

# CLINTON TOWNSHIP POLICE DEPARTMENT

## RULES AND REGULATIONS/POLICIES AND PROCEDURES

VOLUME: <b>3</b>	CHAPTER: <b>2</b>	# OF PAGES: <b>19</b>	LAST REVISION	PAGE #	
SUBJECT: <b>BIAS CRIME INVESTIGATIONS</b>			<b>August 22, 2019</b>		
EFFECTIVE DATE: <b>November 3, 2000</b>		OFFICER-IN-CHARGE: <b>LT. THOMAS DEROSA</b>			
CROSS REFERENCE #: <b>Attorney General's Executive Directives No. 1987-3 &amp; 2016-5</b> <b><u>N.J.S.A. 2C:16-1</u></b>		POLICE DEPARTMENT: <b>CLINTON TOWNSHIP</b>			

### POLICY

Crimes perpetrated because of a victim's race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, national origin, or ethnicity manifest themselves in a wide spectrum of situations. Such bias incidents undermine the public's sense of freedom by attacking individual values while jeopardizing the active and open pursuit of freedom and opportunity. Bias incidents erode, undermine, and attack the heritage of our citizens and also dehumanize people solely as a result of their group affiliation. This, in turn, disrupts the foundations of our cultural institutions, religious institutions, and our longstanding pursuit of tolerance and acceptance. The heightened level of personal violation generated by bias incidents often causes extreme victim distress. This can impact – and even divide – entire communities.

The overall effectiveness of a law enforcement agency's response to bias incidents can be enhanced through policies which promote multi-agency cooperation and training, which positively impact the investigation and prosecution of a bias incident to a greater extent than an investigation by a single agency.

Police officers are typically the first professionals to respond to the scene of a bias incident. Officers' actions from the time of arrival are crucial to the outcome of the investigation as well as the community's response to the incident.

The proper investigation of a suspected or confirmed bias incident is the responsibility of each New Jersey law enforcement agency. To successfully investigate, prosecute, and prevent bias incidents, officers must first receive proper training and have clear, written procedures. All suspected or confirmed bias incidents are serious and should be treated as such.

In that light, New Jersey's 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. Careful attention should be given to identifying the motive and cause of the bias incident and to identifying suspects. As a result, it shall be the policy of New Jersey's law enforcement agencies to bring investigative and enforcement resources into quick action following any and all suspected or confirmed bias incidents. Special emphasis shall be placed on victim assistance and community relations in order to reduce victim trauma and community tension or fear.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

Further, all law enforcement officers 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. Therefore, New Jersey’s law enforcement community shall take a proactive role in promoting peace and harmony among the diverse groups living and working within the State.

**I. DEFINITIONS**

- A. Bias Incident—any suspected or confirmed violation of N.J.S.A. 2C:16-1(a)(1) or (2).
- B. Chief Executive Officer—that person who is responsible to serve as the head of the police department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as the Chief of Police or Officer-In-Charge. “Officer” as used in “Chief Executive Officer” need not denote sworn status.
- C. Gender Identity or Gender Expression—having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth. (See N.J.S.A. 2C:16-1(g)).
- D. Shift Supervisor—a member of the department assigned to a position requiring the exercise of immediate supervision over the activities of department employees.

**PROCEDURE**

**II. BIAS INTIMIDATION (N.J.S.A. 2C:16-1)**

As per N.J.S.A. 2C:16-1, a person is guilty of the crime of ‘*Bias Intimidation*’ if he or she commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense specified in Chapters 11 through 18 of Title 2C of New Jersey statutes; or commits or threatens the immediate commission of an offense as prohibited by N.J.S.A. 2C:33-4, N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4, or N.J.S.A. 2C:39-5:

- A. with a purpose to intimidate, or knowing that the conduct would cause an individual or group of individuals to be intimidated, because of their race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, national origin, or ethnicity; or
- B. under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that:
  - 1. the offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, national origin, or ethnicity, or

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

2. the victim or the victim's property was selected to be the target of the offense because of the victim's race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, national origin, or ethnicity.
- C. Proof that the target of the underlying offense was selected by the defendant, or by another acting in concert with the defendant, because of race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, national origin, or ethnicity shall give rise to a permissive inference by the trier of fact that the defendant acted with a purpose to intimidate an individual or group of individuals because of such characteristics.
- D. It shall not be a defense to a prosecution for '*Bias Intimidation*' that the defendant was mistaken as to the race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, national origin, or ethnicity of the victim.

