

**ORRIS TOWNSHIP POLICE DEPARTMENT**

**GENERAL ORDER # 2019 –  
16**

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**TO: ALL PERSONNEL**

**DATE: July 18, 2019**

**SUBJECT:  
REVISION TO SOP 110: BIAS/HATE CRIME INVESTIGATIONS**

SOP 110: **BIAS/HATE CRIME INVESTIGATIONS** policy and procedure has been revised. The revisions in this policy are highlighted in yellow for your review.

Once you have had an opportunity to review the policy in the Power DMS system, you are directed to electronically sign this General Order by entering your user identification and password.

By signing this General Order you acknowledge receipt of this directive, at a minimum you have read ALL the highlighted sections, and understand the contents of the General Order. It is your responsibility to direct any questions to your supervisor's attention, prior to signing off on the General Order.

A hard copy of all Department policy and Procedures are maintained in the Chiefs of Police Conference Room.

ISSUED BY: *MARK DICARLO*  
Chief of Police

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MTPD 38 (REV 1.18)

# MORRIS TOWNSHIP POLICE DEPARTMENT

## STANDARD OPERATION PROCEDURE

### 110

## BIAS/HATE CRIME INVESTIGATIONS



EFFECTIVE REVISION	DATE	AUTHORITY	GENERAL ORDER #	ACCREDITATION STANDARDS:
Effective	February 1988	925		
Revised:	February 1994	925	94-012	
Revised:	January 1995	925	95-002	
Revised	October 1995	919	95-044	
Revised:	January 1997	919	97-003	
Revised:	May 2000	930	00-003	
Revised:	December 2011	980		
Revised:	May 2015	957	15-040	
Revised:	December 2017	997	17-016	
Revised:	July 2019	997	19-016	
Comments: Revised 1-97 due to NJSP Newsletter (Records & Identification Section) dated October 1996. MCPO Directive Vol. 1 Ch 1, MCPO Directive, AG Directive 2019				
Current changes highlighted in DMS for review				

### 110.1

#### PREAMBLE:

##### 110.1.1

**NJ ATTORNEY GENERAL'S DIRECTIVE:** Crimes having a racial, religious, sexual orientation 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 future. Closely linked to our heritage are individual values, beliefs and identities. Bias Incidents undermine these foundations of freedom.

It shall be the responsibility of this agency to bring the investigative and enforcement elements of the department into quick action following any and all suspected, and confirmed, bias incidents. There is to be special emphasis placed upon victim assistance and community relations in order to reduce victim trauma and community tensions and fears.

Criminal acts directed at another which are the result of senseless prejudice and discrimination and cannot be tolerated within any community. It falls upon all law enforcement agencies to handle these with a degree of care, compassion and sensitivity. Law enforcement officers must not just focus their attention toward a swift resolution of such incidents, but be aware of the other critical issues involved. The message that a police officer sends to the victim, bears a direct reflection upon the community and the quality of life within that community. With this in mind, this agency has adopted the following standards to insure that such investigations are handled within the guidelines issued by the New Jersey Attorney General's Office.

- a. Agency Response to Bias Incidents: It must be remembered that the actions taken by this agency in responding to suspected or confirmed bias incidents are visible signs of concern and commitment to the citizens of this community. It shall therefore be the policy of this agency, when dealing with suspected incidents involving bias, to:
  1. Approach all victims in a sensitive and supportive manner.
  2. Reassure all victims that appropriate investigative and enforcement methods will be utilized by this agency to properly address the bias incident.
  3. Ensure that a thorough and complete initial response and follow-up, as required by the facts and circumstances surrounding the suspected or confirmed bias incident, includes providing for appropriate community relations activities and crime prevention programs.
  4. That all victims/witnesses are referred to the County Prosecutor's Office of Victim-Witness Advocacy as appropriate.
  5. That this agency interacts with concerned community service organizations, civic groups, and religious institutions and the county Human Relations Commission regarding the suspected or confirmed bias incident.
  6. That we effectively calm the victim and reduce the fear and alienation through direct ongoing official communication regarding the bias incident.
  7. Ensure that all confirmed bias incidents are reported to the Uniform Crime Reporting System using Division of State Police UCR Bias Incident forms.
  8. Ensure that security is increased in areas affected by bias incidents, as appropriate, and arrange for the appropriate security measures to protect persons and property.

