COPY

BIAS INCIDENTS

Bias Incident Investigation Standards

Issued September 1991
Revised September 1994
Revised January 2000

TO: All Law Enforcement Chief Executives

FROM: John J. Farmer, Jr.
Attorney General of New Jersey

DATE: January 28, 2000

SUBJECT: Amendment to *Bias Incident Investigation Standards*

Pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., it is hereby directed that the *Bias Incident Investigation Standards, Policy and Procedures for New Jersey Law Enforcement* (September 1991 as amended) is hereby amended as set forth below, and all New Jersey law enforcement agencies shall incorporate such amendments into their agency policies and procedures.

1. The address, and telephone numbers for the office of Bias Crime and Community Relations is as follows:

   Office of Bias Crime and Community Relations
   P.O. Box 094
   Trenton, New Jersey 08625-0094

   Telephone: 609 896-8967
   Facsimile: 609 219-6595
   Duty Pager: ~~908 633-2128~~ **

   In the manner and at the times provided in the *Bias Incident Investigation Standards,* all law enforcement agencies shall report all suspected and confirmed bias incidents to the Office of Bias Crime and Community Relations using the telephone, facsimile or pager numbers as provided above.

2. All other requirements not inconsistent with these amendments shall remain in full force and effect.

**Note: The duty pager was changed to the following toll free number: 888 988-0502

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

MEMORANDUM

TO: ALL LAW ENFORCEMENT CHIEF EXECUTIVES

FROM: TERRENCE P. FARLEY
DIRECTOR

DATE: OCTOBER 11, 1995

SUBJECT: AMENDMENT TO BIAS INCIDENT INVESTIGATION STANDARDS

In compliance with the instructions of Attorney General Deborah T. Poritz, and pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., it is hereby directed that the Bias Incident Investigation Standards are hereby amended as set forth below to expand the definition of a "bias incident" to include offenses that occur with an anti-gender or anti-handicap motivation. All New Jersey law enforcement agencies shall incorporate such amendment into their agency policy and procedures:

1. For New Jersey law enforcement purposes, a bias incident is defined as any suspected or confirmed offense or unlawful act which occurs to a person, private property, or public property on the basis of race, color, religion, gender (except matters involving a violation of N.J.S.A. 2C:14-2 or 2C:14-3), handicap, sexual orientation or ethnicity. An offense is bias-based if the motive for the commission of the offense or unlawful act pertains to race, color, religion, gender, handicap, sexual orientation or ethnicity. For the purpose of this definition, the term, "handicap" shall be construed consistently with N.J.S.A. 10:5-5(q).

2. All other definitions and requirements in the Bias Incident Investigation Standards not inconsistent with these amendments shall remain in full force and effect.

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TO: All Law Enforcement Chief Executives

FROM: Terrence P. Farley
Director

DATE: September 22, 1994

SUBJECT: Amendment to Bias Incident Investigation Standards Promulgated September 1991

In compliance with the instructions of Attorney General Deborah T. Poritz, and pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., it is hereby directed that the "Bias Incident Investigation Standards--Policy and Procedures for New Jersey Law Enforcement" is hereby amended as set forth below, and all New Jersey law enforcement agencies shall incorporate such amendments into their agency policy and procedure.

1. The Office of Bias Crime and Community Relations in the Division of Criminal Justice shall be the office for the statewide investigation and monitoring of bias incidents, and all law enforcement agencies shall give them full cooperation. Whenever assistance is needed by local and county law enforcement authorities regarding bias incidents, the Office of Bias Crime and Community Relations shall be contacted. That office will then coordinate appropriate additional resources with the requesting agency.

2. To facilitate inter-agency cooperation, the Office of Bias Crime and Community Relations in the Division of Criminal Justice shall be notified of all suspected or confirmed bias incidents as soon as possible, but in no event later than 24 hours after a law enforcement agency gains knowledge of such incidents. This requirement shall be in addition to notification of the county prosecutor's office within the same time period as set forth in the "Bias Incident Investigation Standards--Policy and Procedures for New Jersey Law Enforcement" promulgated in 1991.

