

90
C929
93 c



***REPORT OF THE
COMMISSION ON RACISM,
RACIAL VIOLENCE
AND RELIGIOUS VIOLENCE***

December 22, 1993

COMMISSION ON RACISM,
RACIAL VIOLENCE AND RELIGIOUS VIOLENCE
CN - 085

Richard J. Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625

December 22, 1993

The Honorable Jim Florio
Governor of State of New Jersey

Honorable Members of the Senate and
Assembly of the State of New Jersey

Dear Governor and Members of the Legislature:

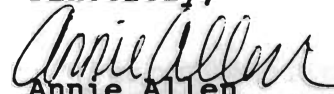
We are pleased to transmit to you the Report of the Commission on Racism, Racial Violence, and Religious Violence. In accordance with the mandate contained in Assembly Joint Resolution No. 27 of 1991, this Report sets forth the findings of the Commission regarding bias-based violence in New Jersey and its recommendations to you for combatting this serious problem.

This Report is the result of many hours of study, testimony and deliberation covering the problem of prejudice and violence in our society. We are fortunate to have the testimony and opinions of many concerned citizens, community leaders, officials and experts in our research and deliberations. We believe that this Report represents a broad perspective of the growing problem of bias-based violence in New Jersey and a review of the many efforts developed by concerned citizens and officials to reduce bias crime and acts of prejudice and promote harmony among all of our citizens.

Together we present a set of recommendations to build upon the many new initiatives developed throughout New Jersey, initiatives which have placed our state in the forefront of our nation in combatting bias crime. Implementation of the recommendations will require the establishment of a mechanism which will ensure that these multi-faceted efforts are coordinated throughout the state, and maximize our state's limited resources. Most importantly, the recommendations will require your continued dedication and the commitment of the powers of your office to eliminate bias crime in New Jersey.

On behalf of the Commission, I want to thank you for the leadership each of you has taken in reducing bias in our state and for the opportunity to serve as the Chairperson of such a distinguished Commission.

Sincerely,


Annie Allen
Chairperson

**MEMBERS OF THE COMMISSION ON RACISM, RACIAL VIOLENCE
AND RELIGIOUS VIOLENCE**

CHAIRPERSON

Annie Allen
Assistant Director, Office of Minority Affairs
Fairleigh Dickinson University
Teaneck

CO-CHAIRPERSON

Jeffrey Maas
Executive Director,
New Jersey Anti-Defamation League of B'nai B'rith (ADL)
West Orange

SECRETARY

Stephanie A. Fisher
Assistant Secretary, New Jersey Chapter
National Association for the Advancement of Colored People (NAACP)
Voorhees

COMMISSIONERS

Honorable Bernard E. Brooks
Former Mayor of Teaneck

Honorable Willie B. Brown
State Assemblyman, 29th Legislative District
Newark

Estela M. de la Cruz, Esq.
President, Hispanic Bar Association of New Jersey
Lyndhurst

Honorable Fred DeVesa
Attorney General, Department of Law and Public Safety
Trenton

Kanak Dutta
Trustee, Association of Asian Indians in America
Martinsville

Honorable John J. Fahy
Bergen County Prosecutor
Hackensack

Honorable Zulima Farber
Public Advocate/Public Defender, Department of the Public Advocate
Trenton

COMMISSIONERS (cont'd.)

David L. Harris, Esq.
Board of National Directors, American Civil Liberties Union (ACLU)
South Orange

Alice Min
Bergen County Minority Affairs Advisory Board
Ridgewood

Roosevelt Nesmith
Executive Director, Southern New Jersey Region,
National Association for the Advancement of Colored People (NAACP)
Cinnaminson

Honorable Jose F. Sosa
State Assemblyman, 7th Legislative District
Mount Holly

Lydia J. Valencia
Executive Director, Puerto Rican Congress of New Jersey
Trenton

Detective William E. Van Doren, Jr.
Fraternal Order of Police (FOP)
Edison

Rabbi Andrew Warmflash
Congregation B'nai Tikvah
North Brunswick

Honorable Frederick D.C. Williams
Councilman
Lawnside

DESIGNEES

Robert L. Hennessey, Esq. (Representing Prosecutor Fahy)
Executive Assistant Bergen County Prosecutor
Hackensack

Thomas S. Smith, Jr. (Representing Commissioner Farber)
First Assistant Public Defender, Office of the Public Defender
Trenton

Sharon L. Young, (Representing Attorney General DeVesa)
Deputy Attorney General, Special Assistant to the Attorney General
Department of Law and Public Safety
Trenton

SPECIAL ADVISOR

Paul G. Goldenberg
Chief, Office of Bias Crime and Community Relations
Division of Criminal Justice
Trenton

ACKNOWLEDGMENTS

The Commission on Racism, Racial and Religious Violence would like to thank, Assemblymen Willie Brown and Byron Baer for sponsoring Assembly Joint Resolution No. 27. We would also like to extend special thanks to Governor Jim Florio for his continued leadership, commitment, and concern about bias-related violence in our state.

