office of the Attorney General, Division of Criminal Justice in consultation with the PTC, OLEPS, and the Superintendent of the NJSP update pre-existing bias incident/crimes curricula consistent with this revised guideline and the continuing education course created through the CLEAR Institute.

This guideline shall take effect immediately. The provisions of this guideline shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



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Gurbir S. Grewal  
Attorney General

ATTEST:



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Veronica Allende, Director  
Division of Criminal Justice

Dated: April 5, 2019



PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
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*Attorney General*

VERONICA ALLENDE  
*Director*

TO: All County Prosecutors

FROM: Deputy Attorney General Robert Czepiel, Jr.  
Bureau Chief  
Prosecutors Supervision & Training Bureau

DATE: April 24, 2019

SUBJECT: Attorney General's Bias Incident Investigation Standards  
Attorney General's Law Enforcement Guideline  
NJ Bias Crime Reporting

Thank you for providing members of my office with your NJBIAS@.... email address. The NJ Bias Reporting System emails will go live on April 26, 2019 which means that your NJBIAS@.... email box will begin to receive Supplemental Bias Incident Offense reports for incidents that occur in your county and are reported via the eUCR system.

Because your office controls the mailbox, you will be able to designate the members of your office that you want to receive these messages. At the close of every business day, the designated Bias Crime Liaisons in your office will receive a copy of every Supplemental Bias Incident Offense report for any incident that occurs in NJ (which usually averages one or two per day). This will provide your staff with notice of any bias incident/crime within our State.

Your mailbox should receive a TEST message by April 26, 2019. We ask that you notify Prosecutors Supervision & Training Bureau (David Leonardis, Training & Outreach Liaison at [Leonardisd@njdcj.org](mailto:Leonardisd@njdcj.org); (o) 609-376-2395 or (c) 609-610-0948) if you did not receive any emails.

Please note that NJ State Police Uniform Crime Reporting Unit trained local UCR users on the Bias Reporting System during their annual training session last



year. Pursuant to the Attorney General's Bias Incident Investigation Standards/Law Enforcement Guideline that was signed on April 5, 2019, all bias incidents must be reported within 24 hours.

A UCR administrator within every police department has the ability to designate members of their agency as eUCR users in order to submit the Supplemental Bias Incident Offense Report.

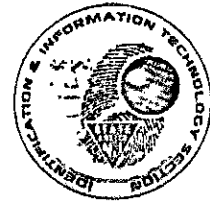
As a clarification, the definition of a bias incident and circumstances that would cause the submission of a Supplemental Bias Incident Offense Report (UCR-BI-1) has NOT changed with the signing of the new Attorney General's Bias Incident Investigation Standards/Law Enforcement Guideline.

The updated 2019 Attorney General's Bias Incident Investigation Standards/Law Enforcement Guideline does reference N.J.S.A. 2C:16-1 in the context of reporting a bias incident. This statute was not in existence when the initial Attorney General's Bias Incident Investigation Standards/Law Enforcement Guideline were created. The reference of this statute in reporting bias incidents does not change from the old guideline when an officer is required to report a bias incident or the definition of a bias incident. If anything, it expands the number of protected classes covered under the statute that would require a bias notification.

A copy of the NJ State Police message to local law enforcement UCR users is attached, along with the Optimum Swift Repository Guide on adding users. We are also enclosing a copy of the Attorney General's Bias Incident Investigation Standards/Law Enforcement Guideline dated April 5, 2019.

Please share this information with your local police departments.

Thank you for your time, patience and anticipated cooperation.



## IDENTIFICATION & INFORMATION TECHNOLOGY SECTION

Users will see this message immediately when logging in to the Repository:

### **Bias Reporting in the Repository**

When your law enforcement agency responds to a bias incident that requires the associated Supplementary Bias Incident Offense Report to be completed, please continue the practice of having the investigating officer complete the report. As per the new Attorney Generals guidelines on Bias reporting, the data from the completed Bias Incident Offense Report must be entered into the Repository within 24 hours. This task can be completed by the agencies UCR reporter or their designee.

The Attorney Generals guidelines are contained in the resources section of the Repository.

# **IDENTIFICATION & INFORMATION TECHNOLOGY SECTION**



## **Optimum Swift Repository**

### **DISCLAIMER**

The summary based Uniform Crime Reporting statistics are submitted by law enforcement agencies at the state, county, city, college and local level. The statistics compiled utilizing Uniform Crime Reporting submissions may not result in an accurate depiction of the actual incident being reported by the law enforcement agency. There are multiple factors, based on offense definitions and principles defined in the federal UCR manual that can determine the classification of the offense or arrest data. The Hierarchy, Hotel and Separation of Time and Place Rule directly affect the offense classification and number of incidents being reported. The UCR data should be used to compare data from a prior year or another state submitting summary based UCR data