3. Notwithstanding the above, the Office of Bias Crime and Community Relations in the Division of Criminal Justice shall be notified immediately of all suspected or confirmed bias incidents (1) that involve homicide, rape, aggravated assault or arson, (2) that involve a law enforcement officer as the alleged perpetrator, (3) that involve an organized hate group as the suspected perpetrator, and (4) that involve the potential to generate large scale unrest. This requirement shall be in addition to notification of the county prosecutor's office and the Central Security Bureau of the New Jersey State Police as set forth in the "Bias Incident Investigation

Standards--Policy and Procedures for New Jersey Law Enforcement" promulgated in 1991.

4. Notification required by these amendments shall be by telephone or facsimile machine [weekdays 9 a.m. to 5 p.m.: (609) 984-1936, (609) 292-5943 (facsimile)[1]; all other times: (908) 633-2128 (duty pager)].

5. All other requirements not inconsistent with these amendments shall remain in full force and effect.

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

Bias incidents have occurred throughout the State and the nation. As a result, the victimized communities have been gripped by uncertainty, tension and conflict. The promulgation of these Standards serve as recognition that the unique nature of suspected or confirmed bias incidents requires special handling from New Jersey Law Enforcement.

Crimes having a racial, religious, or ethnic component manifest themselves in a wide spectrum of anti-social activities. These bias incidents jeopardize the active and open pursuit of freedom and opportunity. Bias incidents attack the racial, religious and ethnic heritage of our citizens, important elements of our history and our future. Closely linked to our heritage are individual values, beliefs and identities. Bias incidents undermine these foundations of freedom.

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 is to 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 should be viewed as serious. 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

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[1] All agencies should use the "State of New Jersey, Department of Law and Public Safety Supplementary Bias Incident Offense Report" for facsimile notification.

Incident and to identifying suspects. Referrals to the County Prosecutor's Office of Victim-Witness Advocacy 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 the victim that appropriate investigative and enforcement methods will be utilized 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 victim/witness to the County Prosecutor's Office of Victim-Witness Advocacy as appropriate.
- Interact with concerned community service organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.
- Effectively calm the victim and reduce the victims's fear and alienation through direct ongoing official communication regarding the bias incident.

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 it serves.

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 al all suspected or confirmed Bias incidents and shall cooperate with the county prosecutor in the prompt and appropriate prosecution of these matters.

Finally, the Attorney General's Executive Directive No. 1987-3 presently requires all New Jersey law enforcement agencies to report confirmed Bias incidents through the Division of State Police Uniform Crime Reporting System.

To accomplish these purposes, all law enforcement chief executive's 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. SUMMARY OF BIAS INCIDENT INVESTIGATION STANDARDS

The section provides a summary of the Bias Incident Investigation Standards. Each of these Standards relate to a prescribed and detailed procedural section of this document.

1. The law enforcement chief executive shall provide leadership and direction by developing a clear and concise formal bias incident written order or directive based upon these Standards and shall disseminate it to all law enforcement officers of the agency. (Refer to Standards Sections 1, 2 and 6.)

2. The law enforcement chief executive shall publicly announce the agency's bias incident investigation policy and explain that the public should immediately contact the police when a bias incident occurs. (Refer to Standards Section 1, 2 and 6.)

3. The law enforcement chief executive shall ensure that all law enforcement officers of the agency receive appropriate training in bias incident response and investigation. (Refer to Standards Sections 1, 2, 6 and 14.)

4. The law enforcement chief executive shall conduct appropriate bias incident media relations and prepare accurate, timely public information news releases, as appropriate. (Refer to Standards Section 1, 2 and 6.)

5. The law enforcement chief executive or a designee shall personally visit the victim of a Bias Incident and reassure the victim that appropriate investigative and enforcement methods will be utilized by the law enforcement agency to properly address the Bias Incident. (Refer to Standards Section 1, 2, 6 and 11.)

6. Law enforcement agencies handling Bias incidents shall approach victims in a sensitive and supportive manner and shall effectively calm the victim and reduce the victim's fear and alienation through direct ongoing official communication regarding the Bias Incident. (refer to Standards Section 1, 2, 6, 11 and 12.)

7. Law enforcement agencies handling bias incidents shall ensure that an appropriate initial law enforcement response is provided to all suspected or confirmed bias incidents and that a complete follow-up investigation is carried out, as appropriate. (Refer to Standards Section 5, 7, 8 and 9.)