**III. INITIAL RESPONDING OFFICER'S RESPONSIBILITIES**

- A. If there is reason to believe that the incident is bias-based, it shall be investigated and reported as such. Verification of motive and intent can be made during the ensuing investigation.
- B. Officers shall also recognize that a single bias incident may initially appear less serious when compared with many other crimes. Nonetheless, any suspected or confirmed bias incident is very serious and shall be handled as such.
- C. When the initial responding officer arrives at the scene of a suspected or confirmed bias incident, the officer shall:
  1. Stop the conduct, if it is continuing.
  2. Apprehend the perpetrator, if possible.
  3. Request that the Shift Supervisor respond to the scene.
  4. Protect the crime scene in preparation for evidence gathering.
  5. Conduct a thorough and complete preliminary investigation, including but not limited to:
    - a. Obtaining the names and addresses of everyone who witnessed or who are acquainted with the circumstances of the incident.
    - b. Interviewing everyone who witnessed or who are acquainted with the circumstances of the incident.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- D. It must always be remembered that the actions taken by responding officers represent an official expression of concern and commitment to the citizens of the communities we serve. In that light, officers shall provide any necessary assistance to the victim in an attempt to reduce the victim's fear and alienation, including but not limited to:
  - 1. Approaching the victim(s) in a sensitive and supportive manner.
  - 2. Assuring the victim that appropriate investigative and enforcement methods will be utilized to properly investigate and address the bias incident.
  - 3. Ensuring that a thorough and complete initial investigation is conducted and documented.
  - 4. Ensuring that security is increased in the incident area through means which may include but not are not necessarily limited to:
    - a. special checks,
    - b. surveillance details, and
    - c. pole cameras.
  - 5. Providing for appropriate community-relations activities and crime prevention programs.
  - 6. Referring the victim to, and enlisting the services of, the Hunterdon County Office of Victim-Witness Advocacy and any other relevant community, business, religious, or educational agency in a timely manner.
  
- E. Document the basic facts and circumstances surrounding the incident on an Investigation Report, to include the following information:
  - 1. The names, addresses, telephone numbers, and other information regarding the victims, witnesses, and suspects.
  - 2. Where incident occurred.
  - 3. The property targeted, if applicable.
  - 4. How the victim and/or property was targeted (*i.e.*, the means used).
  - 5. When the incident occurred.
  - 6. Any method of operation/trademark or unusual characteristics of incident.
  - 7. Any and all other relevant information provided by the victim and witnesses.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- F. Interact with concerned community service organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.
- G. Effectively calm victims and reduce their fear and alienation through direct, ongoing official communication regarding the bias incident.
- H. Notify the Division of Criminal Justice (DCJ), the Division on Civil Rights (DCR), the Division of State Police (NJSP), and the Hunterdon County Prosecutor's Office of all bias incidents.
- I. Ensure that victims and other concerned parties are afforded all 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.*).
- J. Responding officers are also advised to consult:
  - 1. N.J.S.A. 2C:33-10, '*Causing Fear of Unlawful Bodily Violence*', and
  - 2. N.J.S.A. 2C:33-11, '*Defacement of Private Property*'

**IV. GUIDELINES FOR CONFIRMING BIAS INCIDENTS**

Criteria for determining whether an incident is a 'bias incident,' and/or for determining the motive for the incident, include but are not limited to:

- A. Statements made by the accused(s).
- B. Information provided by the witnesses.
- C. Information provided by the victim.
- D. The absence of any other apparent motive for the incident.
- E. The display of bias symbols, words, graffiti, or other communications or conveyances.
- F. History of similar incidents in the same area affecting the same victim group.
- G. When the above criteria are applied, it may be helpful to raise the following questions:
  - 1. Is the victim from one racial, religious, or ethnic group and the suspect from another?
    - a. Note, however, that the suspect and victim do not need to be from a different group or groups covered under the Bias Intimidation statute.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- b. The victim's or suspect's actual membership in a particular group is not an element of the offense of '*Bias Intimidation*.'
  - c. Also note that N.J.S.A. 2C:16-1(h) prohibits the defense of mistake.
- 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 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?
- 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? Does the "M.O." signify a "copy cat" of other incidents?
- 7. Has the victim experienced past 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. Is an organized hate group indicated in the incident?
  - a. Is literature involved? If so, 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?
- 12. Does the actor understand the impact of the bias incident on the victim?
- 13. Was the victim put in fear due to the incident?
- 14. Did the victim feel threatened due to the incident?
- 15. 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?

