
MONMOUTH COUNTY
UNIFORM POLICY

**Bias Incident Investigation
Manual**

Revised: July, 2015

PURPOSE

The purpose of this Directive is to establish standardized law enforcement procedures and to ensure a uniform response by all law enforcement agencies in the investigation of bias incidents. This directive also incorporates the recent New Jersey Supreme Court decision in *State v. Pomianek* which deemed unconstitutional the portion of the Bias Intimidation Statute N.J.S.A. 2C:16-1 which was based on the victim's perception.

Monmouth County Law Enforcement Agencies are mandated to conduct thorough and complete investigations into all suspected bias incidents and to cooperate fully with the Monmouth County Prosecutor's Office in the timely prosecution of such confirmed incidents. Additionally, these agencies should take an active role to promote a strong and positive relationship with the community in its goal of protecting our citizens from bias incidents.

Adherence to these standards will ensure a uniform response by all law enforcement agencies in the investigation of these complaints. In addition, the Attorney General's Executive Order, Number 87-3, requires all New Jersey Law Enforcement Agencies to report confirmed bias incidents through the Division of State Police Uniform Crime Reporting System. See Appendix A (Bias Incident Offense Report) and Appendix B (Bias Incident Offense Report Instructions).

Each law enforcement chief executive shall apply the elements of these standards to their individual agencies through a formal written order or directive that reflects the individual needs of the law enforcement agency and the community it serves.

For New Jersey law enforcement purposes:

A bias incident is defined as:

A Bias Incident is an attempted or completed action that is motivated by bigotry and bias regarding a person's real or perceived race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity. Examples of these incidents include name calling, offensive language or inappropriate gestures/behavior.

An offense is biased-based if:

The motive for the commission of the offense or unlawful act pertains to race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity. For the purpose of this definition, the term, "disability" shall be construed consistently with N.J.S.A. 10:5-5(q),

Appendix C.

BIAS INTIMIDATION 2C:16-1

A synopsis of this statute is as follows (see Appendix C for entire statute):

- I. Definition of Hate/Bias Crime: a legally prohibited activity motivated by a person being “different.”
- II. Statutory Provision:
 - A. **BIAS INTIMIDATION 2C:16-1**: a person is guilty of bias intimidation if he commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense.
 - (1) With a purpose to intimidate an individual or group because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity (hereinafter referred to as the nine (9) factors); or
 - (2) Knows that his or her actions would cause an individual or group to be intimidated because of the nine (9) factors.
 - B. **PERMISSIVE INFERENCE**: If the State proves that the victim was targeted by the defendant or another acting on the defendant’s behalf because of any one of the nine (9), the jury is allowed to draw a permissive inference that the defendant acted with a purpose to intimidate.
 - C. **GRADING**: Bias Intimidation is a 4th degree if the underlying offense is a D.P.; otherwise it is one degree higher than the underlying offense. However, if the underlying offense is a 1st degree crime, the bias intimidation is a 1st degree crime but the State may seek a New Jersey State Prison sentence between 15 to 30 years with a 20 years presumptive term.
 - D. **GENDER EXCEPTION**: For Sex Crimes Cases, the State cannot add a bias intimidation charge solely on the basis of gender of the victim.
 - E. **MERGER**: A conviction of bias intimidation does not merge with a conviction of the underlying offense for sentencing purposes.
 - F. **CERTAIN PERSON NOT TO HAVE WEAPONS**: An individual convicted of bias intimidation cannot have a weapon.

BIAS INCIDENT INVESTIGATION STANDARDS

To assist law enforcement officers in confirming whether a suspected bias incident is actually bias motivated, reviewing the following questions will guide you in making your

final determination.

Motive

1. The absence of any other apparent motive for the incident.
2. How the victim feels about the incident. (Although this is a factor to be considered, it is not determinative).
3. Statements made by suspects and witnesses.
4. The presence of any bias symbols, words, graffiti or other types of evidence.
5. Prior history of similar incidents in the same area affecting the same victims or group.
6. Consider the totality of the circumstances surrounding the incident.
7. Review N.J.S.A. 2C: 33-10, Fear of Bodily Violence and N.J.S.A. 2C: 33-11, Damage to Property, Threat of Violence, Appendix E.