We are also grateful for all of the experts, officials and citizens who testified during our public hearings and we hope this Report reflects many of their concerns and the solutions they have developed.

There is a special group of state officials who assisted with the work of this Commission, and made our Report possible. We want to thank Attorney General Fred DeVesa, former Attorney General Robert J. Del Tufo, and their respective designees to the Commission, Special Assistant to the Attorney General Sharon L. Young and Assistant Attorney General James F. Mulvihill. Their long-standing commitment to the problems of prejudice and bias in our state has brought public attention to the problem, and focus to solutions. We are also grateful to Chief Paul Goldenberg, of the Office of Bias Crime and Community Relations. We also thank the following staff members of the Division of Criminal Justice: a special thanks to John J. Higgins, Esq., who prepared this Report as well as State Investigator Michele C. Bochenek who assisted in the preparation of the Report and coordinated two of our public hearings. And a special thanks to Darlene M. Mundras who has provided assistance in coordinating many of our meetings from the beginning including our first public hearing. We also thank Assistant Attorney General Debra L. Stone, Deputy Director of Operations Bureau; Deputy Attorney General Gregory J. Sakowicz, Chief, Prosecutors Bureau; and Dr. Wayne S. Fisher, Deputy Director of Law Enforcement Services for providing backgrounds on New Jersey anti-bias statutes, the procedures for investigating offenses committed by law enforcement officers, and information about Internal Affairs departments.

We also thank Monmouth County Prosecutor John Kaye, Passaic County Prosecutor Ronald S. Fava, Gloucester County Prosecutor Harris Y. Cotton and their staffs for their exceptional efforts in combatting bias crime from a law enforcement perspective and for assisting our Commission with the public hearings held in their counties. We are grateful to Brookdale Community College, Passaic County Community College and Dr. Peter Contini, Gloucester County Superintendent of Schools, for the use of their facilities for our public hearings.

We also want to thank Jacinto L. Marrero, Executive Director and Dr. Robert Freda, Program Director of the National Conference for their assistance in arranging the Symposium for the Release of our Report to the Governor and Legislature. We also want to thank them for their long-term efforts developing Human Relations Commissions throughout New Jersey.

The Commission also wants to especially thank some its own members for their extraordinary assistance: Annie Allen, Jeffrey Maas, Tom Smith, Stephanie Fisher, Estela de la Cruz, John J. Fahy, Alice Min, David Harris, Roosevelt Nesmith, Kanak Dutta and Frederick Williams.

We are also grateful to Dennis Crowley, Publications Manager of the Department of Law and Public Safety and to the Law and Public Safety Departmental Print Shop for the actual duplication of this Report.

TABLE OF CONTENTS

	<u>PAGE</u>
EXECUTIVE SUMMARY	1
REPORT OF THE COMMISSION ON RACISM, RACIAL VIOLENCE AND RELIGIOUS VIOLENCE	17
New Jersey: One of the Our Nation's Most Culturally Diverse States	19
New Jersey's Bias Crime Statistics	21
"Skinheads" and Other Juvenile Offenders	24
Description of New Jersey's Anti-Bias Crime Statutes	27
The Need to Make "Persons With Physical, Mental or Cognitive Disabilities" and "Gender" Protected Classes Under New Jersey Bias Crime Statutes	29
Bias Issues in Law Enforcement	30
Law Enforcement Efforts to Combat Bias Crime	33
Office of Bias Crime and Community Relations	35
New Jersey Division Of State Police Efforts	37
Bias Investigation Officers	38
Human Relations Commissions	39
Municipal Level Human Relations Commissions	42
Memorandum of Understanding	43
Muslim Outreach Program	44
Office of Juvenile Justice	44
Police Training	45
Prosecutorial Staff Training	47
Police Response to Bias Incidents	47
Procedures for the Investigation of Bias Crime Allegations Against Law Enforcement Personnel	48
A. Internal Affairs	48
B. Bias Investigations Standards	49
Bias Issues in Education	50
Cooperative Programs Between Law Enforcement and Education	53
P.R.E.P. - Prejudice Reduction Education Program	56
GEM Program - Guidelines For Education That is Multi- cultural	56
Task Force on Violence and Vandalism	58
The S.U.R.E. Program - Schools United for Respect and Equality	58
Unity 2000	59
The PIE Program - Positive Impact Ensemble	60
Interschool Exchange Programs	60
The E.R.A.S.E. Program - End Racism And Sexism Everywhere	62
The Inter-County Youth Human Relations Commission	62
Bias Issues in Higher Education and New Jersey's Colleges	63
Public Awareness	66
SUMMARY OF FINDINGS	67

TABLE OF CONTENTS (cont'd.)