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- H. Upon considering the above questions and criteria, and after asking all appropriate questions, officers shall apply a “common sense” review of the facts and circumstances surrounding the incident.
  - 1. The totality of the circumstances shall be considered.
  - 2. If a suspected bias incident cannot be definitively determined to be any other type of incident or is a “borderline” case, the matter shall be treated as a bias incident for continuing investigation purposes.

**V. SUPERVISOR’S RESPONSIBILITIES**

Upon arriving at the scene of a suspected or confirmed bias incident, the Shift Supervisor shall:

- A. Supervise the preliminary response and investigation, including but not limited to:
  - 1. Preventing the incident from escalating, as needed.
  - 2. Assisting the victim, as needed.
  - 3. Ensuring that the scene is properly protected and preserved.
  - 4. Conferring with the initial responding officer.
  - 5. Ensuring that the necessary basic information is obtained in order sustain a follow-up investigation.
  - 6. Attempting to verify whether the incident is indeed a bias incident. Verification assistance should be solicited from other levels of command and/or additional investigative personnel, as required.
  - 7. Requesting that investigative personnel respond to the scene if a bias incident is suspected or confirmed.
  - 8. Determining if additional personnel or resources are needed.
- B. Arrange for an immediate increase of patrols throughout the affected area(s), as appropriate.
- C. 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.
- D. Advise higher levels of command of the facts and circumstances.
- E. Request that the next level of command respond to scene, if necessary.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- F. Notify the Chief Executive Officer of the incident.
- G. Notify the Hunterdon County Prosecutor's Office of the incident.
- H. Ensure that all initial response reports are properly completed as soon as possible.

**VI. DETECTIVE'S RESPONSIBILITIES**

- A. Detectives shall remain generally familiar with various bias incidents and hate groups operating within the State of New Jersey and surrounding areas. The Division of State Police Central Security Bureau, the Division of Criminal Justice Bias Crimes Unit, and the Office of Homeland Security and Preparedness can provide information and assistance regarding organized hate groups operating within New Jersey.
- B. Detectives shall respond to the scene of a suspected bias incident as directed by supervisory personnel.
- C. When the detective arrives and determines that the situation may be a bias incident, he or she shall:
  - 1. Assume control of the investigation.
  - 2. Ensure that the scene is properly protected and preserved.
  - 3. Conduct a thorough and comprehensive follow-up investigation.
  - 4. Ensure that the scene of the bias incident is properly searched and evidence gathered for analysis as required.
    - a. Take samples of physical evidence and log it into evidence.
    - b. Photograph the scene as appropriate.
    - c. Interview all victims and witnesses.
    - d. Canvass the area to identify other victims and witnesses.
    - e. Take any other investigative action deemed necessary.
  - 5. Detectives shall ensure that all physical evidence or potential evidence related to the incident are removed after crime scene processing is completed. If it cannot be physically carried away (e.g., paint on walls), the appropriate level of command shall 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.