Evaluating the Incident

1. Is the victim from one of the nine categories listed in N.J.S.A. 2C: 16-1a (1), Appendix F?
2. Was the incident motivated solely because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity?
3. Is the victim the only person involved in the incident who fits one of the nine categories listed in N.J.S.A. 2C: 16-1a (1)?
4. Has the victim experienced past or repeated incidents of a similar nature?
5. Was the victim intimidated as a result of this incident?
6. Are there similar documented bias incidents associated with the actor?
7. Is there a connection between the incident and holidays, school activities or other special public discussions or events?
8. Has there been prior or recent media coverage of similar incidents; (i.e. is this a copycat incident)?
9. Is an organized hate group involved in the incident? If so:
 - 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 just made to appear so?

If, after reviewing these questions, the motive cannot be determined to be some other type of incident then it should be confirmed as a bias incident for continuing investigative purposes.

GENERAL ROLE AND RESPONSIBILITIES OF MUNICIPAL LAW ENFORCEMENT

Municipal Law Enforcement Chief Executives:

This section outlines the general role and responsibilities of the Municipal Law Enforcement Chief Executive regarding bias incidents.

1. Provide leadership and direction by developing a written order or directive based upon this policy manual and disseminating it to all law enforcement officers in their agency.
2. Publicize the bias incident investigation policy and alert the public to the need to contact police promptly whenever such an incident occurs or is suspected to have occurred.
3. Conduct appropriate media relations, using as a model the Press Release Guidelines established in the Monmouth County Death Investigation Policy. Municipal law enforcement chief executives shall use their own discretion in issuing press releases involving disorderly persons' charges.
4. Designate a supervising officer as the bias incident officer.
5. Ensure that all law enforcement officers in their agency receive appropriate training in bias incident response and investigation, to include cultural diversity training.
6. Ensure that an initial law enforcement response is provided to all suspected or confirmed bias incidents and that a complete follow-up investigation is carried out to a successful conclusion or until all leads have been exhausted.
7. Ensure increased security in an affected area to protect the property, victim

and/or witness of a bias incident, as needed.

8. Personally visit the victim of a bias incident or designate an officer to do so.
9. Ensure that victims and witnesses are informed about the services provided by the Monmouth County Prosecutor's Office Victim-Witness Advocacy Unit. Assist with referrals if necessary.
10. Maintain contact with community leaders concerning the bias incident.
11. Enlist the aid of religious, community, business, and educational groups, as well as other community leaders in an effort to:
 - a. Moderate the impact of the bias incident
 - b. Reduce the potential for counter-violence
 - c. Promote good police/community relations.
12. Ensure that community relation activities and crime prevention programs are conducted as needed.
13. Ensure that victims and other concerned parties are informed of the final disposition of the investigation.
14. Ensure that all-relevant information regarding suspected or confirmed bias incidents are reported to the Monmouth County Prosecutor's Office within 24 hours of the incident. The reports must be faxed to 732-431-1594 as well as to the Division of State Police Central Security Bureau and other appropriate law enforcement agencies as necessary.

INITIAL LAW ENFORCEMENT RESPONSE TO A BIAS INCIDENT

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

A. Responding Officer:

The first responding officer(s) to the scene of a suspected bias incident shall follow all appropriate procedures for apprehending the alleged actor, assisting the victim, securing and maintaining the crime scene, conducting a preliminary investigation and securing personal identification information and

statements from all witnesses to the incident. In addition, this officer shall:

1. Immediately notify the department's bias incident officer or law enforcement supervisor of the incident and request assistance if necessary.
2. Prepare a detailed police report of the incident, paying particular attention to the motivating factor.
3. Prepare a Bias Incident Offense Report and forward it to the bias officer and/or supervisor within 24 hours of the incident.