	<u>PAGE</u>
RECOMMENDATIONS	69
I. Establishment of a State Level Human Relations Council	70
II. All 21 Counties In New Jersey Should Continue their Human Relations Commissions.	74
III. New Jersey Should Continue its Bias Crime Statutes and Adopt Provisions to Add "Gender" and "Persons with Physical, Mental and Cognitive Disabilities" as a Protected Class.	76
IV. Law Enforcement Efforts	77
A. Priority of Enforcement of Anti-Bias Statutes	77
B. Office of Bias Crime and Community Relations	77
C. Division of State Police	78
D. Role of Bias Officers	79
E. Law Enforcement Bias Reduction Program For Grammar School Classes	80
F. Training of Law Enforcement Personnel	80
G. Recruitment of Minority Police Officers	81
V. School Based Efforts	81
A. Uniform Guidelines	81
B. Preventive Education Programs and Multi- Cultural Curricula	81
C. Increased Research and Development of Multicultural Curricula	82
D. Dissemination of Existing Curricula and Teaching Resources	82
E. Development of Bias Incident Intervention Programs	82
F. Training of School Personnel	83
VI. Public Awareness	83
VII. Juvenile Bias Offenders and Their Families	83
CONCLUSION	84

TABLE OF APPENDIX

Public Hearing Witness List	A1-4
---------------------------------------	------

EXECUTIVE SUMMARY

The Commission on Racism, Racial Violence and Religious Violence was created by Joint Resolution of the New Jersey Legislature in 1991. The duties of the Commission were to "study the various problems of racism, racial violence, and religious violence" and to "determine methods of preventing racially and religiously motivated violence." After study and deliberation the Commission shall present its recommendations for reducing these occurrences to the Governor and the Legislature.

The Commission gathered testimony concerning bias-related violence from 68 experts, officials and citizens at three different locations around the state during 1993. The first hearing was held at Brookdale Community College. The second hearing was held at the Gloucester County Office of Education and the third hearing was held at Passaic County College.

New Jersey is one of the most diverse states in the nation and in the past 10 years has been undergoing major shifts of populations. These shifts have created areas of diverse cultures where homogeneous populations have traditionally resided. It is also apparent from New Jersey's bias crime statistics that these crimes have increased as well. It is probable that these population shifts are impacting the increasing level of bias violence in our state.

There were three major areas of problems and concerns identified by the Commission. Broadly speaking, these areas were law enforcement, education and community affairs. The findings and recommendations of the Commission are listed below.

SUMMARY OF FINDINGS

The Commission on Racism, Racial Violence and Religious Violence after careful study and consideration finds:

1. Cultural diversity and bias crime training are not readily available at the local, county, or state level for veteran police officers and other law enforcement personnel.
Existing training programs for law enforcement personnel should be reviewed to ensure that police officers are adequately trained in cultural diversity and that such training is provided on an on-going basis.
2. A perception exists among many groups and citizens in New Jersey that some law enforcement officers do not treat members of minority groups in a fair and unbiased manner.
3. There is an inadequate number of minority law enforcement officers in New Jersey.
4. There is an extensive need in New Jersey's schools for comprehensive Kindergarten through 12th grade education programs and curricula to prevent and reduce prejudice, bias incidents and bias crimes.
5. There is a need for cultural diversity training for teacher candidates, teachers, administrators and other staff in the schools.
6. There is a perception in some school districts that minority students and parents are not always treated in a fair and unbiased manner.
7. There is an inadequate number of minority educators in New Jersey.

8. There is an inadequate number of minority college faculty members in New Jersey.
9. There is a need to make the citizens of New Jersey more aware about the harm of bias and inform them of practical steps which can be taken to promote harmony and combat prejudice and bias crimes.
10. There are many excellent model programs that should be replicated around the state.

RECOMMENDATIONS

I. Establishment of a State Level Human Relations Council

An on-going state level planning and coordinating mechanism should be established to replace the existing Commission on Racism, Racial Violence and Religious Violence. This proposed New Jersey Human Relations Council (Council) should deal with the problem of bias and violent acts based upon the victim's race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability. The Council should be administratively housed "in but not of" the Department of Law and Public Safety and with its own, funded staff within the Division of Criminal Justice. The staff should also serve as liaisons for the Council with other appropriate agencies throughout the state.

A Chairperson should be selected from among the public members and the Council should be empowered to appoint sub-committees as needed to study specific issues.

The Council should develop policy proposals for the state and assist with coordinating efforts to prevent and deter crimes based upon the victim's race; color; religion; sexual

orientation; ethnicity; gender; or physical, mental or cognitive disability. The Council should:

- ° assist in diffusing tensions in communities affected by such crimes if needed
- ° act as a clearinghouse for informational and program ideas among the existing County Human Relations Commissions, and
- ° assist in providing training programs for members of the County Human Relations Commissions and other interested community leaders

Additionally, the Council should assist the Office of Bias Crimes and Community Relations in its efforts to foster better community relations throughout the state. Further, the duties outlined here should be closely coordinated with the educational community, federal government, county governments, and local governments to maximize resources and avoid duplication of effort.