8. Law enforcement agencies handling bias incidents shall ensure that security is increased in the affected area, as appropriate. Law enforcement officers shall be sensitive to the safety concerns of victims and witnesses, and arrange for the appropriate security measures to be implemented to protect persons and property. (Refer to Standards Sections 7, 8 and 12.)

9. Law enforcement agencies handling bias incidents shall ensure that the Bias Incident investigation is actively pursued to a successful conclusion or until all leads have been considered. (Refer to Standards Section 5, 7, 8, 9 and 10.)

10. Law enforcement agencies handling bias incidents shall ensure that all relevant information regarding suspected or confirmed bias incidents is shared with the County Prosecutor, the Division of State Police Central Security Bureau and other appropriate law enforcement agencies within a reasonable period of time, as necessary. (Refer to Standards Section 10.)

11. Law enforcement agencies handling bias incidents shall ensure that victim/witness service referrals are made in a timely manner, as appropriate. (Refer to Standards Sections 1, 2 and 12.)

12. Law enforcement agencies handling bias incidents shall enlist the aid of religious, community, business and educational groups as well as other community agencies in an effort to moderate the impact of the Bias Incident, to reduce the potential for counter-violence and to promote good police community relations. (Refer to Standards Sections 10, 11 and 13.)

13. Law enforcement agencies handling bias incidents shall ensure that community relations activities and crime prevention programs are conducted, as appropriate. (Refer to Standards Sections 11 and 13.)

14. Law enforcement agencies handling bias incidents shall ensure that all confirmed bias incidents are reported as required to the Uniform Crime Reporting System using Division of State Police Uniform Crime Reporting procedures and report forms. (Refers to Standards Section 15.)

15. Law enforcement agencies handling bias incidents shall maintain contact with community leaders concerning the Bias Incident. (Refer to Standards Sections 6, 11 and 12.)

16. Law enforcement agencies handling bias incidents shall ensure that victims and other concerned parties are informed of the final disposition of the incident. (Refer to Standards Sections 11 and 12.)

4. HISTORY OF LAW ENFORCEMENT CONCERN IN NEW JERSEY

These Bias Incident Investigation Standards highlight a long history of involvement by New Jersey Law Enforcement authorities in the important area of Bias Incident prevention, investigation, monitoring and education. These efforts include the enactment of strong crime-specific criminal laws regarding bias incidents, the development and implementation of police officer basic training covering the Bias Incident issue, the development of Statewide Bias Incident reporting through the Uniform Crime Reporting System and the development and presentation of statewide county-by-county Bias Incident investigation seminars conducted by the Division of Criminal Justice in conjunction with the County Prosecutors, the New Jersey State Association of Chiefs of Police and various community interest groups.

Since 1988, every police recruit during his/her academy training has received instruction on both the Bias Incident Investigation Standards and on community police relations. It is incumbent on each law enforcement agency to develop formal written orders or directives reflecting the needs of both that agency and the community which it serves.

At the request of individual law enforcement agencies, supplemental instruction has been presented at numerous locations throughout New Jersey. This service is available through the Police Bureau of the Division of Criminal Justice.

The Department of Law and Public Safety has developed a program for cultural diversity training for members of the New Jersey State Police and other law enforcement personnel. The Attorney General has contacted every county police academy asking that a cadre of instructors be selected to receive this training so that it could be bought back to every county.. The curriculum will be flexible so that every municipality can tailor it to the community need and diversity.

The development of "HATE CRIME - A Training Video for Police Officers", was the result of a joint effort by the Anti-Defamation League (ADL) and the Department of Law and Public Safety of the State of New Jersey. The video was filmed in New Jersey with the cooperation of various State, county and local law enforcement agencies which furnished personnel and equipment. Its content was structured and produced to have application for police throughout the nation.

The video and a discussion manual were developed to help law enforcement

agencies and individual police officers better understand their important role in the proper investigation of hate crimes and the ways in which they can assist the individual victim and community.

In 1990, Attorney General Robert Del Tufo urged each county prosecutor to establish a Human Relations Commission to mobilize whole communities to address the compelling issues of bias and its impact on local schools, workplaces and communities.

Human Relations Commissions are now functioning in many counties with the participation of diverse racial, ethnic, religious and neighborhood groups, schools, government, law enforcement and other service providers.

Through a cooperative agreement with the Department of Law and Public Safety, the United States Department of Justice, Community Relations Service continues to provide training and consultation in inter-group relations and conciliation.