Website to access repository: <https://newjersey.nibrs.com/>

Training Videos: <https://www.youtube.com/channel/UCjbAsczNCkTujLFHesNlyMA>

### **Login and Password**

- Username will be your email address
- Passwords are case sensitive
- Criteria for passwords- 12 characters length containing at least 2 upper case, 2 lower case, 2 numbers and 2 symbols (!@#)\$
- You are given 3 attempts before being locked out. If you are locked out your agency administrator or State administrator (State Police) must reset your password.
- Passwords do not expire

### **Accessing your Account Profile**

- Click on name in top right corner of home page.
- Select "Profile"
- If you make any changes to your profile be sure to select "Save My Profile" at the bottom of the page
- *\*\*\*Keep User Information up to date\*\*\**

### **Creating a Challenge Question**

- The purpose of the challenge question is to give you the ability to change your password if you forget it.
- Go to your account profile (Click on your name on the home page then select "Profile")
- Scroll down and select "New Challenge Question"
- Scroll down and select one of the predetermined questions and type in the answer
- Click on "Save Challenge Question"
- A green banner should appear confirming you saved your challenge question. If it does not, click on the "Save Challenge Question" icon again.

### **Reset Password**

- Go to account profile
- Scroll down and select "Reset Password"
- Type in Current Password followed by new password twice
- Remember passwords must be 12 characters in length containing 2 upper case, 2 lower case, 2 numbers and 2 symbols (!@#)\$
- Click on "Reset Password"

- A green banner should appear confirming you reset your password, if it does not click on it again.

### **Forgot Password**

- If your email is not entered into your account profile you will not be able to use forget your password link.
- On Login screen select "Forgot your Password" link
- Enter in your username (Login) and email
- Click "Next"
- Your challenge question will appear, put in your answer in the box then click "Submit"
- A green box should appear stating your password has been reset
- Check your email for a temporary password
- When you login for the first time you will be prompted

### **Add User**

*\*Only users with agency administrator rights can add users to their own agency.*

- On the left menu bar select "System Admin"
- Click on "New User" box
- Enter users "Login" (make it their email) , first name, last name, and email
- Click on "Create User"
- Once user is created set a password. (Please follow instructions for reset password.)

### **Agency Information**

*Please keep your agencies information up to date including the Chief's Name and email*

- Go to the left menu bar select "System Admin"
- Click on "Agency"
- Update Chief's Name and email. If you make changes be sure to click on the "Save Agency" box.
- This section will also give you access to Agency Users and Agency Employee Statistics.

### **Entering SRS Data**

*For entering in Return A, Supplement to Return A, LEOKA, Supplementary Homicide Report, ASRE (Adult and Juvenile), Arson, Human Trafficking*

- Go to left menu bar select "Data Center"
- Click on "New SRS Report"

- Enter in month you wish to complete then click on "Create SRS Report"
- To create a report select "New"
- After submitting a report a green check mark under valid will appear if the form is ready for submission. A red "X" will appear if a selection you made in the form is invalid. You cannot submit your monthly report if an "X" appears under the valid column.
- Under the "Notes" box please include the month, year, case number and crime cleared/exceptionally cleared cases from a previous month were made.
- If your screen jumps around too much turn off error display
- All reports that aren't completed but containing information can be found in the "Working Items" tab.
- Once a report is submitted, it is pushed to the database and no longer available in the working items tab. The user must conduct an inquiry in the "Search" tab to locate all submitted reports.

**MAKE SURE YOU CLICK ON THE "SUBMIT DATA" BOX TO SUBMIT YOUR MONTHLY REPORTS!!**



# **Attorney General's Bias Incident Investigation Standards**

**TO:** All Law Enforcement Chief Executives

**FROM:** Gurbir S. Grewal, Attorney General of New Jersey

**DATE:** April 5, 2019

**SUBJECT:** Revised Bias Incident Investigation Standards  
Attorney General's Law Enforcement Guideline

Pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97, et seq., all prior versions and amendments of the Attorney General's Bias Incident Investigation Standards are hereby rescinded and replaced by this new, revised version.

## **1. POLICY STATEMENT FROM THE ATTORNEY GENERAL TO NEW JERSEY LAW ENFORCEMENT**

Bias incidents are increasing throughout the State and the nation. As a result, communities have been gripped by uncertainty, tension, and conflict. The promulgation of the Attorney General's Bias Incident Investigation Standards (Standards) serves as recognition that the unique nature of suspected or confirmed bias incidents requires special handling by the New Jersey law enforcement community.

Crimes with a component of intimidation based on race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity manifest themselves in a wide spectrum of anti-social activities. These bias incidents jeopardize the active and open pursuit of freedom and opportunity. They erode, undermine, and attack the identity and heritage of our citizens. They also dehumanize people based solely on group affiliation and shake the very foundations of our cultural and religious institutions, as well as our longstanding pursuit of tolerance and acceptance.

Therefore, it shall be the policy of New Jersey law enforcement to bring the investigative and enforcement elements of the law enforcement community into quick action following any and all suspected or confirmed bias incidents. There shall also be special emphasis placed on victim assistance and community relations in order to reduce victim trauma and community tension or fear.