Due to the broad nature of bias-based violence, the Council should be composed of an Executive Committee and a minimum of two standing sub-committees: County Human Relations Chairpersons; and County Youth Human Relations Chairpersons.

In addition, the Executive Committee may request that other state level coordinating bodies appoint members ex-officio to sit on the Council and its sub-committees.

Executive Committee membership should include:

- ° Ten public members appointed by the Governor and the Legislature who shall be representative of the various ethnic; religious; racial; sexual orientation; gender; and physical, mental or cognitive disabilities organizations within New Jersey. Public members should be appointed for three year terms, staggered initially with one, two and three year appointments to ensure continuity.

° Ex-Officio Members or their designees:

The Attorney General;
Commissioner of Education;
Commissioner of Community Affairs;
Commissioner of Corrections;
Commissioner of Human Services;
Public Advocate;
Director of the Administrative Office of the
Courts;—
Director of the Division of Criminal Justice;
Superintendent of the Division of State Police;
Director of the Division on Civil Rights;
President of the County Prosecutors Association of
New Jersey;
President of the New Jersey State Association of
Chiefs of Police;
President of the Bias Crime Officers Association
of New Jersey;
a County Superintendent of Schools selected by the
Commissioner of the Department of Education;
President of the New Jersey Principals and
Supervisors Association;
President of the New Jersey Education
Association;
Chairperson of the New Jersey Human Relations
Council's Sub-Committee of County Human
Relations Commissions;
Chairperson of the New Jersey Human Relations
Council's Sub-Committee of County Youth Human
Relations Commissions; and

**Membership of the Sub-Committee of County Human Relations
Commissions:**

- ° All 21 County Human Relations Commission Chairpersons
or their designees.

The members of the Sub-Committee shall elect a Chairperson
of the Sub-Committee who shall serve on the Executive
Committee.

**Membership of the Sub-Committee of County Youth Human Relations
Commissions:**

- ° All 21 County Youth Human Relations Commission
Chairpersons or their designees.

The members of the Sub-Committee shall elect a Chairperson
of the Sub-Committee who shall serve on the Executive
Committee.

Staffing

Adequate staffing and financial resources should be provided for the work of the Council and its sub-committees.

Responsibilities

The New Jersey Human Relations Council should:

- ° develop and present a biennial report to the Governor and Legislature on the status of bias and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental, or cognitive disability in New Jersey. The biennial report should also include the status of community relations efforts in the state including new innovative programs.
- ° establish and maintain a listing of conflict resolution programs and experts to be available as a resource for communities in times of crisis.
- ° develop in conjunction with law enforcement agencies, including the Office of Bias Crime and Community Relations, and the educational community appropriate and sufficient cultural diversity training for law enforcement personnel.
- ° assist local communities establish their own local Human Relations Commissions as requested.
- ° assess changes in local demographics and assist communities adapt to minority population shifts upon request.
- ° assist the various state, county and local governmental agencies with multi-cultural awareness programs to better serve the public.

Powers

The New Jersey Human Relations Council should be authorized to:

- ° conduct public hearings throughout the State
- ° establish whatever sub-committees it deems necessary to fulfill its responsibilities
- ° perform fact-finding and prepare reports on particular problems throughout the state in regard to racial; religious; ethnic; sexual orientation; gender; or physical, mental, cognitive disability.

- ° be entitled to call to its assistance and avail itself of the services and assistance of any officials of the State and its political subdivisions and their departments, boards, bureaus, commissions, and agencies as the Council may require.

II. All 21 Counties In New Jersey Should Continue their Human Relations Commissions.

Every county in the State should continue its County Human Relations Commission with adequate representation and resources to reduce and prevent the occurrence of bias and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability.

Responsibilities

The County Human Relations Commission should:

- ° conduct in-county public hearings on a periodic basis in order to insure that local community concerns are heard.
- ° provide periodic information to the Council describing the County Human Relations Commission's findings and recommendations. The county's information and/or reports should be included in the Council's biennial report to the Governor and Legislature.
- ° create a Conflict Resolution Team from among its members or other appropriately trained individuals. These teams should serve as a mechanism to settle disputes between members of divergent populations in cases where there has not been a felony or other violent crime committed and to prevent the escalation of minor disputes into serious disruptions within the community. The appropriateness of cases for this type of mediation should be determined by the County Prosecutor on a case-by-case basis.
- ° membership should be broad-based and representative of a cross-section of constituencies residing and working in the county.
- ° staffing for the County Human Relations Commission should continue to be provided by the County Prosecutor's Office.

County Youth Human Relations Committees

Additionally, due to the large percentage of bias-type crimes committed by juveniles each County Human Relations Commission should establish as a sub-committee, a County Youth Human Relations Commission. The County Youth Human Relations Commission should be composed of a cross-section of youth chosen from the county on the basis of their interest and involvement in reducing bias that is based upon race; religion; ethnicity; sexual orientation; gender; or physical, mental or cognitive disability. Every school district in the county should be represented on the County Youth Human Relations Commission.