B. Law Enforcement Supervisor:

In accordance with individual department guidelines and as requested by the first responding officer(s), the law enforcement supervisor who arrives at the scene of a suspected bias incident shall assume normal supervisory duties. In addition, this officer shall:

1. Take steps to ensure that the incident does not escalate.
2. Determine if additional personnel are required to provide complete public safety services.
3. If the potential exists for further acts of violence or damage to property, an increase in patrol and officers assigned to the location is recommended.
4. Verify if the occurrence is a confirmed bias incident.
5. Request that the bias incident officer respond to the scene if a bias incident is suspected or confirmed.
6. Notify headquarters and other levels of command regarding the facts and circumstances surrounding the incident. Maintain the line of communication as new information is obtained.
7. Ensure that the chief executive of the law enforcement agency is notified of the incident.
8. Ensure that all initial response reports, to include the Bias Incident Offense Report, are properly completed and faxed to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit at 732-431-1594 within 24 hours of the incident.

MUNICIPAL BIAS INCIDENT OFFICERS

Detectives trained in bias incident investigations should conduct bias incident follow-up investigations. Follow-up investigations and community relation activities should be conducted in a timely and comprehensive manner. The victim shall be kept informed of the progress of the investigation and referrals to appropriate support services shall be made as required.

Much of the work of the detective will involve working with people from diverse backgrounds and orientations. The detective 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 the perceived level of threat or personal violation due to the special nature of the bias incident.

Detectives assigned to handle bias incident cases should have experience in working on sensitive cases. They should also have the skills to handle community relation problems. In cases where language is an issue, officers fluent in that particular language should be assigned to assist in the investigation whenever possible.

Additionally, detectives should be familiar with various types of bias incidents and with hate groups/gangs operating within the State of New Jersey. The Monmouth County Office of Professional Responsibility and Bias Crime Unit, the Office of Bias Crime and Community Relations within the Division of Criminal Justice and the Division of State Police Central Security Bureau can provide information and assistance regarding organized hate groups.

Each department shall designate a supervising officer as the bias incident officer. The name and rank of this/these officer(s) shall be forwarded to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit supervisor.

The duties of the bias incident officer are:

1. Notify the Municipal Law Enforcement Chief Executive of the facts and circumstances surrounding the suspected or confirmed incident.
2. Obtain and analyze all police reports including the New Jersey State Department of Law and Public Safety Bias incident Offense Report within 24

hours of being notified of a suspected or confirmed bias incident by the responding police officer's supervisor.

3. Notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit at 1-800-533-7443 within 24 hours of the suspected or confirmed bias incident.
4. Fax to the supervisor of the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit the bias incident offense report, Appendix B, copies of complaints and all police reports at 732-431-1594.
5. Contact the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit at 1-800-533-7443 prior to the signing of any bias crime(s) complaint(s); if complaints have already been signed, the original complaint and a second copy of all reports must be forwarded to the Intake Section of the Monmouth County Prosecutor's Office for review and referral for prosecution, if appropriate.
6. Immediately notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit if suspected or confirmed bias incidents involve:
 - a. Homicide, rape, aggravated assault or arson.
 - b. Allegations wherein the underlying offense is a crime of the first, second or third degree.
 - c. A law enforcement officer is the alleged perpetrator.
 - d. An organized hate group is the alleged perpetrator.
 - e. The potential to generate large-scale unrest.
 - f. An arrest on Bias Intimidation charges is imminent.
7. Ensure that all bias crime incidents are reported to the Uniform Crime Reporting Systems using the Division of State Police Uniform Crime Reporting Procedures. Refer to the bottom of Appendix B.
8. The Office of Bias Crime and Community Relations in the Division of Criminal Justice is the office for the statewide investigation and monitoring of bias incidents. All law enforcement agencies shall give them full cooperation.
9. Notify the Monmouth County Prosecutor's Office Victim-Witness Advocacy Unit within 24 hours of the incident to obtain appropriate support services for the victims.