## **110.2**

### **DEFINITIONS:**

### **110.2.1**

**DEFINITIONS OF BIAS INCIDENT / HATE CRIME:** For New Jersey law enforcement purposes, a bias incident (hate crime) 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 NJSA 2C:14-2 or 2C:14-3) handicap (mental or physical), sexual orientation, or ethnicity. A bias incident need not involve an act which constitutes an offense.

a. The bias incident offenses are:

1. Murder
2. Manslaughter
3. Sexual Assaults
4. Robbery
5. Aggravated Assaults
6. Burglary
7. Larceny - Theft
8. Simple Assault
9. Arson - Malicious Burning
10. Criminal Mischief
11. Fear of Bodily Violence (NJSA 2C:33-10)
12. Damage to Property; Threat of Violence (NJSA 2C:33-11)
13. Weapons Offenses
14. Sex Offenses (other than Sexual Assault)
15. Terroristic Threats
16. Trespassing
17. Disorderly Conduct
18. Harassment
19. Desecration of Venerated Objects
20. All Other Bias Incidents

b. Some suspected Bias Incidents may not clearly fit the described definition. In those cases where an officer may suspect the incident is based upon bias, that officer shall conduct the investigation as prescribed in these procedures as if it were based upon bias.

c. An officer must be cognizant of the fact 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.

- d. For bias incidents offense reporting "handicapped" means: suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment,... or from any mental, physiological or developmental disability... Handicapped shall also mean suffering from AIDS or HIV infection.

### **110:3**

#### **GUIDELINES FOR INVESTIGATIONS:**

##### **110.3.1**

**GUIDELINES FOR CONFIRMING BIAS INCIDENTS;** To assist officers in confirming whether a suspected bias incident is actually motivated by bias, the following criteria shall be applied. These criteria are not all inclusive. Common sense judgment must also be applied in the final determination.

##### a. MOTIVES

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.
4. How the victim feels about the incident.
5. Statements made by suspects and witnesses.
6. Prior history of similar incidents in the same area affecting the same victim group.
7. When the above criteria are applied it may be helpful to ask the following questions:
  - (a) Is the victim from one racial, religious or ethnic group and the suspect from another?
  - (b) Did the incident occur solely because of a racial, religious, gender, handicapped, sexual orientation or ethnic difference between the victim and actor, or for other reasons?
  - (c) Is the victim the only member of a particular race, religion, sexual orientation or ethnic group in the neighborhood or one of a few?
  - (d) Did the victim recently move into the area?
  - (e) Is the victim acquainted with neighbors and/or associated with local community groups?

- (f) What was the trademark (M.O. of the actor)? Is it similar to other document bias incidents in or outside the area of jurisdiction?
- (g) Has the victim experienced past or repeated incidents of a similar nature?
- (h) Is there a connection between the date of the incident and holidays, school activities or other special public discussions or events?
- (i) Has there been prior or recent media coverage of similar incidents?
- (j) 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?)
- (k) Does the M.O. signify a copycat syndrome of other incidents?
- (l) Is an organized hate group indicated in the incident?
  - (1) Is literature involved and what type is it?
  - (2) Is there any documented or suspected organized hate group activity in the area?
  - (3) Was organized group involvement actually present or made to appear so?
- (m) Was there real intentions of the actor to commit a bias incident or were there other motives?
- (n) Does the actor have a true understanding of the impact of the bias incident on the victim?
- (o) Was the victim put into fear due to the incident?
- (p) Did the victim feel threatened due to the incident?
- (q) It is the duty of all law enforcement agencies to familiarize themselves with the Attorney General's Bias Incident Standards located in the "Officials Only" section of the MCPO Website, and provide a practical approach to the initial as well as follow up investigations of all suspected and confirmed bias incidents.