The County Youth Human Relations Commission should develop and implement programs designed to assist young victims of bias-based incidents and crime. Additionally, the County Youth Human Relations Commission should design programs and efforts to reach, educate, and prevent young people from committing these types of crimes.

III. New Jersey Should Continue its Bias Crime Statutes and Adopt Provisions to Add "Gender" and "Persons with Physical, Mental and Cognitive Disabilities" as a Protected Class.

The Commission recognizes that New Jersey's Harassment Statute, and crimes set forth under N.J.S.A. 2C:33-10 and 2C:33-11 are under review by the New Jersey Supreme Court. If they are found to be unconstitutional and thereby invalid, the Commission recommends that these statutes be modified, and the modifications enacted by the Legislature and signed by the Governor to conform to whatever guidelines are set by the New Jersey Supreme Court, and the revisions enacted into law as expeditiously as possible.

Additionally, the Commission recognizes that there are amendments pending in the Legislature to extend New Jersey's bias crime statutes to include "gender" and "persons with physical, mental or cognitive disabilities" as protected classes. Criminal acts against someone based upon their gender should be protected as any other category because of the potential intimidation of all members of that class creates a unique harm to the victim and fabric of our society. Further, the Commission has found that persons with physical, mental or cognitive disabilities are particularly vulnerable to criminal acts and should be protected under New Jersey's bias statutes. Provisions to this effect amending New Jersey's anti-bias statutes to include both gender and persons with physical, mental or cognitive disabilities should be expeditiously enacted.

IV. Law Enforcement Efforts

A. Priority of Enforcement of Anti-Bias Statutes

The Commission commends the commitment of many law enforcement agencies to keep enforcement of New Jersey's bias statutes a top priority. The Commission however, also believes that this commitment must be made by all law enforcement agencies throughout the state. This can be accomplished by the education of all law enforcement personnel about the law and the reasons for it. Required training, retraining and reemphasis statewide for every police force is essential as well as a review of policies of enforcement. Training for better investigations to be conducted upon the reporting of a bias crime is also crucial,

including handling the complainants with sensitivity and investigative savvy.

B. Office of Bias Crime and Community Relations

The Office of Bias Crime and Community Relations within the Division of Criminal Justice should continue its responsibilities to:

- ° Seek ways to resolve community tension and to develop initiatives toward that goal.
- ° Develop bias and hate preventive measures with the advice of religious, community, business and educational groups such as the Stamp Out Hate Crime (S.O.H.C.) and Positive Impact Ensemble (P.I.E.) programs.
- ° Work with the New Jersey State Police, County Prosecutors' Offices and local police departments to assist investigations, training and to identify patterns in bias crimes upon the request of the law enforcement police executive.
- ° Accept referrals of allegations of bias offenses from the Division on Civil Rights.
- ° Develop and coordinate regional and statewide training programs as they relate to offenses and investigations of bias-criminality and collective youth violence.
- ° Work with the law enforcement community to develop police minority recruiting programs.
- ° Act as a liaison to other state departments, agencies and commissions concerned with bias incidents and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability.
- ° Assist the proposed New Jersey Human Relations Council with its work throughout the state.

C.- Division of State Police

It is recommended that the Uniform Crime Reporting Unit of the Division of State Police continue its data collection and

annual reporting of bias crimes in New Jersey to serve as a means of determining the scope of the problem in our state.

Additionally, the Division of State Police through its Uniform Crime Reporting Unit should consider expanding its definition of "Organized Hate Groups" to include "skinhead organizations" and other youth gangs involved in bias-related crimes, or develop a new category for such reporting.

The Central Security Bureau within Intelligence Services Section of the Division of State Police should continue to monitor and review the reports of bias crimes from police agencies throughout New Jersey through its Civil Affairs Unit. Additionally, the Civil Affairs Unit should continue to offer its assistance and expertise to the reporting police agency upon the agency's request.

Further, the State Police Training Academy should continue to provide cultural diversity training for State Police recruits and veteran Troopers. In addition, the State Police Academy as part of the Department of Law and Public Safety's newly created Institute for Law Enforcement Education should continue to provide training on other bias-related areas and dealing with hostile work environments, dealing with victims of sexual assault, and domestic violence.

D. Role of Bias Officers

Over the past few years, the development of Bias Investigation Officers has been an important initiative in combatting bias crimes and in resolving community tensions.

These positions and assignments are to be commended and should continue.

On the county level, the Bias Officer should work closely with all other investigatory and prosecutorial personnel in solving bias crimes and gang-related violence in the county. The Bias Officer should be involved in the development and implementation of county-based educational and community awareness projects to prevent bias and gang-related violence. Further, the bias officer should work with the County Human Relations Commissions and play a role in conflict resolution and community crisis intervention efforts.