All suspected or confirmed bias incidents are serious and should be treated as such. Bias incident investigations shall be conducted in a timely fashion using all appropriate resources to rapidly determine the facts and circumstances surrounding each incident. Careful attention should be given to identifying the motive and cause of the bias

incident and to identifying suspects. Referrals to the County Prosecutors' Offices of Victim-Witness Advocacy or to the Division on Civil Rights shall be made as appropriate.

The proper investigation of a suspected or confirmed bias incident is the responsibility of each New Jersey law enforcement agency confronted with this problem. Each law enforcement officer must be sensitive to the feelings, needs, and fears that may be present in the victims, and the community at large, as a result of a suspected or confirmed bias incident.

Law enforcement agencies handling bias incidents shall:

- Approach victims in a sensitive and supportive manner.
- Reassure victims that appropriate investigative and enforcement methods will be used by the law enforcement agency to properly address the bias incident.
- Ensure that a thorough and complete initial response and follow-up investigation are conducted as required by the facts and circumstances surrounding the suspected or confirmed bias incident, which includes providing for appropriate community relations activities and crime prevention programs.
- Refer the victims/witnesses to the appropriate Office of Victim-Witness Advocacy or the Division on Civil Rights, where appropriate.
- Interact with concerned community service organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.
- Effectively calm victims and reduce their fear and alienation through direct, ongoing official communication regarding the bias incident.
- Notify the Division of Criminal Justice (DCJ), the Division of State Police (NJSP), and the appropriate County Prosecutor's Office of all bias incidents as detailed herein.
- Ensure that victims and other concerned parties are afforded all the rights and protections provided under the New Jersey Constitutional Amendment for Victim's Rights (N.J. Const. art. I, para. 22) and the Crime Victim's Bill of Rights (N.J.S.A. 52:4B-34, et seq.)

It must be remembered that the actions taken by New Jersey law enforcement in responding to suspected or confirmed bias incidents are visible signs of concern and commitment to the citizens of the communities we serve.

## **2. PURPOSE OF THE BIAS INCIDENT INVESTIGATION STANDARDS**

The purpose of these Standards is to establish uniform law enforcement procedures for the response to, and investigation of, bias incidents.

New Jersey law enforcement shall take an active role in promoting peace and harmony among the diverse groups living and working within the State and protect all citizens from bias incidents.

New Jersey law enforcement agencies shall conduct a thorough and complete investigation of all suspected or confirmed bias incidents and shall cooperate with prosecutors in the prompt and appropriate prosecution of these matters.

To accomplish these purposes, the chief executives of all law enforcement agencies shall apply the elements of these Standards to their individual agencies through a formal written order or directive which reflects the individual needs of each New Jersey law enforcement agency and the community it serves.

### **3. DEFINITION OF BIAS INCIDENT AND RELATED CRIMINAL VIOLATIONS**

For New Jersey law enforcement purposes, a bias incident is defined as any suspected or confirmed violation of N.J.S.A. 2C:16-1(a)(1) or (2).<sup>1</sup> Some suspected bias incidents may not clearly fit the described definition. In those cases, a common sense approach to the incident must be used. If an incident appears to be bias-based, it should be investigated and reported as such. Verification of motive and intent can be made during the ensuing investigation.

Law enforcement officers must recognize that a single bias incident may initially appear as less serious when viewed in the larger context of all crime. Nonetheless, any suspected or confirmed bias incident is serious by its very nature. What may appear to be a minor incident can easily escalate into a larger problem or public safety concern.

### **4. REQUIREMENT TO REPORT ALL BIAS INCIDENTS**

It is the duty of all law enforcement agencies in the State to report bias incidents to the New Jersey Attorney General's designees. DCJ and NJSP have designated an electronic reporting system for this purpose – the Electronic Uniform Crime Reporting (eUCR) portal. When a bias incident report is submitted through the eUCR portal, the information is automatically forwarded to the Bias Crimes Unit at DCJ, the NJSP, the New Jersey Office of Homeland Security and Preparedness, and the appropriate County Prosecutor.

Local law enforcement agencies shall report all confirmed or suspected bias incidents through the eUCR system as soon as is practicable, but not more than 24 hours from the initial law enforcement response. Under current eUCR procedures, each law enforcement agency in New Jersey receives a single log-in for the eUCR system. Chief

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<sup>1</sup> Subsection (3) was ruled unconstitutional in *State v. Pomianek*, 221 N.J. 66, 91 (2015).

law enforcement executives must plan accordingly to ensure their agencies meet the reporting requirements of this guideline.<sup>2</sup>

In cases of suspected or confirmed bias incidents involving: (1) homicide, aggravated sexual assault, sexual assault, aggravated assault, or arson; (2) a law enforcement officer as the alleged perpetrator; (3) an organized hate group as the perpetrator; or (4) a potential to generate large-scale public unrest, the local law enforcement agency shall also **immediately** notify the Bias Crimes Unit at DCJ. Such immediate notification is to be made by calling the Bias Crimes Unit duty phone, the number of which is available on DCJ's website at [www.nj.gov/oag/dcj/biascrime/](http://www.nj.gov/oag/dcj/biascrime/). The local law enforcement agency also must **immediately** notify the appropriate County Prosecutor of such an incident. Each County Prosecutor retains the discretion to establish procedures for such notification.