### **110.3.2**

**GUIDELINES FOR INVESTIGATING BIAS CRIMES IN SCHOOLS:** The following guidelines are a result of a memorandum of agreement between education and law enforcement officials concerning suspected hate crimes or bias incidents occurring on school grounds or involving students.

- a. Bias Crimes or Hate Crimes when involving any student, staff member, or employee of a school district in our jurisdiction shall be addressed in a prompt, firm, and predictable response as any other bias investigation.

1. A prompt response is essential to defuse a potentially volatile situation, to prevent further physical or emotional injury, and to assist in the identification and apprehension of the person(s) who committed the bias incident or hate crime.

b. Mandatory referral of suspected hate crimes:

1. Whenever any school employee in the course of his or her employment develops reason to believe that,

- (a) A hate crime has been committed, or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property, and whether or not such offense was or is to be committed during school operating hours, or

- (b) That a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during school operating hours, the school employee must notify the Morris Township Police, building principal, and superintendent.

- (c) Whenever an school employee in the course of his or her employment develops reason to believe that a bias incident has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether or not such bias incident was or is to be committed during operating school hours, the school employee should immediately notify the building principal and superintendent, who in turn shall determine whether to notify the Morris Township Police Department.

NOTE: There are no legal mandates requiring the reporting of Bias Incidents Hate Crimes to our agency.

c. Concurrent Jurisdiction

1. Where the Morris Township Police Department or the Morris County Prosecutors Office believes that the continuing conduct of a concurrent investigation or the imposition of any form of school discipline, would in any way jeopardize an ongoing law enforcement investigation, or otherwise endanger the public safety, the Detective Bureau Supervisor shall notify the school principal and superintendent of schools.

- (a) The superintendent of schools can determine whether to take further action.

d. Processing of Evidence

1. There is a delicate need to preserve physical evidence so that persons who commit hate crime or bias incidents can be apprehended and fully and fairly prosecuted, as

against the need to minimize the harm associated with the continued exposure to school children

- a. when school officials report a biased incident an preserve evidence the assigned detective shall photograph or document the evidence so the school may remove or eliminate the biased based evidence at their earliest opportunity.

e. Minimal Disruption of School Environment

1. When conducting an investigation into a suspected or confirmed hate crime or bias incident in accordance with the Attorney Generals Bias Incident and Investigation Standards, investigating officers will minimize to the greatest extent possible any disruption of the school environment and school activities.
2. Absence of compelling and extraordinary circumstances we will not conduct interviews of students with respect to suspected or confirmed hate crimes or bias incidents during normal school operating hours without first providing notice to the building principal and superintendent of schools.

NOTE: interviews involving Juveniles should be in compliance with agency policy.

- f. Notifications by Police: If a formal complaint is filed against a student for any offense which if committed by an adult would be an indictable hate crime, in accordance with the provisions of N.J.S.A. 2A:4A-60c, provide information on a confidential basis to the school principal where the student is enrolled, concerning the offense charged and any resulting adjudication or disposition.

- g. Arrest Protocols: The term arrest shall include the taking into custody of a juvenile for any offense if committed by an adult would constitute crime or disorderly persons offense. All Juvenile arrests shall comply with SOP:44 and all directives outlined under the Executive Directive 1990-1, Concerning the Handling of Juvenile Matters by Police and Prosecutors.

1. Requests by any school official to summon a law enforcement officer for the purpose of making an arrest on school property for an alleged or committed act of bias or hate crimes shall be directed to the Road Supervisor.
  - (a) The road supervisor shall determine if a Detective should be assigned or patrol officer.
  - (b) When effecting any arrest on school grounds consideration should be made to minimize the disruption of the school environment. Every reasonable effort should be made to effect the arrest in the building principal's office, or in some other designated area away from the general student population, and

consideration shall be given to the specific recommendations of the building principal or local superintendent.