10. Be familiar with the various types of bias incidents and hate groups operating within Monmouth County and surrounding counties. If a series of incidents occurs, this type of knowledge will be crucial in recognizing a pattern of behavior to assist in identifying suspects or groups.
11. Collect intelligence data and maintain communication with the Monmouth County Prosecutor's Office, the Division of State Police Central Security Bureau, the Office of Bias Crime and Community Relations in the Division of Criminal Justice and other law enforcement and public agencies.
12. The bias officer will attend and conduct training seminars to include cultural diversity training and bias training on an annual basis.
13. Assist with community relation activities and crime prevention programs.
14. Maintain contact with religious, community, business, and educational groups, as well as other community leaders in an effort to:
 - a. Moderate the impact of the bias incident.
 - b. Reduce the potential for counter-violence.
 - c. Promote good police/community relations.

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

When the bias officer arrives at the scene and determines that the situation may be a bias incident, the officer shall:

1. Assume control of the bias incident follow-up investigation and conduct a thorough and comprehensive criminal investigation.
2. Ensure that the crime scene of the potential bias incident is properly documented, searched, and all evidence collected for analysis.
3. Ensure that all physical remnants of the bias incident are removed after processing the crime scene. Building and/or property owners should be notified regarding the need for complete removal of the remnants of the bias incident immediately after the crime scene has been processed.
4. Interview all victims and witnesses and take formal type written statements as

warranted.

5. Ensure that all suspected or confirmed bias incidents are reported to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit within 24 hours of the occurrence.
6. Update the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit with any new developments or leads through detailed investigation reports.
7. Contact other law enforcement agencies for assistance as required.
8. Work closely with the Monmouth County Prosecutor's Office to ensure that legally sufficient cases are presented for prosecution.
9. Maintain contact with the victim of a bias incident to assure them that appropriate investigative and enforcement methods are being utilized.
10. Be sensitive to the safety concerns of the victims and witnesses, and arrange for appropriate security measures to be implemented to protect persons and property.

**DUTIES AND RESPONSIBILITIES OF THE CHIEF LAW
ENFORCEMENT OFFICER IN MONMOUTH COUNTY**

The duties and responsibilities of the Monmouth County Prosecutor with respect to bias incidents shall be as follows:

1. In conjunction with the Monmouth County Chiefs of Police Association, the Monmouth County Prosecutor's Office is responsible for the development of the Uniform Bias Incident Investigation Policy Manual, which is to be used by all law enforcement departments within Monmouth County and disseminated to all law enforcement personnel.
2. Publicly announce the adoption of the Bias Incident Investigation Policy and urge public cooperation in the prompt reporting of any suspected bias incident.
3. Cooperate with, and act as liaison to, the appropriate sections within the Division of Criminal Justice and the local law enforcement agencies.
4. Ensure that all county law enforcement personnel and representatives from each municipal department receive comprehensive training in bias incident response and investigation.

5. Conduct media relations and prepare public information releases as necessary, in response to bias incidents.
6. Designate a senior officer within the Monmouth County Prosecutor's Office as the bias incident officer to coordinate the response to reports of such incidents throughout the county.
7. Appoint a senior assistant prosecutor as legal advisor.
8. Ensure that the Office of Victim-Witness Advocacy is prepared to assist the victims and witnesses of bias incidents and that the full range of appropriate services are offered and/or provided to these persons. Victim-Witness Advocacy personnel will contact local departments to advise them of the services available.
9. Ensure that victim-witness service referrals are being made within 24 hours by municipal law enforcement agencies.
10. Ensure that each municipal law enforcement agency within the county conducts a comprehensive investigation into each allegation of a bias incident.
11. Ensure and, if necessary, assist with increased security in an affected area to protect persons and property.
12. Ensure that each investigation within the county is pursued to its appropriate conclusion.
13. Ensure that all-relevant information regarding suspected or confirmed bias incidents is shared with the Division of State Police Central Security Bureau, the Office of Bias Crime and Community Relations Unit of the Attorney General's Office and other appropriate law enforcement agencies.
14. Enlist the aid of religious, community, business, and educational groups, as well as other community agencies in an effort to:
 - a. Moderate the impact of bias incidents.
 - b. Reduce the potential for counter-violence.
 - c. Promote good police/community relations.
15. Ensure that community relation activities and crime prevention programs are conducted, as appropriate.
16. Ensure that all confirmed bias incidents are reported as required by the Uniform Crime Reporting Procedures and Report Forms.