In bias incidents where there is a nexus to terrorism, such as when an organized hate group is involved, the Attorney General's SAR Reporting Directive, No. 2016-7, requires additional notifications. Suspicious activity with a nexus to terrorism must be reported **immediately**, per existing county protocols. Activity also can be reported 24/7 to NJOHSP's CTWatch at **866-4SAFENJ** (866-472-3365) or [tips@njohsp.gov](mailto:tips@njohsp.gov).

It is the responsibility of the chief executive of each local law enforcement agency to institute policies and procedures to ensure compliance with this reporting requirement.

## **5. REQUIREMENT TO REPORT ALL ACCUSATIONS AND INDICTMENTS ALLEGING BIAS INTIMIDATION**

It shall be the responsibility of every County Prosecutor to promptly notify DCJ of his or her office's intention to file an accusation or seek an indictment alleging Bias Intimidation under N.J.S.A. 2C:16-1. Such notification shall be made to DCJ in a manner prescribed by the Director of DCJ.

## **6. GENERAL ROLE AND RESPONSIBILITIES OF THE LAW ENFORCEMENT CHIEF EXECUTIVE**

This section outlines the general role and responsibilities of the chief law enforcement executive regarding bias incidents.

1. Provide leadership and direction by developing a clear and concise formal bias incident written order or directive based upon these Standards and disseminating it to all law enforcement officers of the agency.

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<sup>2</sup> Future updates to the eUCR system are expected to result in each law enforcement officer being issued their own eUCR log-in. Once those changes are in place, chief law enforcement executives may revise their agency's procedures accordingly.

2. Publicly announce the agency's bias incident investigation policy. Explain that the public should immediately contact the police when a bias incident occurs.
3. Ensure that all law enforcement officers of the agency receive required and appropriate training in bias incident response and investigation.
4. Ensure that an appropriate initial law enforcement response is provided to all suspected or confirmed bias incident victims and that a complete follow-up investigation is carried out, as appropriate.
5. Ensure that security is increased in the affected area, as appropriate.
6. Offer to personally meet the victim of a bias incident, or designate an officer to do so.
7. Ensure that the bias incident investigation is actively pursued to a successful conclusion or until all leads have been considered.
8. Ensure that all relevant information regarding suspected or confirmed bias incidents is shared with the appropriate County Prosecutor and other appropriate law enforcement agencies within a reasonable period of time.
9. Ensure that victim/witness service referrals are made in a timely manner, as appropriate.
10. Enlist the aid of faith-based, community, business, and educational groups, as well as other community leaders, in an effort to moderate the impact of the bias incident, to reduce the potential for counter-violence, and to promote positive police-community relations.
11. Ensure that community relations activities and crime prevention programs are conducted, as appropriate.
12. Maintain contact with community leaders concerning the bias incident, realizing that not all information may be able to be shared.
13. Conduct appropriate media relations. Prepare accurate and timely public information news releases, as appropriate.
14. Ensure that all suspected and confirmed bias incidents are reported as required through the eUCR system using the NJSP Uniform Crime Reporting procedures.
15. Ensure that victims, and as appropriate, other concerned parties, are informed of the final disposition of the investigation.

## **7. INITIAL LAW ENFORCEMENT RESPONSE TO A BIAS INCIDENT**

This section outlines the initial law enforcement response to a reported bias incident. This outline is designed to provide a practical approach to initial response and initial investigation of suspected or confirmed bias incidents.

Bias incidents may generate fear and concern among victims and the community. These incidents have the potential of recurring, escalating, and possibly causing counter-violence. Therefore, bias incidents require a thorough and comprehensive law enforcement response.

### **Responding Officer:**

When the initial responding officer arrives on the scene and determines that the situation may involve a bias incident, he or she shall:

1. Apprehend the actor (if applicable).
2. Provide assistance to the victim.
3. Protect the crime scene to prepare for the gathering of evidence.
4. Request that a law enforcement supervisor respond to the scene, as appropriate.
5. Conduct a standard preliminary investigation.
6. Obtain the names and addresses of all persons who witnessed or who are acquainted with the circumstances of the incident. All such persons should be questioned in detail.
7. Prepare a standard police incident report. Document the basic facts and circumstances surrounding the incident to include the following:
  - a. Name, address, telephone numbers and other information regarding the victim and witnesses.
  - b. Where incident occurred.
  - c. Person and/or property targeted.
  - d. How targeted.
  - e. Means of attack.
  - f. Time of incident.
  - g. Method of operation, trademark, or unusual characteristics of incident.
  - h. Any and all other relevant information provided by the victim and witnesses.
8. Refer the victim and witness to the appropriate Office of Victim-Witness Advocacy.