**Bias Crime Investigations**  
**Volume 3, Chapter 2**

D. Follow-up Investigation

1. Bias incident investigations shall be given priority and shall be actively pursued in a timely manner to a successful conclusion or until all leads have been exhausted.
2. Detectives shall determine the “primary elements” of the incident, which include:
  - a. Persons targeted – the name, address, telephone number, personal background, and other details of the victims.
  - b. Object targeted – the type of premises, building, or institution against which the offense was committed (*e.g.*, 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, sexual orientation, or ethnicity).
  - c. How targeted – the manner 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, object, 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 a 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, sexual orientation or ethnicity).
  - d. Means of attack – the instrument, tool, device, or method by which the person or property was attacked or damaged.
  - e. Time and date – both the time and date reported and the actual time and date the offense was committed.
  - f. Trademark – 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.
3. If a series of bias incidents has occurred, these investigative elements will be crucial in establishing a pattern and in identifying suspects. This investigative process will also assist in identifying participation of organized hate groups.
4. The detective assigned to the case shall interact with, consult with, and serve as a liaison to, the community/neighborhood wherein the incident occurred, concerned community service organizations, civic groups, and religious institutions regarding the suspected bias incident.
  - a. If language barriers exist, detectives or other officers fluent in that particular language should be assigned to assist in the investigation.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- b. If there are no available officers who speak the language of the victim, the lead detective shall solicit assistance from other resources or agencies.
  5. Assist with organizing community relations activities and crime programs, as appropriate.
  6. Community leaders and organizations are important resources during any bias incident investigation. They can help to broaden the detective's understanding of the incident and can also help to convince reluctant victims and witnesses to cooperate with investigators and encourage more victims to report bias incidents.
  7. Whereas detectives shall serve as a liaison to the victims and community organizations, they shall use extreme care not to release information that could compromise the ongoing investigation or otherwise constitute the release of 'criminal investigatory records' in violation of N.J.S.A. 47:1A-3.b.
  8. Conduct surveillance and other appropriate investigative activities in order to obtain additional evidence, identify suspects, and provide protection and security to the victims.
  9. Detectives 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. Work closely with the Hunterdon County Prosecutor's Office to ensure that legally sufficient cases are presented for prosecution.
  11. Assist the victim/witness in obtaining appropriate support services.
  12. Prepare standard Supplementary Investigation reports to document the bias incident investigation, as appropriate.
  13. In consultation with the Hunterdon County Prosecutor's Office, arrest and charge the perpetrator(s) once probable cause has been established.
  14. Ensure that victims and other concerned parties are informed of the final disposition of the incident.
  15. Ensure that all suspected and confirmed bias incidents are reported through the eUCR system.
- E. The victim shall be kept informed of the progress of the investigation.
- F. Referrals to the appropriate support services shall be made, as required. Referrals shall also be made to the Division on Civil Rights, if appropriate.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- G. The work of the detective may involve working with people with diverse backgrounds. The detective must be able to show compassion and sensitivity toward the plight of the victim while gathering the evidence needed for prosecution.
- H. Victims of bias incidents, like all victims of crime, experience emotional distress as a result of their victimization. This distress may be heightened by a perceived level of threat or personal violation due to the special nature of the bias incident.
- I. Detectives assigned to handle bias incident cases should have a background in working sensitive cases. They should also have experience handling community relations.

**VII. CHIEF EXECUTIVE OFFICER'S RESPONSIBILITIES**

- A. Ensure that an appropriate initial law enforcement response and investigation has commenced.
- B. Ensure that security has been increased in the affected area, as needed.
- C. Ensure that accurate and timely news releases of the incident have been disseminated, as appropriate.
- D. Personally meet with the victim of the bias incident to convey the department's intended course of action.
- E. Ensure that the follow-up investigation is actively pursued to a successful conclusion or until all leads have been considered.
- F. Ensure that victim/witness service referrals are made in a timely manner.
- G. Ensure that all relevant information has been shared with the Hunterdon County Prosecutor's Office, the Division of State Police Central Security Bureau, and other appropriate law enforcement agencies within a reasonable period of time.
- H. Ensure that the aid of religious, community, business, and educational groups as well as other community leaders has been enlisted in an effort to mitigate the impact of the bias incident, to reduce the potential for counter-violence, and to promote good police-community relations.
- I. Maintain contact with community leaders concerning the bias incident, realizing that not all information may be able to be shared.
- J. Ensure that community relations activities and crime prevention programs are conducted, as appropriate.
- K. Ensure that all confirmed bias incidents are properly reported as required to the Uniform Crime Reporting System.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- L. Ensure that all law enforcement officers of the Clinton Township Police Department receive appropriate training in bias incident response and investigation.
- M. Ensure that victims and other concerned parties are informed of the final disposition of the incident.
- N. Provide leadership and direction by developing a clear and concise formal ‘*Bias Incident*’ general order and disseminating it to all law enforcement officers of the agency.
- O. Publicly announce the agency’s bias incident investigation policy and explain that the public should immediately contact the police when a bias incident occurs.