17. Maintain contact with community leaders concerning bias incidents.
18. Ensure that victims and other concerned parties are informed of the final disposition of bias incident allegations.

**DUTIES AND RESPONSIBILITIES OF THE MONMOUTH COUNTY
PROSECUTOR'S OFFICE BIAS INCIDENT DETECTIVE**

The Monmouth County Prosecutor has designated the on-call detective of the Professional Responsibility and Bias Crime Unit of the Monmouth County Prosecutor's Office as the contact person in reporting suspected or confirmed bias incidents. The Sergeant and Lieutenant of that unit will be the back-up contact. They can be reached by calling 1-800-533-7443.

The detectives of the Professional Responsibility and Bias Crime Unit have also been assigned as first responders to assist the bias officers of municipal law enforcement agencies.

When a bias incident is confirmed, the following actions will be immediately initiated by the Monmouth County Prosecutor's Office Bias Incident on-call detective:

1. The Professional Responsibility and Bias Crime Unit will convene to coordinate countywide efforts to address the problem.
2. The Director of the Professional Responsibility and Bias Crime Unit will serve as the legal advisor to this unit.
3. The matter will receive prompt attention by the Monmouth County Prosecutor's Office bias incident detective(s).
4. The Director of the Victim-Witness Advocacy Unit will contact the victim(s) of the bias incident to offer assistance, advice, counseling and information pertaining to treatment and support services. The Professional Responsibility and Bias Crime Unit will assist as needed.
5. The Director of the Victim-Witness Advocacy Unit will assist the victims in their progress through the Monmouth County Prosecutor's Office and criminal justice system.
6. The bias incident detective(s) will monitor the progress of the investigation by the municipal law enforcement agency and provide assistance, advice or direction if needed.
7. The bias incident detective and selected Monmouth County Prosecutor's Office personnel will conduct a follow-up investigation if appropriate.

8. Victims and community leaders from affected groups will be contacted to determine the scope of the problem and begin a dialogue regarding possible solutions.
9. Input from community leaders and civilian groups will be considered crucial to the Unit in the formulation of an action plan to address the issues.
10. The Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit will make notification to the Office of Bias Crime and Community Relations in the Division of Criminal Justice by utilizing the following numbers:
 - a. Telephone 609-986-8967
 - b. FAX 609-219-6595