### **Law Enforcement Supervisor:**

Upon arriving at the scene of a suspected or confirmed bias incident, he or she shall:

1. Supervise the preliminary response and investigation.
2. Confer with the initial responding officer.

3. Assist in the stabilization of the victim as required.
4. Ensure that the crime scene is properly protected and preserved.
5. Take steps to insure that the incident does not escalate.
6. Determine if additional personnel are required to provide complete public safety services.
7. Arrange for an immediate increase of patrols throughout the affected area, as appropriate.
8. If the potential exists for further acts of violence or damage to property, arrange for officers to be assigned to the location of the incident in a fixed post position.
9. Attempt to verify if the occurrence is a confirmed bias incident following the guidelines for confirming bias incidents contained in these Standards. Verification assistance should be provided by other levels of command and/or additional investigative personnel, as required.
10. Request that investigative personnel respond to the scene if a bias incident is suspected or confirmed.
11. Notify headquarters and other levels of command regarding the facts and circumstances surrounding the incident.
12. Request that the next level of command respond to the scene, as appropriate.
13. Provide their agency's headquarters with updated factual information regarding the incident.
14. Ensure that the chief executive of the law enforcement agency is notified of the incident.
15. Ensure that the necessary basic information is obtained to sustain a follow-up investigation.
16. Ensure that all initial response reports are properly completed as soon as possible.

## **8. BIAS INCIDENT FOLLOW-UP INVESTIGATION**

This section outlines the follow-up investigation of a reported bias incident. This outline is designed to provide a practical approach to the continuing investigation of suspected or confirmed bias incidents.

Bias incident follow-up investigations should be conducted by trained detectives or investigators; however, a number of officers who are not detectives or investigators may become involved in a typical investigation, particularly in smaller agencies.

Bias incident investigations shall be given the appropriate degree of priority treatment. Follow-up investigations and community relations activities shall be timely and comprehensive. The victim shall be kept informed of the progress of the investigation. Referrals to the appropriate support services shall be made, as required. Referrals shall also be made to the Division on Civil Rights, if appropriate.

The work of the investigator may involve working with people with diverse backgrounds. The investigator must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for prosecution.

Victims of bias incidents, like all victims of crime, experience emotional stress as a result of their victimization. This stress may be heightened by a perceived level of threat or personal violation due to the special nature of the bias incident.

Investigators assigned to handle bias incident cases should have a background in working sensitive cases. They should also have experience handling community relations. In any case where language barriers are an issue, if possible, investigators fluent in the particular language should be assigned to assist in the investigation.

Additionally, investigators should be generally familiar with various forms of bias incidents and organized hate groups operating within the State of New Jersey. The DCJ Bias Crimes Unit and the Office of Homeland Security and Preparedness can provide information and assistance regarding organized hate groups operating within the State.

#### **Investigator Responsibilities:**

Investigative personnel shall respond to the scene of a suspected or confirmed bias incident as directed by supervisory personnel.

When the investigator arrives on the scene and determines that the situation may be a bias incident, he or she shall:

1. Assume control of the bias incident follow-up investigation.
2. Ensure that the scene of the bias incident is properly protected and preserved.
3. Conduct a thorough and comprehensive follow-up criminal investigation. Continue bias incident verification procedures following the guidelines for confirming bias incidents contained in these Standards, as necessary.
4. Ensure that the scene of the bias incident is properly documented and searched and evidence is gathered for analysis, as required. Documenting the crime scene should include taking samples of physical evidence, securing and transporting into custody related movable evidence, and photographing the crime scene, as appropriate.
5. Interview all victims and witnesses.
6. Canvass the community to identify other victims and witnesses. Conduct additional interviews, as necessary.
7. Determine the primary elements of the incident and obtain information necessary to complete the data elements of the Uniform Crime Supplementary Bias Incident Offense Report. Primary elements of the investigation include:
  - a. **Person(s) targeted** - This includes the name, address, telephone number, personal background and other details of the victim(s).



- b. **Object targeted** - This includes details on the type of premises, building, or institution against which the offense was committed (private premises, public property or property primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, religion, sexual orientation or ethnicity).
  - c. **How targeted** - This includes the way in which the person or property was attacked or damaged (assaulted, put in fear of bodily violence by placing on public or private property a symbol, an object, a characterization, an appellation or graffiti that exposes another to threats of violence, contempt or hatred on the basis of race, color, creed or religion, defacement or damage by placing of symbol, an object, a characterization, an appellation, or graffiti that exposes another to threat of violence, contempt or hatred on the basis of race, color, religion, sexual orientation or ethnicity).
  - d. **Means of attack** - This includes the instrument, tool, device, or method by which the person or property was attacked or damaged.
  - e. **Time and date** - This includes both the time and date reported and the actual time and date the offense was committed.
  - f. **Trademark** - This includes the *modus operandi* (M.O.), or individual identifying characteristics, of the bias incident, which may serve to distinguish the offense from others committed in much the same fashion. This element is helpful in connecting a suspect with past incidents.
  - g. If a series of bias incidents has occurred, these investigative elements will be crucial in developing an operating pattern and in identifying suspects. This investigative process will also assist in identifying participation of organized hate groups.
8. Conduct surveillance and other appropriate investigative activities in order to obtain additional evidence and to identify suspects.
  9. Contact other appropriate law enforcement agencies for assistance, as required. Notify the County Prosecutor's Office as soon as possible, not to exceed 24 hours.
  10. Work closely with the County Prosecutor to ensure that legally sufficient cases are presented for prosecution.
  11. Assist the victim/witness in obtaining appropriate support services.
  12. Prepare standard investigative reports documenting the bias incident investigation, as appropriate.
  13. Ensure that all suspected and confirmed bias incidents are reported through the eUCR system.
  14. Assist with community relations activities and crime prevention programs, as appropriate.