**VIII. INTER-AGENCY COOPERATION**

A. The Hunterdon County Prosecutor’s Office

- 1. The Hunterdon County Prosecutor’s Office is the chief law enforcement agency in Hunterdon County and therefore has the duty of faithfully enforcing the law by using all reasonable and lawful means to detect, arrest, indict, and convict offenders.
- 2. The Hunterdon County Prosecutor’s Office duties also include:
  - a. providing county-wide law enforcement leadership,
  - b. assisting and supplementing law enforcement agencies with personnel and investigative resources, as necessary, and
  - c. assisting the Clinton Township Police Department by providing legal guidance.
- 3. Therefore, the Hunterdon County Prosecutor’s Office shall be notified of a suspected or confirmed bias incident as soon as possible, not to exceed twenty-four (24) hours.
- 4. Further, the Chief Executive Officer or his or her designee shall contact the Hunterdon County Prosecutor’s Office for legal advice and investigative assistance, as necessary.
- 5. The Hunterdon County Prosecutor’s Office shall monitor the investigation of all suspected or confirmed bias incidents.

B. Division of State Police

- 1. It is the responsibility of the Division of State Police (and/or any relevant unit or bureau thereof, such as the Central Security Bureau) to investigate bias incidents perpetrated by known hate groups operating in New Jersey.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

2. The New Jersey State Police not only investigates incidents perpetrated by organized hate groups but also monitors the operational activities of local authorities relative to all such incidents reported.
3. The New Jersey State Police is available to assist local law enforcement authorities with specific investigations when it is determined that its assistance is required. Requests for New Jersey State Police assistance should be directed to the Supervisor of the Central Security Bureau, Intelligence Services Section.
4. The New Jersey State Police is also responsible for collecting statistics on suspected and confirmed bias incidents and will periodically contact reporting agencies regarding bias incidents.
5. Effective January 1, 2019, the New Jersey State Police has required all New Jersey law enforcement agencies to submit their UCR-required bias incident reports directly into the State's UCR Repository Database.
6. 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.

C. Division on Civil Rights

1. In 1945, New Jersey adopted a law which established a State agency responsible for addressing discrimination by:
  - a. Employers;
  - b. Employment agencies; and
  - c. Labor organizations
2. Over the years, New Jersey's anti-discrimination laws have been expanded to include discrimination in:
  - a. Areas relating to employment;
  - b. Housing
  - c. Public accommodations including schools, government buildings, restaurants, hotels, stores, hospitals, theaters, and other places open to the public; and

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- d. Business transactions, such as credit and contracting.
3. In relation, 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.
4. The Division on Civil Rights can also commence its own investigation into discrimination or harassment without an individual filing a complaint. This is called a '*Director-Initiated Investigation.*'
5. Where the Division on Civil Rights' investigation shows probable cause to believe prohibited discrimination or harassment has occurred, the Division on Civil Rights will prosecute the violation either in the Office of Administrative Law or in the appropriate court.
6. After an administrative hearing, if the Division on Civil Rights' Director finds that the Law Against Discrimination 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.
7. In some cases, a Bias Incident may also constitute a violation of the Law Against Discrimination. 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. The Division on Civil Rights shall also be notified.
  - a. With some limited exceptions, the Law Against Discrimination makes it unlawful to discriminate against or harass a person based on race, color, creed/religion, sex/gender, disability, sexual orientation, gender identity, gender expression, national origin, nationality and ancestry.
  - b. The Law Against Discrimination 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.
8. Where it appears that there may have been discrimination or harassment based on any of the characteristics listed above, the Division on Civil Rights has jurisdiction to accept complaints from individuals and to investigate those complaints.
9. Individuals need not be represented by counsel to file a complaint with the Division on Civil Rights; they simply must file a complaint within one hundred and eighty (180) days of the most recent act of discrimination or harassment.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

10. The Division on Civil Rights' jurisdiction is limited to addressing acts of bias, prejudice, discrimination, and harassment. 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.
11. In addition to enforcement and investigative responsibilities, the Division on Civil Rights provides the following services to law enforcement agencies upon request:
  - a. Education and training relating to the Law Against Discrimination, acts of bias, prejudice, discrimination, and harassment,
  - b. Mediation and conciliation of community conflicts relating to bias incidents and discrimination,
  - c. Civil rights sensitivity seminars,
  - d. Speakers bureau (English/Spanish),
  - e. Literature, training, publications, and exhibits relating to civil rights, acts of bias, prejudice, discrimination, harassment, and the Law Against Discrimination,
  - f. Model policies to address discrimination and harassment, and
  - g. Twenty-four (24) hour bi-lingual hotline and mobile information unit.
12. 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.
13. Contact Information
  - a. **Northern Regional Office/Newark**  
P.O. Box 46001 31 Clinton Street, 3rd floor Newark, NJ 07102  
973.648.2700
  - b. **Central Regional Office/Trenton**  
P.O. Box 89 140 East Front Street, 6th floor Trenton, NJ 08625-0089  
609.292.4605
  - c. **Southern Regional Office/Cherry Hill**  
5 Executive Campus, Suite 107 Cherry Hill, NJ 08002  
856.486.4080