These initiatives, in conjunction with the development of these law enforcement standards, are practical examples of State, county and local government striving to achieve harmony with diversity throughout the State of New Jersey.

5. DEFINITION OF BIAS INCIDENT AND RELATED CRIMINAL VIOLATIONS

For New Jersey Law Enforcement purposes, a bias incident is defined as any suspected or confirmed offense or unlawful act which occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An offense is bias-based if the motive for the commission of the offense or unlawful act is racial, religious, ethnic or pertains to sexual orientation. The bias incident offenses are:

1. Murder
2. Manslaughter
3. Rape
4. Robbery
5. Aggravated Assault
6. Burglary
7. Larceny-Theft
8. Simple Assault
9. Fear of Bodily Violence (N.J.S.A. 2C:33-10)
10. Arson
11. Criminal Mischief
12. Damage to Property:Threat of Violence (N.J.S.A. 2C:33-11)

13. Weapons Offense
14. Sex Offenses (except Rape)
15. Terroristic Threats
16. Trespass
17. Disorderly Conduct (N.J.S.A. 2C:33-10)
18. Harassment
19. Desecration of Venerated Objects
20. All Other Bias Incidents

Some suspected bias incidents may not clearly fit the described definition. In those case a common sense approach to he incident must be used. If an incident appears to be bias based, it should be investigated 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 order maintenance problem or public safety concern.

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

This section outlines the general role and responsibilities of the chief 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
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 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 incidents 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. Personally visit 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 County Prosecutor, the Division of State Police

Central Security Bureau and other appropriate law enforcement agencies within a reasonable period of time, as necessary.

9. Ensure that victim/witness service referrals are made in a timely manner, as appropriate.
10. Enlist the aid of religious, community, business, and educational groups as well as other community leasers in an effort to moderate the impact of the bias incident, to reduce the potential for counter-violence and to promote good 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.
13. Conduct appropriate media relations. Prepare accurate and timely public information news releases, as appropriate.
14. Ensure that all confirmed bias incidents are reported as required to the Uniform Crime Reporting System using Division of State Police Uniform Crime Reporting procedures and report forms.
15. Ensure that victims and other concerned parties are informed of the final disposition of the incident.

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 will:

1. Apprehend the actor (if applicable).
2. Provide assistance to the victim.
3. Protect the crime scene in preparation for the gathering of evidence.
4. Request that a law enforcement supervisor respond to the scene.
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:
   - Name, address, telephone numbers and other information regarding the victim and witnesses.
   - Where incident occurred.
   - Person and/or property targeted.
   - How targeted.
   - Means of attack.
   - Time of incident
   - Method of operation-trademark or unusual characteristics of incident.
   - Any and all other relevant information provided by the victim and witnesses.
8. Refer the victim and witness to the County Prosecutor's Office of Victim-Witness Advocacy, as appropriate.

Law Enforcement Supervisor

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

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 is 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 scene, as appropriate.
13. Provide 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 in order 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, especially 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.

Much of the work of the investigator will involve working with people from diverse backgrounds and orientations. The investigator must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for juvenile or adult prosecution.

Victims of bias incidents, like other victims of crime, tend to 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 background in working with sensitive cases. They should also have experience in handling community relations problems. In any case where language is an issue, investigators fluent in that particular language should be assigned to assist in the investigation.

Additionally, investigators should be generally familiar with various forms of bias incidents and with hate groups operating within the State of New Jersey. The Division of State Police Central Security Bureau can provide information and assistance regarding organized hate groups.

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 will:

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 through 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 gathered for analysis as required. The documentation of the crime scene should include the taking of samples of physical evidence, the securing and transporting into custody of 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:
   Person(s) targeted - This includes the name, address, telephone number, personal background and other details of the victim(s).
   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).
   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).
   Means of attack - This includes the instrument, tool, device, or method by which the person or property was attacked or damaged.
   Time and date - This incudes both the time and date reported and the actual time and date the offense was committed.
   Trademark - This includes the 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.

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 confirmed bias incidents are reported to the Uniform Crime Reporting System using Division of State Police Uniform Crime Reporting procedures and report forms.
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 uncooperative 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.

