

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1921

# STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2024

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1921.

This bill codifies the Attorney General guidelines on bias incident investigation standards.

Under the bill, every county and municipal law enforcement agency is required to report all confirmed or suspected bias incidents through the Electronic Uniform Crime Reporting system as soon as practicable, but not more than 24 hours from the initial law enforcement response. Every county and municipal law enforcement agency is also required to immediately notify the Bias Crime Unit in the Division of Criminal Justice in the Office of the Attorney General (DCJ) and the county prosecutor when the suspected or confirmed bias incident involves: (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.

Further, the bill requires every county prosecutor to promptly notify the DCJ of the intention to file an accusation or seek an indictment alleging bias intimidation.

The bill also imposes certain requirements on every chief law enforcement executive regarding bias incident response and investigation. In addition, the bill sets forth requirements for the initial law enforcement response to a bias incident and imposes requirements on a law enforcement supervisor upon arriving at the scene of a suspected or confirmed bias incident.

Further, the bill sets forth procedures for the follow-up investigation of a reported bias incident, including the responsibilities of an investigator responding to the scene of a suspected or confirmed bias incident.

The bill also provides that a law enforcement officer is to apply the following criteria in confirming a bias incident: (1) the absence of any other apparent motive for the bias incident; (2) display of any bias symbols, words, graffiti, or other types of evidence; (3) statements made by suspects; (4) statements made by witnesses; (5) prior history of similar incidents in the same area affecting the same victim or community group; and (6) review of the facts and circumstances surrounding the incident, taking into consideration the totality of the circumstances. If, after applying this criteria, a suspected bias incident

cannot be definitively determined to be any other type of incident or is a borderline case, it is to be treated as a bias incident for continuing investigation purposes.

Under the bill, the New Jersey Office of Homeland Security and Preparedness (NJOHSP), the New Jersey State Police, the DCJ, and the bias crime officers of each county prosecutor's office are required to be notified of all suspected or confirmed bias incidents by an instant notification from the electronic Uniform Crime Reporting module within the New Jersey Infoshare system. At that time, the NJOHSP is to review each incident for a possible nexus to terrorism and, if appropriate, enter the incident into the New Jersey Suspicious Activity Reporting System.

In addition, when a law enforcement agency is confronted with a suspected or confirmed violation of the Law Against Discrimination, the law enforcement agency is to inform the victim of the Division of Civil Rights' jurisdiction and refer the victim to the division. The law enforcement agency is also to contact the division, if appropriate.

Finally, the bill requires the DCJ, in consultation with the County Prosecutors Association of New Jersey, each County Association of Chiefs of Police, the New Jersey Association of Chiefs of Police, the New Jersey Bias Crimes Officers Association, faith-based leaders, and community stakeholders, to update or create a continuing education course on detecting and reporting bias incidents and investigating and prosecuting bias crimes consistent with the provisions of the bill. In addition, the DCJ, in consultation with the Police Training Commission, the Attorney General Office of Law Enforcement Professional Standards, and the Superintendent of State Police, are to update pre-existing bias incidents and crimes curricula consistent with the standards set forth in this bill and the continuing education course created through the Community Law Enforcement Affirmative Relations Continuing Education Institute.

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.