Investigators should ensure that all physical remains of the incident are removed after crime scene processing is completed. If the remains cannot be physically carried away (example: paint on walls), the appropriate level of command should attempt to notify building or property owners regarding the need for complete removal as soon as possible after the crime scene has been fully processed.

Community leaders and organizations are important resources during any bias incident investigation. These resources can help to broaden the investigator's understanding of the incident. They can also help to convince reluctant victims and witnesses to cooperate with investigators and encourage more victims to report bias incidents.

Investigators shall be sensitive to the safety concerns of victims and witnesses, and arrange for appropriate security measures to be implemented to protect persons and property.

## **10. GUIDELINES FOR CONFIRMING BIAS INCIDENTS**

To assist law enforcement officers in confirming whether a suspected bias incident is actually motivated by bias, the following criteria shall be applied. These criteria are not all-inclusive. Common sense judgment must also be applied in the final determination.

### *Motive*

1. The absence of any other apparent motive for the bias incident.
2. Display of any bias symbols, words, graffiti, or other types of evidence.
3. Statements made by the suspects.
4. Statements made by the witnesses.
5. Prior history of similar incidents in the same area affecting the same victim or community group.
6. A common sense review of the facts and circumstances surrounding the incident. Consider the totality of the circumstances.

When the above criteria are applied, it may be helpful to ask the following questions:

1. Is the victim from one racial, religious, or ethnic group and the suspect from another?<sup>9</sup>
2. Did the incident occur solely because of a bias against the victim by the actor involving a status or class protected under N.J.S.A. 2C:16-1, or for other reasons?
3. Is the victim the only member of a particular protected class or status under N.J.S.A. 2C:16-1 in the neighborhood, or one of a few?
4. Did the victim recently move into the area?

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<sup>9</sup> The suspect and victim do not need to be from a different group or groups covered under the Bias Intimidation statute. The victim or suspect's actual membership in a particular group is not an element of the offense of Bias Intimidation. Also note that N.J.S.A. 2C:16-1(h) prohibits the defense of mistake.

5. Is the victim acquainted with neighbors and/or associated with local community groups?
6. What was the trademark (M.O. of the actor)? Is it similar to other documented bias incidents?
7. Has the victim experienced past or repeated incidents of a similar nature?
8. Is there a connection between the date of the incident and holidays, school activities or other special public discussions or events?
9. Has there been prior or recent media coverage of similar incidents?
10. Is there an ongoing neighborhood problem that may have contributed to the event?
11. Does the M.O. signify a "copycat" of other incidents?
12. Is an organized hate group indicated in the incident?
  - a. Is hate literature involved? What type is it?
  - b. Is there any documented or suspected organized hate group activity in the area?
  - c. Was organized group involvement actually present or made to appear so?
13. Were the real intentions of the actor to commit a bias incident or were there other motives?
14. Does the actor have a true understanding of the impact of the bias incident on the victim?
15. Was the victim put in fear due to the incident?
16. Did the victim feel threatened due to the incident?

If after applying these criteria and asking the appropriate questions, a suspected bias incident cannot be definitively determined to be any other type of incident or is a borderline case, it should be treated as a bias incident for continuing investigation purposes.

## **11. INTER-AGENCY COOPERATION**

The overall effectiveness of law enforcement agencies responding to bias incidents can be enhanced through policies which promote inter-agency law enforcement cooperation. The impact that inter-agency cooperation and training can have upon a bias incident can be much greater than that of a single agency.

### *Division of Criminal Justice*

The Division of Criminal Justice, as part of the Department of Law and Public Safety, under the authority of the Attorney General, has the broad responsibility of overseeing the criminal justice process and the law enforcement function. This is accomplished through interaction with various levels of government in order to secure the benefits of a uniform and efficient enforcement of the criminal law and administration of criminal justice.

Located within DCJ is the Prosecutors Supervision and Training Bureau, which assists in the coordination of anti-bias and bias incident training. The Attorney General's Continuing Law Enforcement Affirmative Relations (CLEAR) Institute is a part of the Prosecutors Supervision and Training Bureau.

