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Bias Hate Crimes and Bias-Related Acts

Jan 22

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[See POLICY ALERT No. 226]

R 8465 **BIAS HATE CRIMES AND BIAS-RELATED ACTS**

A. Definitions

1. A **bias hate crime means** is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race;; color;; **religion;** gender;; disability;; ~~religion;~~ sexual orientation;; **gender identity or expression; national origin;** or ethnicity.
2. A bias-related act **means** is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial;; gender;; disability;; religion;; sexual orientation;; **gender identity or expression; national origin;** or ethnic prejudice. A bias-related act need not involve **conduct an** ~~act~~ that constitutes a criminal offense.
3. All **bias hate** crimes are also bias-related acts, but not all bias-related acts will constitute a **bias hate** crime.

B. Procedure For Reporting **Bias Hate Crimes and Bias-Related Acts**

1. A school employee **shall immediately** ~~will~~ notify the ~~Building Principal and the Superintendent or designee when whenever~~ **Building Principal and the Superintendent or designee** ~~the school employee,~~ in the course of **their** ~~his/her~~ employment, **they** ~~they~~ develops reason to believe that:
 - a. A **bias hate crime or a bias-related act** has been committed or is about to be committed on school **grounds property;** ~~or~~
 - b. A **bias hate crime or a bias-related act** has been or is about to be committed by ~~any~~ student, ~~whether~~ on or off school **grounds, property** and whether ~~or not~~ such offense was or is ~~about~~ to be committed during operating school hours; or
 - c. ~~That A~~ student enrolled in the school has been or is about to become the victim of a **bias hate** crime **or bias-related**



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act, whether committed on or off school grounds, property or during operating school hours.

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2. ~~The Superintendent or designee Building Principal shall promptly~~ will notify the Superintendent, the _____ local pPolice dDepartment and the bBias iInvestigation oOfficer for the county prosecutor's office **when a bias crime or bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act on or off school grounds, or during operating school hours.**
3. ~~The Principal and the Superintendent or designee shall immediately~~ notify the _____ local pPolice dDepartment and the **bias investigation officer for the** county prosecutor's office ~~immediately where~~ if there is reason to believe ~~that~~ a **bias hate crime or bias-related act** that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe ~~that~~ a life has been or will be threatened.

~~C. Procedure For Reporting Bias Incidents~~

1. ~~A school employee should immediately notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:~~
 - a. ~~A bias-related act has been committed or is about to be committed on school property; or~~
 - b. ~~A bias-related act has been or is about to be committed by any student, whether on or off school property and whether or not such bias-related act was or is to be committed during school hours.~~
2. ~~The Building Principal will notify the Superintendent and the _____ Police Department.~~



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3. ~~In deciding whether to refer the matter of a bias-related act to the _____ Police Department or the county prosecutor's office, the Building Principal and the Superintendent, should consider:~~
 - a. ~~The nature and seriousness of the conduct; and~~
 - b. ~~The risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public.~~
4. ~~The Building Principal will consult with the Superintendent and should consider:~~
 - a. ~~That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias-related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and~~
 - b. ~~The possibility that the suspected incident could escalate or result in some form of retaliation that might occur within or outside school property.~~

~~CD.~~ Nature of Referral

1. The mandatory referral for suspected or committed **bias hate crimes** and ~~the presumptive referral for suspected or committed bias-related acts as described in N.J.A.C. 6A:16-6.3(e) and this the R~~egulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.
2. ~~Any referral in accordance with this regulation is not an accusation or formal charge.~~
3. ~~Any referral pursuant to this regulation is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency~~



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~~or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of school discipline.~~

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4. ~~All doubts by school officials should be resolved in favor of referring a matter to the _____ Police Department or the county prosecutor's office.~~

D.E. Concurrent Jurisdiction

1. Unless the _____ **local pPolice dDepartment** or the county prosecutor's office request otherwise, ~~the school officials district~~ may continue to investigate a suspected **bias hate** crime or bias-related act occurring on school **grounds property** and may take such actions as necessary and appropriate to redress and remediate any such acts.
2. ~~The Sschool~~ officials will **immediately** discontinue **any ongoing school the in-school** investigation if the _____ **local pPolice dDepartment** or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.
 - a. **Upon notice provided in D.2. above, school officials will take no further action without providing notice to and receiving the assent of the local police department or the county prosecutor's office.**

E.F. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected **bias hate** crime or bias-related act pending the arrival of the _____ **local pPolice dDepartment** or the county prosecutor's office.
2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the _____ **local pPolice dDepartment** or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence, ~~but that will not permanently damage or destroy such evidence or otherwise limit its utility in an ongoing investigation or prosecution.~~



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3. ~~The _____ Police Department and/or the county prosecutor's office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible, so that the graffiti or other evidence may be removed or eliminated at the school district's earliest opportunity.~~

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