On the municipal level, the duties of the bias officer should include: prime responsibility for bias investigation within their jurisdiction; working closely with the county bias officer in conflict resolution and crises prevention in the municipality; reducing the incidence of gang-related violence; school-based educational activities; and community awareness projects.

E. Law Enforcement Bias Reduction Program For Grammar School Classes

It is also recommended that the bias officers of this state develop a model program designed to educate grammar school aged children about cultural diversity, self-esteem, and decision-making. The program should utilize police officers who conduct classes in the school and develop a relationship with the students along the lines of the successful D.A.R.E. (Drug Abuse Reduction Education) program.

F. Training of Law Enforcement Personnel

It is recommended that cultural diversity training be continued for all police recruits in New Jersey's Police Academies and that regular on-going cultural diversity training be developed and provided to all veteran police officers. The New Jersey Human Relations Council should work in conjunction with the Police Training Commission, the Division of Criminal Justice, County Prosecutors, the Division of State Police, the New Jersey State Association of Chiefs of Police and appropriate educational institutions in determining the most efficient means of accomplishing these goals.

Additionally, all prosecutorial staff should also undergo an appropriate program of cultural sensitivity training to assist their interaction with the victims of bias offenses and the community organizations. This training program should be developed by the New Jersey Human Relations Council in conjunction with the Division of Criminal Justice and the County Prosecutors Association of New Jersey.

G. Recruitment of Minority Police Officers

The Commission recommends the development of additional strategies for the recruitment of minority police officers throughout New Jersey.

V. School Based Efforts

A. Uniform Guidelines

It is recommended that the New Jersey Department of Education continue its efforts to ensure the adoption and

utilization of uniform guidelines for all of New Jersey's school districts concerning the occurrence and reporting of bias incidents and crimes to law enforcement agencies as appropriate.

It is also recommended that all school districts in New Jersey adopt guidelines and enter agreements similar to the Memorandum of Agreement developed in Elizabeth, New Jersey. These guidelines require the school district to work closely with local law enforcement officials and specify the methodology for dealing with a bias incident or crime.

B. Preventive Education Programs and Multi-Cultural Curricula

It is recommended that the Department of Education continue its initiative, "Guidelines For Education That is Multi-Cultural" (GEM) and all school districts throughout the state implement this program as appropriate. This initiative or similar mandate should ensure that all school districts actively seek, develop and implement Kindergarten through 12th grade curriculum designed to raise cultural awareness and educate students about the contributions of our various multi-cultural groups and the harm of bias in our society.

C. Increased Research and Development of Multicultural Curricula

It is recommended that the State Department of Education increase funding for the development of specific curricula that is multicultural.

D. Dissemination of Existing Curricula and Teaching Resources

Lists of curricula and teaching resources should be made available to all school districts by the State Department of Education.

E. Development of Bias Incident Intervention Programs

It is recommended that the Department of Education continue its work with the Prejudice Reduction Education Program Committee to develop a bias reduction curriculum. This curriculum is proposed to be used as an in-school suspension program for students who have committed minor bias offenses due to their ignorance of the harm caused by these acts. Candidates for this program should not have committed an offense which would qualify as an actual bias crime. The program should be intended for offenders whose behavior can be changed through an intense educational experience.

F. Training of School Personnel

It is recommended that cultural diversity training be mandated on an in-service basis for all school personnel from school administrators to school custodians. Additionally, it is recommended that such training be mandated in the curriculum for teacher certification.

VI. Public Awareness

It is recommended that a coordinated public awareness effort be initiated and supported by governmental bodies, non-profit organizations and the private sector about the harm of bias in

our society. This public education effort should involve local schools, parents, community groups and the media through informational and innovative campaigns which educate the public about cultural differences and highlight the benefits of living in a multi-cultural society. This initiative could be modeled after drunk driving or anti-drug campaigns.

VII. Juvenile Bias Offenders and Their Families

Recognizing that many bias crimes are committed by juveniles, the Commission finds that programs must be created and implemented to correct the biases of juvenile offenders and their families by the law enforcement, correctional, and educational communities in conjunction with the judiciary.

**REPORT OF THE
COMMISSION ON RACISM, RACIAL VIOLENCE AND RELIGIOUS VIOLENCE**

The Commission on Racism, Racial Violence and Religious Violence was created by Joint Resolution No. 27 of the New Jersey Legislature in 1991. The Commission has been given a two-fold charge: the first is to "study the various problems of racism, racial violence and religious violence," and second, to "determine the methods of preventing racially and religiously motivated violence." After study and deliberation, the Commission shall present its recommendations to the Governor and the Legislature.

Consisting of 18 members, the Commission represents a broad spectrum of culturally diverse advocacy groups, community leaders and governmental officials with widespread expertise and a firm commitment to deal with the issues of racism, racial and religious violence.