Also within DCJ is the Bias Crimes Unit. The Bias Crimes Unit receives and reviews all notifications of bias incidents from local law enforcement agencies, county prosecutors' offices, and the NJSP. In certain cases, the Bias Crimes Unit may participate in the investigation or prosecution of a bias incident. Tips from the public to the Attorney General's Bias Crimes Hotline or Bias Crimes Website are also reviewed by the Bias Crimes Unit. Those tips are retained for investigation by the Bias Crimes Unit or referred to a local law enforcement agency for investigation, as appropriate.

#### *The New Jersey Division of State Police*

In addition to actively investigating bias incidents and assisting other law enforcement agencies in investigating bias incidents, the NJSP are responsible for collecting statistics on suspected and confirmed bias incidents. Effective January 1, 2019, the NJSP required all New Jersey law enforcement agencies to submit their UCR-required bias incident reports directly into the State's UCR Repository database. The data collected in these submissions is compiled and is used to generate the annual Bias Incident Offense Report for New Jersey and is also submitted to the Federal Bureau of Investigation's (FBI) UCR unit to be included in the Federal annual Hate Crime Report. The UCR Repository serves as the storage repository for the bias incident data submitted by the police community of New Jersey.

#### *The New Jersey Office of Homeland Security and Preparedness*

To further facilitate inter-agency cooperation and a holistic view of the current threat in the State, the New Jersey Office of Homeland Security and Preparedness (NJOHSP), along with the NJSP, DCJ, and all 21 County Prosecutors Offices' bias crime officers, shall be notified of all suspected or confirmed bias incidents by an instant notification from the eUCR module within the New Jersey Infoshare system. At such time, each incident shall be reviewed by NJOHSP for a possible nexus to terrorism and, if appropriate, entered into the New Jersey Suspicious Activity Reporting System (NJSARS). Incidents that involve an organized extremist group or extremist ideology will be of particular interest for further investigation and inclusion by NJOHSP and the FBI. The eUCR module shall also be available to query within the Global Search feature of Infoshare, thus allowing for a single, federated query of various law enforcement systems throughout the State.

### *County Prosecutors' Offices*

The County Prosecutors are the chief law enforcement officers of the counties and are charged with the duty of faithfully enforcing the law by using all reasonable and lawful means to detect, arrest, indict, and convict offenders. The County Prosecutors' duties include providing county-wide law enforcement leadership and assisting and supplementing law enforcement agencies within one's jurisdiction with personnel and investigative resources, as necessary.

The County Prosecutors' Offices shall be notified of a suspected or confirmed bias incident as soon as possible, not to exceed 24 hours. The County Prosecutors' offices shall monitor the investigation of all suspected or confirmed bias incidents, within one's jurisdiction, as necessary.

Further, a law enforcement agency's chief law enforcement executive or a designee shall contact their County Prosecutor's Office for legal advice and investigative assistance, as necessary.

### *Division on Civil Rights*

The Division on Civil Rights (DCR), as part of the Department of Law and Public Safety, under the authority of the Attorney General, is responsible for enforcing New Jersey's Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49.

Among other things and with some exceptions, the LAD makes it unlawful to discriminate against or harass a person based on race, color, creed/religion, sex/gender, disability, sexual orientation, gender identity or expression, national origin, nationality and ancestry. The LAD also prohibits discrimination and harassment based on age, pregnancy, breastfeeding, marital status, familial status, domestic partnership status, civil union status, and service in the U.S. armed forces.

DCR's jurisdiction is limited to addressing acts of bias, prejudice, discrimination, and harassment in:

- Employment;
- Housing and real estate;
- Credit and contracting; and
- Places of public accommodation, including schools, government buildings, restaurants, hotels, stores, hospitals, theaters, and other places open to the public.

Where it appears that there may have been discrimination or harassment based on any of the characteristics listed above, DCR has jurisdiction to accept complaints from individuals and to investigate those complaints. Individuals need not be represented by

counsel to file a complaint with DCR; they simply must file a complaint within 180 days of the most recent act of discrimination or harassment. DCR can also open its own investigation into discrimination or harassment without an individual filing a complaint. This is called a Director-Initiated Investigation.

Where DCR's investigation shows probable cause to believe prohibited discrimination or harassment has occurred, DCR will prosecute the violation either in the Office of Administrative Law or in Court. After an administrative hearing, if DCR's Director finds that the LAD has been violated, the Director has the power to order appropriate remedies, including money damages to the victim, injunctive relief, changes in policies, anti-bias or anti-discrimination training, and statutory penalties.

In some cases, a Bias Incident may also constitute a violation of the LAD. When a law enforcement agency is confronted with a suspected or confirmed violation of New Jersey's Law Against Discrimination, the victim shall be informed of the Division on Civil Rights' jurisdiction and referred to the Division, if appropriate, and the Division on Civil Rights shall be contacted.

#### *Division on Civil Rights Inter-Agency Services*

The Division on Civil Rights can provide the following services to law enforcement agencies upon request:

- Education and training relating to acts of bias, prejudice, discrimination, and harassment;
- Literature, publications and exhibits relating to acts of bias, prejudice, discrimination, and harassment; and
- Model policies to address discrimination and harassment.