- (c) Where feasible, the responding law enforcement officer(s) should be in plainclothes, use an unmarked vehicle, and the number officers kept to a minimum.
2. If an arrest is spontaneous to an offense that occurs during school operating hours, or is reported by someone other than a school official, or a person subject to an arrest retreats onto school property during operating school hours, the arresting law enforcement officer will notify the school principal as soon as it is practical.
  - a. If an arrest involves a student enrolled in the school, the building principal will wherever feasible, be notified before the student is taken from the school grounds.
3. If a planned arrest is to occur on school property, the building principal or local superintendent will be advised and consulted before the arrest occurs.

### **110.3.3**

**RESPONSIBILITIES OF THE CHIEF OF POLICE:** It is a well known fact that the chief executive of any law enforcement agency not only prescribes regulations and policy of the agency, but also sets the tone and spirit in which those standards are enforced. It is for this reason that this portion of the procedures are included. "As the chief executive of this agency, it is my intent to insure that each and every officer within this agency take those steps necessary to identify, investigate, and attend to the needs of the victims of Bias Incidents".

"Each officer within this agency shall strictly adhere to the procedures outlined within this policy as it relates to Bias Incidents. The reputation of the entire agency and the community rests on the actions on each and every officer. It must be clear to each officer that a much higher level of sensitivity must be exercised to protect the rights of the victims of such senseless criminal acts.

Any deviation on the part of a sworn officer within this police agency which can be construed or substantiated as disregarding any provision of this policy (without sufficient cause), shall face among the most serious offenses within the Code of Conduct of the Morris Township Police Department. As the chief executive of this agency, I fully support the provisions of the New Jersey Attorney General's standards regarding Bias Incidents."

- a. The Chief of Police will provide leadership and direction by developing a clear and concise formal bias incident policy and disseminating same to all members of the agency.

- b. Once made aware of a suspected or confirmed incident involving a violation of a Bias Incident offense, the Chief of Police or his designee will personally contact the victim of the offense.
- c. It shall be the responsibility of the Chief of Police or his designated representative to 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.
- d. The Chief of Police will explain to the public that they should immediately contact the police department when a bias incident occurs.
- e. The Chief of Police will be advised by the Shift Commander, in a timely manner, of any suspected or confirmed Bias Incident.
- f. It shall be the Chief of Police or his designee who will insure that the victim of a Bias Incident is kept abreast of the pending investigation or be informed of the final disposition involving a Bias Incident.
- g. Ensure that all law enforcement officers of the department receive appropriate training in bias incident response and investigations.
- h. The Chief of Police shall ensure that victim/witness service referrals are made in a timely manner
- i. Ensure that security is increased in the affected area as appropriate.
- j. Ensure that the bias incident investigation is actively pursued to a successful conclusion or until all leads have been considered.
- k. Ensure that all relevant information regarding suspected or confirmed biased incidents is shared with the County Prosecutor, Division of State Police Central Bureau and other appropriate law enforcement agencies within a reasonable time, as necessary.
- l. Enlist the aid of religious, community, business, and educational groups as well as other community leaders in an effort to moderate the impact of the bias incident, to reduce the potential for counter - violence and to promote positive community relations.

- m. Ensure that community relations activities and crime prevention programs are conducted as appropriate.
- n. Maintain contact with community leaders concerning the bias incident.
- o. Conduct appropriate media relations. Prepare accurate and timely public information news releases, as appropriate.
- p. Ensure that all confirmed bias incidents are reported as required to the Uniformed Crime Reporting System using Division of State Police Uniform Crime Reporting procedures and report forms.
- q. Each Chief Executive of a Law Enforcement Agency operating in Morris County shall maintain at least one law enforcement officer who shall act as a liaison officer to the MCPO regarding bias incidents. His or her contact information must be forwarded to Biasdetective@co.morris.nj.us. This provision shall also apply to the New Jersey State Police that operate within Morris County. (Immediate notice shall be provided to the MCPO any time a new or additional liaison is designated.)