**Bias Crime Investigations  
Volume 3, Chapter 2**

- d. **South Shore Regional Office/Atlantic City**  
1325 Boardwalk, 1st floor, Atlantic City, NJ 08401  
609.441.3100

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

**IX. DIVISION OF CRIMINAL JUSTICE**

- A. 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.
- B. Located within the Division of Criminal Justice 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.
- C. Consistent with Attorney General Directive 2016-5, which 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.
- D. Also within the Division of Criminal Justice 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 New Jersey State Police. In certain cases, the Bias Crimes Unit may participate in the investigation or prosecution of a bias incident.
- E. Tips from the public to the Attorney General's Bias Crimes Hotline or Bias Crimes Website are also reviewed by the Bias Crimes Unit. These tips are retained for investigation by the Bias Crimes Unit or referred to a local law enforcement agency for investigation, as appropriate.

**X. NEW JERSEY OFFICE OF HOMELAND SECURITY**

- A. To further facilitate inter-agency cooperation, the New Jersey Office of Homeland Security and Preparedness (NJOHSP), along with the New Jersey State Police, Division of Criminal Justice, and all twenty-one (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.
- B. At such time, each incident shall be reviewed by the Office of Homeland Security and Preparedness for a possible nexus to terrorism and, if appropriate, entered into the New Jersey Suspicious Activity Reporting System (NJSARS).



**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- C. Incidents that involve an organized extremist group or extremist ideology will be of particular interest for further investigation and inclusion by Office of Homeland Security and Preparedness and the FBI.
- D. 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 New Jersey.

**XI. REPORTING REQUIREMENTS**

- A. It is the duty of all law enforcement agencies in New Jersey to report bias incidents to the New Jersey Attorney General's designees.
- B. As stated, the Division of Criminal Justice and the New Jersey State Police have designated an electronic reporting system for this purpose -- the Electronic Uniform Crime Reporting (eUCR) portal.
- C. When a bias incident report is submitted through the eUCR portal, the information is automatically forwarded to the Bias Crimes Unit at the Division of Criminal Justice, the New Jersey State Police, the New Jersey Office of Homeland Security and Preparedness, and the Hunterdon County Prosecutor.
- D. Every bias incident shall be documented, at a minimum, on the following reports:
  - 1. Investigation Report of the initial responding officer, which shall contain the following information:
    - 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.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

2. Supplemental Investigation Reports of all officers who assisted at the scene
  3. Supplemental Investigation Reports of all detectives,
  4. The Uniform Crime Reports ‘Hate Crime Incident Report’ (Form 1-699), and
  5. The Uniform Crime Reports ‘Quarterly Hate Crime Report’
- E. The Clinton Township Police Department 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.
- F. The Chief Executive Officer shall ensure that the reporting requirements are met.
- G. 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 Clinton Township Police Department shall also immediately notify the Bias Crimes Unit at the Division of Criminal Justice.
- H. 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.
- I. In bias incidents where there is a nexus to terrorism, such as when an organized hate group is involved, the Attorney General’s Suspicious Activity Reporting Directive 2016-7 requires additional notifications. Suspicious activity with a nexus to terrorism shall 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).

**XII. TRAINING**

- A. The Training Officer shall ensure that all Clinton Township officers receive periodic training regarding the response to, investigation of, and prosecution of bias incidents consistent with this general order and applicable law and guidelines.
- B. Because of the effect that bias incidents and bias crimes have on protected groups and classes, individual victims, and the community, it is important that sworn law enforcement officers receive training in detecting and reporting bias incidents and investigating/prosecuting bias crimes.
- C. 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.

**Bias Crime Investigations**  
**Volume 3, Chapter 2**

- D. 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.
  
- E. 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 New Jersey State Police update pre-existing bias incident/crimes curricula consistent with this revised guideline and the continuing education course created through the CLEAR Institute.

**All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.**