Many of these services are available in a bilingual format.

The Division on Civil Rights can also send staff members to participate in community events hosted by law enforcement agencies to address bias incidents in the community.

#### *Division on Civil Rights Branch Offices*

##### *Northern Regional Office/Newark*

973.648.2700  
P.O. Box 46001  
31 Clinton Street, 3<sup>rd</sup> floor  
Newark, NJ 07102

*Central Regional Office/Trenton*

609.292.4605

P.O. Box 89

140 East Front Street, 6<sup>th</sup> floor

Trenton, NJ 08625-0089

*Southern Regional Office/Cherry Hill*

856.486.4080

5 Executive Campus, Suite 107

Cherry Hill, NJ 08002

*South Shore Regional Office/Atlantic City*

609.441.3100

1325 Boardwalk, 1st floor

Tennessee Ave & Boardwalk

Atlantic City, NJ 08401

Additional information about the Division on Civil Rights is available at [www.njcivilrights.gov](http://www.njcivilrights.gov).

## **12. CONTINUING EDUCATION**

Consistent with Attorney General Directive 2016-5 that established the Community Law Enforcement Affirmative Relations Continuing Education Institute (“the CLEAR Institute”), it is reaffirmed in this guideline that core law enforcement values of professionalism, fairness, compassion, and impartiality that are first taught to recruits at police academies, must be reinforced throughout an officer’s career. Because of the effect that bias incidents and bias crimes have on protected groups and classes, individual victims, and the community, it is equally important that pre-service training recruits and sworn law enforcement officers receive training in detecting and reporting bias incidents and investigating/prosecuting bias crimes.

Currently, training for pre-service police recruits is strictly regulated through prescribed curricula approved by the Police Training Commission (PTC) for state (excluding the NJSP), county, and local law enforcement agencies. The NJSP pre-service curricula is regulated by the Superintendent of the NJSP and the Attorney General Office of Law Enforcement Professional Standards (OLEPS). Continuing education courses for all law enforcement officers is regulated by the Office of the Attorney General, Division of Criminal Justice through the CLEAR Institute by Attorney General Directive 2016-5.

Since the creation of the Attorney General's Bias Incident Investigation Standards in 1988, pre-service law enforcement curricula has required mandatory training on the detection, investigation, and reporting of bias incidents and crimes.

Therefore, it is directed that the Office of the Attorney General, Division of Criminal Justice, in consultation with the County Prosecutors Association of New Jersey, each County Associations of Chiefs of Police, the New Jersey State Association of Chiefs of Police, the New Jersey Bias Crimes Officers Association, faith-based leaders, and community stakeholders either update or create a continuing education course through the CLEAR Institute on detecting and reporting bias incidents and investigating and prosecuting bias crimes consistent with this new guideline. It is further directed that the Office of the Attorney General, Division of Criminal Justice in consultation with the PTC, OLEPS, and the Superintendent of the NJSP update pre-existing bias incident/crimes curricula consistent with this revised guideline and the continuing education course created through the CLEAR Institute.

This guideline shall take effect immediately. The provisions of this guideline shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



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Gurbir S. Grewal  
Attorney General

ATTEST:



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Veronica Allende, Director  
Division of Criminal Justice

Dated: April 5, 2019



# HUNTERDON COUNTY

## COMMUNICATIONS SYSTEM

OPERATING POLICIES & PROCEDURES



Section: 10

Page: 1

Revision #

Issue Date:

Revision Date:

Effective Date:

March 27, 2019

Immediately

SUBJECT: **K-9 CALL-OUT**

### Policy

Police dogs, or K-9s are recognized as a valuable and unique tool for law enforcement. Through intense training, K-9s are taught certain skills, effectively making every dog a specialist. Each police dog is partnered with 1 police officer – a K-9 handler. Like their handlers, K-9s are not always on duty and not always available otherwise.

It shall be the policy of the Division of Communications to assist law enforcement officers summoning K-9 assistance. This will be accomplished by using an efficient and equitable procedure.

### Procedure\*

Should there be a request for a K-9 and 1 or more K-9s are on duty, the PST will contact the closest suitable unit for availability first.

If no K-9 units are on-duty or available, the PST will contact the next suitable K-9 unit utilizing a rotating on-call/order-of-call list maintained in Power DMS.

A list of K-9s and their certification(s), and handler contact information will be appended to the Power DMS K-9 callout form.

In those circumstances when all attempts to obtain a Hunterdon County K-9 unit are unsuccessful, the requesting officer will be advised of same. The requesting officer may provide further guidance for additional inquiries.

### \*Notes

This policy shall apply to requests from bona fide law enforcement agencies and shall apply to inquiries originating within and outside of Hunterdon County.

Any law enforcement officer may request to supersede this policy by making a *specific* request outside of the prescribed procedure. If such a request is made for a specific K-9, the officer's justification will be noted in the CAD.

Written/Revised By: James J. Curry

Approved By: Chief Frank Crisologo

Authorized By: James J. Curry

Hunterdon County Prosecutor's Office