The Commission held numerous meetings to discuss the bias problem in New Jersey and also decided to solicit additional information directly from the public. To gather information from the public, the Commission held a series of three hearings during 1993: in northern, central and southern New Jersey. This report contains the findings and recommendations of the Commission based upon the testimony presented at these hearings. The first hearing was held on February 2, 1993 at Brookdale Community College in Monmouth County. The second hearing was held on September 28, 1993 at the Gloucester County Office of Education and the third hearing was held on October 5, 1993 at Passaic

County College. A total of 68 persons testified at the hearings and represented the law enforcement community, educational community, advocacy groups and interested citizens.

There were three major areas of problems and concerns identified by the witnesses. Broadly speaking, these areas were law enforcement, education, and community relations.

In the course of the public hearings a number of topics and problems were identified dealing not only with racial and religious violence, but also with the broader area of a lack of job opportunities and promotional opportunities for minorities in the public and private sectors. In order to maintain a clear focus on the danger of bias-based violence to victims and the community, the main thrust of this report concentrates on the areas of violence, community relations among culturally diverse groups, the interaction of minority groups with the law enforcement community, and educational programs designed to reduce the incidence of racism, racial and religious violence. During the course of the hearings there were a number of witnesses who alleged discrimination in hiring and the lack of job placement for minorities. Because these allegations are beyond the purview of the Commission on Racism, Racial Violence and Religious Violence, testimony from these witnesses is being forwarded to the New Jersey Division on Civil Rights for its review and investigation.

There were also a number of citizens who testified at the hearings who alleged racial and bias acts by law enforcement and educational personnel. Due to the potential criminal nature of these allegations, the Commission has referred these allegations

to the Prosecutors Bureau within the New Jersey Division of Criminal Justice for review and investigation and to the New Jersey Department of Education as appropriate.

It is hoped that the recommendations contained in this report will be implemented and result in an innovative statewide system to reduce bias-based-violence through community action. It is also hoped that the proposed New Jersey Human Relations Council can act as a statewide clearinghouse and coordinative body to combat racism and promote harmony among all of New Jersey's citizens.

New Jersey: One of the Our Nation's Most Culturally Diverse States

New Jersey has historically been one of the states where new immigrants initially reside and begin their new lives in the United States. Today, this continues to be the case and with the influx of the new immigrants, we continue to have a broad base of different cultures and backgrounds in our state. This presents a culturally-rich climate for our citizens and a wide range of opportunities to enjoy the best other cultures have to offer.

The composition of New Jersey's residents has been changing rapidly over the past ten years. There has been an increase in the minority populations and a decrease in the overall white population. According to a study of the 1990 Census by the Population Studies Department at the University of Michigan, there were approximately 215,000 new immigrants who settled in New Jersey during the 1980's. Minorities comprised approximately 157,000 of these immigrants with sizable numbers of Asian Indians, Chinese, Koreans, Filipino's, Cubans, Colombians,

Ecuadorians, and Peruvians as well as people from the Dominican Republic and El Salvador. During this same time period there was a significant number of whites who left the state resulting in a change in the percentage of whites to minorities. The white population (which includes white Hispanics) dropped from 83.2 percent of the state's population in 1980 to 79.3 percent in 1990. Additionally, there has been a resulting increase in the minority composition of geographic areas which had been almost totally composed of whites. Part of this change in population may be due to the shift of low and moderate income whites moving to other states and the shift of some of the more educated immigrants and minority citizens moving out of the cities to the suburbs or rural areas of New Jersey. The author of the study, William Frey, was quoted by Robert Cohen of the Newark Star Ledger as saying that these changes in overall population and an increasing shift of minorities out of the cities will "create many economic and social tensions" for the state. There is also predicted to be a "domino effect" of this transition across some suburban communities as these population shifts extend from community to neighboring community.

The rapid shifts of populations may be placing more stress on established institutions such as police departments and schools. As some communities grow from a homogeneous population to culturally diverse populations, it has been difficult for these established institutions to keep pace with these changes both in training and hiring. As a result, police and community responses to many of these bias crimes and incidents may be

hampered by existing racial, religious, language, and cultural barriers.

Unfortunately, these barriers make it more difficult to assist the victims of bias crimes and incidents compounding the harm created by these acts. As can be seen in the discussion below about New Jersey's bias crime statistics, there has been a steady increase in these crimes from 1988 to 1992. More frightening has been the increase of crimes against persons as reported in these statistics. It is the Commission's position that these increases also demand a corresponding increase in commitment, efforts and resources to prevent, eradicate, and provide adequate services to the victims of these crimes in New Jersey.

New Jersey's Bias Crime Statistics

As part of the State of New Jersey's response to the increasing awareness of the harm of bias related crime, the New Jersey Attorney General issued "Executive Directive No. 1987-3" to all law enforcement agencies to report the incidence of hate crimes, crimes committed upon persons or property based upon the victim's race, color, creed, ethnicity or religion. Beginning in 1988 statistics on these offenses have been compiled by the Uniform Crime Reporting Unit of the New Jersey Division of State Police. The statistics have shown a increasing number of bias crime reports. Reported bias crimes by year were:

1988	-	593 Bias Crimes
1989	-	607 Bias Crimes
1990	-	824 Bias Crimes

1991 - 976 Bias Crimes

1992 - 1303 Bias Crimes

The statistics have also shown that most bias-related crimes are targeted towards persons rather than property and there has been a nine percent increase in these crimes from 1988 to 1992. The rate for this type of crime was 58 percent of cases reported in 1988, 61 percent in 1989, and 67 percent in 1990 through 1992. This is important because although crimes against property are also heinous, attacks against persons increases the risk of actual violence and risk of bodily harm.