#### **110.3.4**

**RESPONSIBILITIES OF THE INITIAL INVESTIGATION OFFICER:** It shall be the responsibility of each officer to be alert to the fact that a criminal offense may have been directed at an individual, private property, or public property for no other reason than motives based upon prejudice or discrimination of a particular race, religion, or ethnic background. Bias Incidents may generate fear and concern among victims and the community. These incidents have the potential of reoccurrence, escalating and possibly causing counter-violence. Therefore, Bias Incidents require a thorough and comprehensive response on the part of all sworn officers charged with investigation of such incidents.

- a. If an officer either suspects or confirms that an incident was the result of discrimination or bias, that officer will immediately notify his supervisor.
- b. The officer will begin to conduct a thorough preliminary investigation which includes:
  - 1. Provide for the immediate medical care of the victim's injuries.
  - 2. The identification of all persons who may have witnessed or be acquainted with the circumstances of the incident.

3. The identification and apprehension of the actor(s) who committed such an offense, based upon sufficient probable cause.
  4. Any information which may be obtained concerning suspects, including possible motives for the act, person(s) and/or property targeted in the act, how targeted, means of the attack, time of incident, characteristics of the incident, and information provided by the victim.
  5. Refer the victim(s) and witnesses to the Morris County Prosecutor's Victim/Witness Advocate, as appropriate.
  6. Be sensitive to the victim's concerns for safety, and psychological affects that are associated with victimization.
  7. Preserve the scene of the offense for evidential value.
  8. All investigating officers have a duty to respect the dignity and integrity of the victim and shall provide as much assistance to the victim that is possible at the time.
  9. The investigating officer must complete the State of New Jersey "Supplementary Bias Incident Offense report" [UCR BI-No. 1 (Rev. 12/94)] and attach same to the Incident Report.
- c. Include all pertinent details of the investigation in a typed incident report, utilizing LEIRS #8700 as a secondary LEIRS code to the nature of the criminal offense. The report must include all the facts and information gathered that support the basis that the act was one that was bias based, as follows;
1. Name, address and telephone numbers and other information regarding the victim, witnesses and suspects.
  2. Where the incident occurred.
  3. Person and / or property targeted.
  4. How targeted.
  5. Means of attack.
  6. Time of incident.
  7. Method of operation, trademark or unusual characteristics of the incident.
  8. Any and all other relevant information provided by the victim and/or witnesses.

### **110.3.5**

**RESPONSIBILITIES OF THE SUPERVISOR:** Because of the complexity and desire to provide a swift resolution for any incident which may be based upon prejudice and discrimination, it becomes imperative that all such investigations are properly supervised.

- a. Once a supervisor has been notified of a suspected Bias Incident, that supervisor (or shift commander if a supervisor is unavailable) shall respond to the scene in order to be fully briefed by the investigating officer, and to supervise the preliminary response and investigation.
  1. The supervisor shall attempt to verify if the occurrence is a confirmed bias incident following the guidelines and definitions outlined within this policy.
  2. The supervisor shall ensure that the necessary basic information is obtained in order to sustain a follow up investigation.
  3. Request that investigative personnel respond to the scene if a bias incident is suspected or confirmed.
  4. Request that the next level of command respond to the scene, as appropriate.
- b. Shall assist in the stabilization of the victim as required and coordinate the arrangements for any necessary shelter, relocation, food, clothing and child care for the victim.
- c. It will be incumbent upon the supervisor to determine if a detective should be immediately dispatched to continue with the investigation at that point in time. The supervisor should keep in mind that photographs of the victim and/or the scene may be extremely beneficial to the investigation and should therefore ensure that the crime scene is properly protected and preserved.
- d. The supervisor shall be cognizant of the fact that such incidents have a tendency to escalate or create a great sense of alarm to victims, and therefore he shall take every precaution to insure that this does not happen. Such precautions may include:
  1. Arrangements to immediately increase patrols throughout the affected area.
  2. Assigning an officer to a fixed post to protect the scene or victim.
  3. Immediate referral to the Crime Prevention Unit.
- e. It shall be the responsibility of the supervisor to insure that the shift commander is notified of his findings.
- f. In the absence of a shift commander, the responsibilities of the shift commander shall fall upon the supervisor.