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY SUPPLEMENTARY BIAS INCIDENT OFFENSE REPORT										(1) Case No. (✓) ☐ Original ☐ Update																																								
(2) Municipality			(3) Mun. Code No.			(4) ORI Number			(5) S.P. Station		(6) S.P. Code																																							
						NJ					00																																							
7) Date of Bias Incident		(8) Incident Target (✓) 1. Person ☐ 2. Private Property ☐ 3. Public Property ☐		(9A) Organized Group (✓) ☐ Yes ☐ No ☐ Unk		(9B) Gang (✓) ☐ Yes ☐ No ☐ Unk		Code		(10) Type of Bias Incident: Anti-																																								
										Racial ☒ Religious ☒ Ethnic ☒ Sexual ☒ Other* ☒																																								
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										2 Asian/Pacific Islander Arab Asian Indian Hispanic Oriental Homosexual (F) Homosexual (M) Female & Male																																								
(11) Victim		(12) Offender		(13) Description of Incident (✓)		2		3		4		5																																						
Age	Sex	Race	Age	Sex	Race	Swastika	Letters	Cross Burning	Telephone	Black	White	Other	Other																																					
		Code			Code	Graffiti	Other	In Person																																										
(14) Type of Bias Incident Offense. Only check one offense. Check the first offense by going down the list from 1 to 20.																																																		
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>1. Murder</td> <td>11. Criminal Mischief</td> <td>1. Residence</td> <td>1. Acquaintance</td> </tr> <tr> <td>2. Manslaughter</td> <td>12. Damage to Property; Threat of Violence</td> <td>2. Religious Building</td> <td>2. Neighbor</td> </tr> <tr> <td>3. Rape*</td> <td>13. Weapons Offenses; Illegal Activities</td> <td>3. Government Building</td> <td>3. Employee</td> </tr> <tr> <td>4. Robbery</td> <td>14. Sex Offenses (Except Rape)*</td> <td>4. School Building</td> <td>4. Stranger</td> </tr> <tr> <td>5. Aggravated Assault</td> <td>15. Terroristic Threats</td> <td>5. Business Type _____</td> <td>5. Unknown</td> </tr> <tr> <td>6. Burglary</td> <td>16. Trespass</td> <td>6. Cemetery</td> <td>6. Other</td> </tr> <tr> <td>7. Larceny - Theft</td> <td>17. Disorderly Conduct</td> <td>7. Motor Vehicle</td> <td rowspan="4">(17) Total Number of: 1. Victims _____ 2. Offenders _____</td> </tr> <tr> <td>8. Simple Assault</td> <td>18. Harassment</td> <td>8. Highway</td> </tr> <tr> <td>9. Fear of Bodily Violence</td> <td>19. Desecration of Venerated Objects</td> <td>9. Parking Lot</td> </tr> <tr> <td>10. Arson</td> <td>20. All Other Bias Incidents</td> <td>10. Other (Explain) _____</td> </tr> </table>														1. Murder	11. Criminal Mischief	1. Residence	1. Acquaintance	2. Manslaughter	12. Damage to Property; Threat of Violence	2. Religious Building	2. Neighbor	3. Rape*	13. Weapons Offenses; Illegal Activities	3. Government Building	3. Employee	4. Robbery	14. Sex Offenses (Except Rape)*	4. School Building	4. Stranger	5. Aggravated Assault	15. Terroristic Threats	5. Business Type _____	5. Unknown	6. Burglary	16. Trespass	6. Cemetery	6. Other	7. Larceny - Theft	17. Disorderly Conduct	7. Motor Vehicle	(17) Total Number of: 1. Victims _____ 2. Offenders _____	8. Simple Assault	18. Harassment	8. Highway	9. Fear of Bodily Violence	19. Desecration of Venerated Objects	9. Parking Lot	10. Arson	20. All Other Bias Incidents	10. Other (Explain) _____
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(18) (19) Disposition: Arrested ☐ Adult ☐ Juvenile ☐ Exceptional Clearance ☐ Unfounded ☐ (20) Estimated Value of Prop. Damaged \$.00																																																		
(21) Remarks: List additional offender(s). Brief Synopsis of Incident is Required.																																																		

* See instruction C-10 on back of report

Forward by 7th day after close of the reporting period to:

State of New Jersey - Department of Law and Public Safety
Division of State Police, Uniform Crime Reporting Unit
Box 7068,
West Trenton, New Jersey 08628-0068
(609) 882-2000, Ext. 2872

Department Reporting

Phone Number & Ext.

Report for the month of

Year

Prepared By

ROUTING OF COPIES

Original - N.J. State Police
U.C.R. Copy

2nd - S.P. Security Copy
Forward with Original to U.C.R.