9. 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 judgement 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. A common sense review of the facts and circumstances surrounding the incident. Consider the totality of the circumstances. (Review N.J.S.A. 2C:33-11.)
4. How the victim feels about the incident.
5. Statements made by the suspects.
6. Statements made by the witnesses.
7. Prior history of similar incidents in the same area affecting the same victim group.

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?
2. Did the incident occur solely because of a racial, religious, sexual orientation or ethnic difference between the victim and actor, or for other reasons?
3. Is the victim the only member of a particular race, religion, sexual orientation or ethnic group in the neighborhood or one of a few?
4. Did the victim recently move into the area?
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. (Could the act be retribution for some conflict with neighbors or area juveniles?
11. Does the M.O. signify a "copy cat" syndrome of other incidents?
12. Is an organized hate group indicated in the incident?
    a. Is 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 there 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 definitely determined to be any other type of incident or is a borderline case, it should be confirmed as a bias incident for continuing investigation purposes.

10. 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 the bias incident problem 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 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.

The Division of Criminal Justice has brought about significant criminal justice reforms through proposing legislative initiatives, and providing law enforcement education and training programs and management assistance to law enforcement. The Division of Criminal Justice also has the expertise and resources to initiate and conduct complex investigations and prosecute all forms of criminal activity.

Located within the Division of Criminal Justice is the Prosecutors Supervisory Section. This section acts as the primary liaison between the Attorney General and the county prosecutors. The Prosecutors Supervisory Section is responsible for assisting in the coordination and monitoring of bias incident investigations. The Prosecutors Supervisory Section also reviews citizen complaints which are directed against a prosecutor's office related to its action and decisions concerning bias incidents.

Also found within the Division of Criminal Justice is the Police Bureau. The Police Bureau is responsible for developing a wide range of training and education

programs to law enforcement. The Police Bureau also provides management and technical assistance to law enforcement agencies. The Police Bureau also publishers the Police Management Manual - A Guide for Municipal Police Departments, which contains a chapter covering the development of formal written orders and directives. Upon request of individual law enforcement agencies, presentations will be scheduled for community police relations, bias incident investigation standards and cultural diversity training. The Division of Criminal Justice is located in the Richard J. Hughes Justice Complex, 25 Market Street, CN085, Trenton, NJ 08625-0085 (609) 984-6500

County Prosecutor's Office

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

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

Further, the chief law enforcement executive or a designee shall contact the county prosecutor's office for legal advice and investigative assistance, as necessary.

Division of State Police Central Security Bureau

The Division of State Police, as part of the Department of Law and Public Safety, under the authority of the Attorney General, maintains the Central Security Bureau. It is the responsibility of the Civil Affairs Unit of the Central Security Bureau, Intelligence Services Section to investigate, among other things, bias incidents perpetrated by known hate groups operating in the State of New Jersey.

The Civil Affairs Unit not only investigates these incidents perpetrated by organized hate groups, but also monitors the operational activities of local authorities relative to all such incidents reported. Files pertaining to this activity are maintained and the Bureau periodically contacts reporting agencies regarding these incidents.

The Central Security Bureau is available to assist local and county law enforcement authorities with specific investigations when it is determined that Division of State Police assistance is required. Requests for Division of State Police assistance should be directed to the Supervisor of the Central Security Bureau, Intelligence

Services Section.

Bias incidents can occur at anytime, in any place and have the potential to cause large-scale unrest. With this possibility in mind, the Central Security Bureau will continue to monitor communities in order to anticipate or project the potential for such an incident.

Although this problem cannot be completely remedied, constant vigilance is crucial and will continue to remain a priority of the Central Security Bureau.

Guidelines for Notification of Central Security Bureau

The Division of State Police Central Security Bureau has established the following notification procedure to be followed when:

1. A bias incident occurs and an organized hate group is suspected of being responsible.
2. A bias incident has potential to generate large scale unrest.
3. Assistance is requested by local and county law enforcement authorities with the investigation of any bias incident.

Notification of Central Security Bureau

1. During normal working hours, the supervisors of the Central Security Bureau can be reached at telephone number (609) 530-5710.
2. After normal working hours, holidays and weekends, contact Division of State Police Headquarters at (609) 882-2000 and request that the Supervisor of the Central Security Bureau be contacted.