- g. The Morris County Prosecutor's Office shall be available on a 24 hour basis to answer any questions regarding New Jersey's Bias Incident laws, the Bias Incident Investigation Standards promulgated by the Attorney General, or the Memorandum of Agreement between Law Enforcement and Education.
- h. All police department investigation reports shall be promptly emailed to Biasdetective@co.morris.nj.us, or as otherwise directed by the MCPO Bias Crimes Unit Detective.

### 110.3.6

**RESPONSIBILITIES OF THE SHIFT COMMANDER:** The Shift Commander shall serve as the coordinating officer in any suspected or confirmed Bias Incident. It shall also be this officer's responsibility to over-see and insure that all procedures are carried out in a fashion that is appropriate, considering the potential gravity of each case.

- a. It shall be the responsibility of the Shift Commander to make the following notifications, in the listed order, as soon as possible when there is a suspected or confirmed case of a Bias Incident:
  - 1. Chief of Police
  - 2. Division Commanders
  - 3. Detective Bureau Supervisor

**NOTE:** When the suspected or confirmed Bias Incident involves homicide aggravated sexual assault, sexual assault, aggravated assault or arson; a law enforcement officer as the alleged perpetrator; an organized hate group; or involves the potential to generate large scale unrest, the above listed individuals and offices are to be notified immediately.

- b. The officer assigned to review reports shall be alert for any incident which may suggest that the incident was targeted at an person, private property, or public property for motives of prejudice or discrimination.
- c. All cases that have been identified as a Bias Incident shall be identified through the use of a secondary LEIRS code (LEIRS #8700), and flagged so that the reports may be forwarded when transcribed. All Bias Incident reports will have copies forwarded to the following offices:
  - 1. Chief of Police
  - 2. Division Commanders
  - 3. Detective Bureau Supervisor

#### 4. Crime Prevention Officer

### 110.4

#### INVESTIGATIVE & REPORTING PROCEDURES:

##### 110.4.1

**RESPONSIBILITIES OF THE DETECTIVE BUREAU:** 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. Detectives assigned to handle Bias Incident cases shall provide the degree of priority in treatment as that of any other serious investigation.

- a. The investigating Detective and or Detective Supervisor shall ensure the following notifications are made:
  1. Morris County Prosecutor's Office
    - (a) To be notified as soon as possible, must be within 24 hours once agency becomes aware of suspected or confirmed bias incident.
    - (b) During business hours (8:30 am-4:30 pm): 973-285-6200
    - (c) After hours, weekends, holidays: notify through Communications Center, request the on-call Bias Crimes Unit Detective.  
\*\*\* See attached MCPO Directive for further contact information. \*\*\*
  2. State of New Jersey, Division of Criminal Justice, Bias Crime Unit (located within the Specialized Crimes Bureau)
    - (a) Main Telephone Number: 609-984-6500
    - (b) Alternate Telephone Number: 609-292-9021
    - (c) (24) hour Law Enforcement Number: 609-273-9243
    - (c) Fax: 609-633-7798
    - (d) Email: NJBIAS@NJDCJ.ORG  
P.O. Box 094  
Trenton, New Jersey 08625-0094
  3. Central Security Bureau of the N.J. State Police guidelines for notification:
    - (a) bias incident occurs and an organized hate group is suspected of being responsible.
    - (b). a bias incident has potential to generate a large scale unrest.
    - (c). assistance is requested in any investigation of a bias incident.