3rd - County Prosecutor Copy

4th - Contributor's Copy

BIAS INCIDENT OFFENSE REPORT INSTRUCTIONS

A. PURPOSE OF THE REPORT:

1. The Bias Incident Report shall be used to report any of the below listed offenses which occur to a person, private property, or public property on the basis of race, color, creed, ethnicity, religion, sexual orientation, gender or handicap. An offense is bias based if the motive for the commission of the offense is racial, religious, ethnic, sexual orientation, gender* or handicap. The Bias Incident offenses are:

1. Murder	7. Larceny-Theft	12. Damage to Property: Threat of Violence (Ethnic Terrorist Statute NJS2C:33-11)	16. Trespass
2. Manslaughter	8. Simple Assault	13. Weapons Offenses	17. Disorderly Conduct
3. Rape*	9. Fear of Bodily Violence (Ethnic Terrorist Statute NJS2C:33-10)	14. Sex Offenses (except Rape)*	18. Harassment
4. Robbery	10. Arson	15. Terroristic Threats	19. Desecration of Venerated Objects
5. Aggravated Assault	11. Criminal Mischief		20. All Other Bias Incidents
6. Burglary			
2. A Bias Incident Offense Report must be submitted for **each victim** of a bias incident. In multiple victim situations, a **separate** Bias Incident Report must be submitted indicating the same case number in block number one (1). If the target checked in "Block 8" is private property or public property, then only one report per incident is required. *** See Note: C-10 Below.**

B. MECHANICS:

1. This report may be ball pointed (block printed) or typed.
2. Routing of original and three copies:

a. Original - First Copy	New Jersey State Police - UCR Copy	c. Third copy	County Prosecutor's Copy
b. Second copy	State Police Central Security Copy		Forward this copy directly to the
	Forward the original and second copy to:	d. Fourth copy	County Prosecutor's Office.
	State of New Jersey,		Contributor's Copy
	Department of Law and Public Safety		
	Division of State Police		
	Uniform Crime Reporting Unit		
	Box 7068, River Road		
	West Trenton, NJ 08628-0068		
3. The completed Bias Incident Offense Reports must be forwarded to the State Police Uniform crime Reporting Unit, along with all other UCR monthly reports by the **seventh day** after close of the reporting period.

C. INSTRUCTIONS FOR THE PREPARATION OF THE BIAS INCIDENT OFFENSE REPORT:

1. CASE NUMBER - enter investigation report number; if none, enter operations report number or other available identifying number. Check the appropriate block to indicate whether this report is an original or update report of a bias incident.
2. MUNICIPALITY - enter name of municipality where offense occurred.
3. MUNICIPALITY CODE NUMBER - enter four digit municipality identifier code.
4. O.R.I. NUMBER - enter nine digit police agency O.R.I. number.
5. S.P. STATION - enter State Police station reporting offense (**for State Police use only**).
6. S.P. CODE - enter State Police station code number (**for State Police use only**).
7. DATE OF BIAS INCIDENT - enter date of bias incident.
8. INCIDENT TARGET - check appropriate block to indicate whether the target of the bias incident was a person, private property, or public property. Check only one.
- 9A. ORGANIZED GROUP - check appropriate block to indicate whether the bias incident was committed by an organized group, e.g. Ku-Klux-Klan, Aryan Nation, etc. Also, indicate in "Remarks" (Block 21) the name of the organized group.
- 9B. GANG - Check appropriate block to indicate whether the bias incident was committed by a gang, defined as a group of people that form an ongoing, mutual allegiance in response to various social needs and engage in criminal activities and actions harmful to public health, safety, and morals, e.g., skin heads, etc. Also, indicate in "Remarks" (Block 21) the name of the gang.
10. TYPE OF BIAS INCIDENT - Check appropriate block to indicate whether the bias incident was racial, religious, ethnic, sexual orientation, gender or handicap **Note:** If the Bias Incident was handicap-motivated, check either physical or mental. Check only one block. If the ethnic block "other" is checked, describe in "Remarks" (Block 21). **Note:** The Block Anti-Gender does not apply when "Type of Bias Incident Offense" (block 14) is checked Rape or Sex Offense.
11. VICTIM - This block should only be completed if "Target" (Block 8) is checked "Person."
 - a. Age - enter age of victim.
 - b. Sex - enter sex of victim.
 - c. Race - enter race code of victim - (use code number 1 through 4 as listed in Block 10 - "Racial").
12. OFFENDER - This block should only be completed if "Disposition" (Block 19), is checked "Arrested" or "Exceptional Clearance." List only one offender. List all additional offender(s) age, sex and race in "Remarks" (Block 21).
 - a. Age - enter age of offender.
 - b. Sex - enter sex of offender.
 - c. RACE - enter race code of offender - (use code number 1 through 4 as listed in Block 10 - "Racial").
13. DESCRIPTION OF INCIDENT - check appropriate block to indicate the manner in which the bias incident was committed.
14. TYPE OF BIAS INCIDENT OFFENSE - only check one offense. If more than one offense occurred (multiple offenses), count only one. Check the first offense only by going down the list from 1 to 20.
15. PLACE OF OCCURRENCE - check appropriate block. If Blocks 5 or 10 are checked, indicate on the line provided a description of the premises. If additional space is required, use Block 21.
16. RELATIONSHIP OF VICTIM TO OFFENDER - check appropriate block.
17. TOTAL NUMBER OF - enter total number of victim(s) and offender(s) involved in this bias incident.
18. BLANK
19. DISPOSITION - if known, check appropriate blocks to indicate whether an adult or juvenile was involved as the offender, also check the disposition of the bias incident as either arrested, exceptionally cleared or unfounded.
20. ESTIMATED VALUE OF PROPERTY DAMAGE - enter estimated value of property damaged.
21. REMARKS - **A brief synopsis of the incident is required.** Whenever a block indicating "other," except "gender" or "handicap," is checked, identify and explain in this section.