Division on Civil Rights

The Division on Civil Rights, as part of the Department of Law and Public Safety, under the authority of the Attorney General, is responsible for the enforcement of New Jersey's Law Against Discrimination (N.J.S.A. 10:5-1) and for investigations of violations of this law. Further, the Division on Civil Rights is mandated to eliminate and prevent discrimination and prejudice, and to promote good will among the diverse population of New Jersey.

In 1945, New Jersey adopted a law which established a State agency responsible for addressing discrimination by:

- Employers;
- Employment agencies; and
- Labor organizations

Over the years, New Jersey's anti-discrimination laws have been expanded to include discrimination in:

- Areas relating to employment;
- Housing;
- Public accommodations; and
- Business transactions

In some cases, discrimination matters may be elements of a suspected or confirmed bias incident. Further, reports of a bias incident may later prove to be violations of New Jersey's Law Against Discrimination.

When a law enforcement agency is confronted with suspected or confirmed violations of New Jersey's Law Against Discrimination, the Division on Civil Rights shall be contacted.

Division on Civil Rights Branch Offices

Asbury Park
601 Bangs Avenue, 5th floor
(908) 988-5550

Atlantic City
1548 Atlantic Ave., 2nd floor
(609) 441-3100

Camden
101 Haddon Avenue
(609) 757-2850

Morristown
24 Washington Street
(201) 984-8366

Newark
31 Clinton Street
(201) 648-2700

Paterson
369 Broadway
(201) 977-4500

Trenton
383 West State Street
(609) 292-4605

Vineland
501 Landis Avenue
(609) 696-6837

Division on Civil Rights Inter-Agency Services

In addition to enforcement and investigative responsibilities, the Division on Civil Rights can provide the following services to law enforcement agencies upon request:

- Education and training relating to the Law Against Discrimination.
- Mediation and conciliation of community conflicts relating to bias incidents and discrimination.
- Civil rights sensitivity seminars
- Speakers bureau. (English/Spanish)

- Literature, training, publications and exhibits relating to civil rights and the Law Against Discrimination.
- Twenty-four hour bilingual hotline and mobile information unit.

Many of these services are available in a bilingual format. Additional information about these services and programs can be obtained from Division on Civil Rights branch offices or the Division on Civil Rights administrative office in Trenton.

Community Relations Service
United States Department of Justice

The New Jersey Department of Law and Public Safety and the United States Department of Justice, Community Relations Service have a cooperative agreement. The Community Relations Service responds to problems at the request of local officials or representatives of community organizations, as a result of news media reports of tension or conflict, or through other requests. Once the agency becomes involved, it carefully assesses the situation to determine whether the problem falls within the Community Relations Service's mandate, what the issues are, who the disputing parties are, the level of tension, and other pertinent factors.

Following this process, which includes extensive discussions with public officials and local community leaders, the agency initiates whatever steps are necessary to begin making progress toward bringing about a resolution. The Community Relations Service attempts to resolve conflicts through informal conciliation. However, if the agency and the parties determine that formal negotiations offer the best hope for a settlement, the agency arranges and mediates the negotiations.

Either way, emphasis is placed on helping people find a way to resolve their own differences. The Community Relations Service, which has no law enforcement authority, can impose no settlement on anyone (although it can and does make referrals to appropriate agencies when the situation warrants).

The "disputes, disagreements, or difficulties" to which the agency responds touch practically every aspect of community life. These conflicts range from problems arising over police use of deadly force, school issues, and harassment of minorities by hate groups to those problems uniquely associated with population groups such as Hispanics, Native Americans or Indochinese refugees.

The Agency's approach to all these problems - as an impartial third-party intervenor - is designed to help communities cope with the broad range of changing patterns in racial/ethnic relations. The priority is always to help communities and their residents settle their differences in a way that is equitable for all. There is no cost to communities for this service. The Community Relations Service for the Northeast

(Region II) is located at 26 Federal Plaza, Room 3402, New York, New York (212) 264-0700.

11. COMMUNITY RELATIONS

It is the objective of community relations to maintain a strong, cooperative relationship between citizens and law enforcement through planned community-wide programs and open dialogue between law enforcement and the community it serves.

Bias incidents require community relations strategies which integrate the goals and objectives of law enforcement with community needs and concerns.

A greater understanding and cooperation between law enforcement and citizens of the community must be developed in order to prevent bias incidents from occurring. Careful consideration shall be given to developing the specific functions and responsibilities of the police community relations effort.