- (d). working hours: (609) 530-5710 off hours: (609) 882-2000, request the supervisor of the Central Security Bureau
4. NJ Division on Civil Rights
- (a) in some cases discrimination matters may be elements of a suspected or confirmed bias incident. A bias incident investigation may later prove to be violations of New Jersey's Law Against Discrimination.
- (b). if a bias incident investigation involves a suspected or confirmed violation of New Jersey's Law Against Discrimination, the Division on Civil Rights shall be contacted.
5. Morris County Prosecutor's Office Homeland Security Unit
- (a) In bias incidents where there is a nexus to terrorism, such as when an organized hate group is involved, a Suspicious Activity Report (SAR) shall be completed pursuant to the Attorney General's SAR Reporting Directive 2016-7, and must be reported immediately to the Morris County Prosecutor's Office Homeland Security Unit.

**NOTE: When the suspected or confirmed Bias Incident involves homicide, aggravated sexual assault, sexual assault, aggravated assault or arson; a law enforcement officer as the alleged perpetrator; an organized hate group; or involves the potential to generate large scale unrest, the above listed individuals and offices are to be notified immediately.**

- b. The Detective Bureau Supervisor shall be responsible for insuring a thorough and comprehensive follow up criminal investigation is conducted, to include:
1. The gathering of physical evidence.
  2. Photographing the crime scene as appropriate.
  3. Taking of statements from victims and witnesses.
  4. Canvassing the community, conducting interviews.
  5. Conducting surveillance as necessary.
- c. The detective assigned to Bias Incident investigations shall be responsible for reporting on the progress of the case to his supervisor on a regular basis.
1. Investigators may access the Division of State Police Central Security Bureau which can provide information and assistance regarding organized hate groups.
  2. Notify the Morris County Prosecutors Office as soon as possible, but as not to exceed 24 hours.

- d. The detective assigned to a Bias Incident investigation will determine the primary elements of the incident and obtain information to complete the data elements of the Uniform Crime Report Supplementary Bias Incident Offense Report. Primary elements of the investigation include:
  - 1. Persons Targeted
  - 2. Objects Targeted
  - 3. Time & Dates Involved
  - 4. Means of Attack
  - 5. How Targeted
  - 6. Trademarks Involved
- e. Assist the victim/witness in obtaining appropriate support services, if necessary.
- f. The Detective Bureau Supervisor shall ensure the Bias Incident investigation is sensitive to the safety concerns of the victim(s) and witnesses, and arrange for appropriate security measures to be implemented to protect persons and property.
- g. The assigned detective shall inform the victim 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.
- h. Ultimate responsibility for VICTIM/WITNESS needs shall be coordinated among the assigned Detective and the Crime Prevention Officer by the Detective Bureau Supervisor, in conjunction with the Morris County Office of Victim Witness Advocacy, as follows;
  - 1. Victims shall be provided with information about the criminal justice process.
  - 2. Face to face case specific explanation of system and process shall be provided.
  - 3. Provide victims with information about victim compensation.
  - 4. Provide victims with any arrest, bail and pretrial release as soon as possible.
  - 5. Provide the status of any property stolen or removed as well as procedures and regulations governing property return.
  - 6. Arrangement for victim accompaniment to photo review sessions, body identifications and medical examinations required for evidence.
  - 7. Conduct victim interviews in a secure and private area, with pleasant surroundings as available.
  - 8. Make interpreters available when the victim does not speak English.
  - 9. Allow the victim use of telephones while at police headquarters.
  - 10. 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.
  - 11. Whenever possible, minimize inconvenience to the victim.