APPENDIX B

N.J.S.A. 2C:16-1. Bias Intimidation.

a.Bias Intimidation. A person is guilty of the crime of bias intimidation if he 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 the New Jersey Statutes; N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5,

(1)with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity; or

(2)knowing that the conduct constituting the offense would cause an individual or group of individuals to be intimidated because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity.

b.Permissive inference concerning selection of targeted person or property. 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 or 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 race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity;

c.Grading. Bias intimidation is a crime of the fourth degree if the underlying offense referred to in subsection a. is a disorderly persons offense or petty disorderly persons offense. Otherwise, bias intimidation is a crime one degree higher than the most serious underlying crime referred to in subsection a., except that where the underlying crime is a crime of the first degree, bias intimidation is a first-degree crime and the defendant upon conviction thereof may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.A. 2C:43-6, be sentenced to an ordinary term of imprisonment between 15 years and 30 years, with a presumptive term of 20 years.

d.Gender. Exemption in sexual offense prosecutions. It shall not be a violation of subsection a.if the underlying criminal offense is a violation of chapter 14 of Title 2C of the New Jersey Statutes and the circumstance specified in paragraph (1), (2) or (3) of subsection a. of this section is based solely upon the gender of the victim.

APPENDIX C

e. Merger. Notwithstanding the provisions of N.J.S.A. 2C:1-8 or any other provision of law, a conviction for bias intimidation shall not merge with a conviction of any of the underlying offenses referred to in subsection a. of this section, nor shall any conviction for such underlying offense merge with a conviction for bias intimidation. The court shall impose separate sentences upon a conviction for bias intimidation and a conviction of any underlying offense.

f. Additional Penalties. In addition to any fine imposed pursuant to N.J.S.A. 2C:43-3 or any term of imprisonment imposed pursuant to N.J.S.A. 2C:43-6, a court may order a person convicted of bias intimidation to one or more of the following:

(1) complete a class or program on sensitivity to diverse communities, or other similar training in the area of civil rights;

(2) complete a counseling program intended to reduce the tendency toward violent and antisocial behavior; and

(3) make payments or other compensation to a community-based program or local agency that provides services to victims of bias intimidation.

g. As used in this section “gender identity or expression” means 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.

h. It shall not be a defense to a prosecution for a crime under this section that the defendant was mistaken as to the race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity of the victim.

(cf: P.L.2001, c.443, s.1)