Officers involved in community relations activities must have knowledge of the composition of the community. Community relations officers must maintain contact with community groups in an effort to understand the needs and interests of the various segments of the community.

An agency initiated community relations program should be designed to offer an opportunity for law enforcement and other public and private agencies and individuals in the community to discover their common goals, interests, problems, ambitions and responsibilities and to work together toward the solution of community problems. In many counties, a Human Relations Commission has been established to create such a forum.

Elements of Police Community Relations

1. Conduct in-service bias incident police community relations training for agency personnel.
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. Meet with residents and neighborhood groups in areas where suspected or confirmed bias incidents have occurred (or may potentially occur).
4. Maintain liaison with community leaders, civil groups and social service agencies, religious and professional organizations and public, private and parochial schools.
5. Organize police community relations programs which reflect the needs of the community.

6. Assist in developing cooperative programs which involves the law enforcement agency with other community organizations.
7. Conduct bias incident awareness and education programs in the school system and throughout the community, as appropriate.
8. Coordinate police community relations activities with crime prevention programs.

12. BIAS INCIDENT VICTIM-WITNESS SERVICES

Responding to Victims of Bias Incidents

Bias incidents terrify and damage victims. All of law enforcement should consider these victims as victims of legitimate need who require special consideration. The following guidelines for law enforcement officers reflect victim rights statutes in New Jersey and are designed to ensure that victims of bias incidents receive appropriate service:

Each county prosecutor's office has a Victim-Witness Advocacy Program through which the county victim-witness coordinator and other trained personnel offer assistance, advice and counseling to victims of or witnesses to crime.

Treatment and Support Services During Criminal Investigation

Applicable to all law enforcement officers:

Information

- Victims shall be informed of their right to submit a written statement about the impact of the crime to a representative of the county prosecutor's office which shall be considered prior to the prosecutor's decision concerning what formal criminal charges will be filed;
- Victims shall be provided with information about the criminal justice process.
  - Brochures about the criminal justice process and victim rights information shall be displayed in police stations.
  - Face to face case specific explanation of system and process shall be provided.
- Victims shall be provided with information about victim compensation.
- Procedures shall be established to ensure that victims are periodically informed of the status and closing of investigations.
  - Victims shall be advised of any arrest, bail and pretrial release as soon as possible.
- Information shall be provided on the status of any property stolen or removed as well as procedures and regulations governing property return.

Treatment

- Accompaniment to line-ups, photo review sessions, body identifications and medical examination required for evidence.
- Victim interviews shall be conducted in as secure, private, and pleasant surroundings as available.
- An interpreter shall be made available when the victim does not speak English.
- The victim shall be allowed to use the telephone at the police station.
- The victim must receive immediate medical care for injuries. If the victim requests medical attention, it shall be provided through:
  - On-site first-aid.
  - Call for ambulance
  - Transport to medical facility
- Procedures shall be established to ensure that medical examinations required for evidence are paid for directly by the law enforcement agency or through eligible claims to the Violent Crimes Compensation Board.
- Every effort shall be made to minimize inconvenience to the victim:
  - Whenever possible, appointments shall be scheduled at the convenience of the victim.
  - Victims and witnesses shall not be forced to wait for long periods of time to be interviewed.
  - Whenever possible, limitations shall be placed on the number of times the victim must repeat the facts surrounding the offense.
- Property return shall be accomplished within 30 days unless evidentiary requirements prevail (not applicable to firearms).

Protection

- A high priority shall be given to investigating victim reports of threats of intimidation and these reports shall be promptly forwarded to the county prosecutor.
  - Victims and witnesses should be encouraged to report any incident of intimidation or harassment. Victims shall be informed of available responses to intimidation including bail revocation, additional charges, escort to court.
  - Restraining orders should be sought as a condition of bail and prepared with the complaint, as appropriate.

Services

- Crime scene assistance capability to include emergency referrals or direct assistance for:
  - Medical care, shelter, relocation, food, clothing and child care.

- Crisis intervention counseling provided by:
  - Trained in-service personnel
  - 24 hour hotlines
  - Emergency psychiatric services
  - Victim assistance agencies.
- Assistance with completing compensation forms and filing of claim.
- Social service resource directory maintained for referral.
- Referrals to the appropriate county prosecutor's Office of Victim-Witness Advocacy.