- (a) Attempt to schedule appointments at the convenience of the victim.
  - (b) Minimize waiting time for interviews.
  - (c) Limit the number of times a victim must repeat the facts surrounding the case.
  - (d) Property returns shall be accomplished within 30 days unless evidence req. prohibit same.
  - (e) Assistance with the completion of compensation forms and filing claims.
12. A high priority shall be given to investigating reports of threats of intimidation and these reports shall be immediately forwarded to the county prosecutors office.
- (a) victims and witnesses shall be encouraged to report any incident of intimidation or harassment.
  - (b) victims shall be informed of available responses to intimidation including bail revocation, additional charges, escorts to court...
  - (c) restraining orders should be sought as a condition of bail and prepared with the complaint as appropriate.

#### **110.4.2**

**RESPONSIBILITIES OF RECORDS BUREAU SUPERVISOR:** An important component of the Bias Incident Investigation Standard is to provide sufficient information through central coordinating agencies, so that such incidents may be clearly identified and measures are taken to preclude the risk of further injury, property damage, or reprisals.

- a. It shall be the responsibility of the Records Bureau Supervisor to see that all reports that have been identified as a Bias Incident are amended to reflect the appropriate secondary LEIRS code #8700 (Bias Incident Investigation) in the Records Management system.
- b. It shall also be the responsibility of the Records Bureau Supervisor to see that copies of the finished report are forwarded to the following personnel:
  - 1. Chief of Police
  - 2. Patrol Division Commander
  - 3. Support Services Division Commander
  - 4. Detective Bureau O.I.C.
  - 5. Morris County Prosecutor's Office.
- c. It shall be the responsibility of the Records Bureau Supervisor to insure that all Bias Incident investigations are accurately reflected on the UCR Supplementary Bias Incident Offense Report form (UCR-BI #1 Rev. 10-96), and forwarded to the NJSP.
  - 1. Concerning Handicap: The type of handicap (mental or physical) must be indicated on the UCR Report in the Handicap Section.

### **110.4.3**

**RESPONSIBILITIES OF THE CRIME PREVENTION OFFICER:** While it is recognized that all Bias Incidents cannot be anticipated or prevented, crime prevention services shall be provided for each suspected or confirmed Bias Incident, as appropriate.

- a. In all cases that have been identified as a Bias Incident, it shall be the responsibility of the Crime Prevention Officer to contact the victim of such an offense to offer those services provided by the unit in a timely fashion.
- b. It shall be the responsibility of the Crime Prevention Officer to review all directives issued in connection with Bias Incident Investigations and become familiar with those agencies which are designed to assist in such cases.
- c. Where appropriate, it shall be the responsibility of the Crime Prevention Officer to see that the victim of a Bias Incident is made aware of available social services. Further, the Crime Prevention Officer will assist the victim in making contact with available victim/witness programs designed to assist in such cases.
  1. If the investigation reveals that protective services are necessary, the Crime Prevention Officer shall meet with the Supervisor of the Detective Bureau and develop a strategy for a protective service that meets the ultimate approval of the Chief of Police.
- d. As resources become available and in those cases where it is appropriate, the Crime Prevention Officer will provide information to community groups, designed to lend greater understanding to the nature and causes of Bias Incidents and the resulting impact on the victims and the community.
- e. The Crime Prevention Officer will make arrangements to meet with residents and neighborhood groups in areas where suspected or confirmed bias incidents have occurred (or may potentially occur).
- f. The Crime Prevention Officer shall develop access to a number of innovative programs and curricula that are designed to teach students about the nature and history of discrimination. Instruction of curricula in our schools shall be scheduled at the request of the building principal or local superintendent. The course of instruction must have been approved by the school districts established procedures.
  1. In addition to addressing our student population, programs of instruction shall also be developed for professional staff members, and all other appropriate school district employees and,

- (a) Provisions of and the requirements of the Biased Incident Investigation Standards promulgated by the NJ Attorney General, and also the procedures and practices of the juvenile justice system.
  - (1) The Division of Criminal Justice Police Division is accessible for information.