Another major concern raised by the bias crime statistics is the level of juvenile involvement in these crimes, both as perpetrators and as victims. In 1992, 156 juveniles were arrested for bias offenses up from 117 arrests from the year before. Many of the victims are children as well, with a total of 280 juvenile victims under the age of 18 reported in 1992. This number has doubled since 1988 when the statistics were first compiled and showed a total of 117 victims.

In terms of the various population groups who are most often the victims of bias crimes, the leading target groups have remained the same for the past 4 years. The racial group most frequently targeted as victims of bias-related crimes has been African-Americans. The ethnic group most frequently attacked has been Hispanics and the religious group most frequently attacked has been Jews.

There has been a steady increase in the number of bias crimes reported in New Jersey. There has also been a steady

increase in the "danger factor" towards individuals because of the increase in rates of bias crimes against persons rather than against property. Also significant in terms of long-term prevention of these crimes is the significant number of juveniles who are perpetrators of these crimes and the number of juveniles who are victims as well. There has also been a great deal of consistency as to the target groups of these bias crimes which should result in better planning and service delivery to the victims of these crimes.

It is also important to note the harm caused by bias crimes is not confined to the victim but also to the community in which the victim resides. The victim's family, friends, and members of his racial, ethnic, or religious group are made fearful. This fear can polarize the community along racial, ethnic, and other lines creating greater tensions and depriving the community of the ability to present a united front against these types of crimes.

A breakdown of the community is particularly troublesome because it is evident that the role of the community at-large is very important in relieving tensions and assisting victims. Two examples from Bergen County demonstrate the effect of the community's response in alleviating bias tensions. In the first example, a mosque was vandalized and the worshippers harassed. And, although the police stationed a patrol car outside the mosque during religious services, the community remained silent, allowing tensions to remain high. In the second example, there was a Jewish cemetery desecration during a Jewish high holy season and the community responded by assisting in the clean-up

and restoration of the cemetery. In this example, community tensions have decreased. Therefore, the Commission strongly believes that any corrective action in response to these bias crimes be swift and that community leaders send a signal that such crimes will not be tolerated.

"Skinheads" and Other Juvenile Offenders

Over the past few years, a loosely-linked network of youth gangs has developed in the United States and New Jersey modeled on youth groups originating in Great Britain. According to statistics compiled by the Anti-Defamation League of B'nai B'rith (ADL) "Skinheads" have become the most violent of all white supremacy groups. Additionally, according to the ADL special report Young Nazi Killers - The Rising Skinhead Danger, New Jersey leads the nation in the number of Skinheads with approximately 400 youth involved in these "gangs." Although as of the publication date of the ADL report there had not been any reported murders committed by a Skinhead in New Jersey, presently a self-proclaimed Skinhead is charged with a bias murder in Atlantic County.

There has been concern expressed by segments of New Jersey's law enforcement community that our bias crime reporting system does not gather information on Skinhead incidents because these groups do not meet the FBI's criteria of an organized hate group. It has been suggested that the definition of organized hate group be modified to include Skinhead incidents or that an additional category be established for inclusion of these type groups in the

Annual Bias Crime Report compiled by the New Jersey Division of State Police.

A contributing factor to the development of these Skinhead gangs may be the rapid shift of population groups described above. An additional problem has arisen in that other population groups have been forming their own gangs out of fear or retaliation for other groups. A witness from a rural police department described the development of Skinhead gangs as minority populations began to move into his jurisdiction. As Detective Joseph Kluska of Mount Olive testified:

"Approximately two and one half years ago I began noticing an increased appearance of juveniles dressing as what is commonly referred to as Skinheads. In the tradition or more common fashion, shaved heads, boots, flight jackets. . . For the most part these groups of kids were comprised mostly of 14 to 17 or 18 years old, adolescents. . . But what began to happen over the course of this two and a half years is that counter groups began to form, groups of minority students . . . these counter groups which showed a willingness not to turn the other cheek; more ready to stand up for their own personal rights and even strike back."

Detective Kluska also testified to the fact that over the past two and a half years he began suspecting the involvement of the Skinhead groups in crimes other than bias crimes such as burglaries, vandalisms, car break-ins and other theft. The Commission is deeply concerned that these young people are becoming immersed in various types of criminal behavior.

There is an increased possibility that young gang members such as Skinheads may become involved in the juvenile justice system through arrests for bias crimes or other criminal conduct. An arrest can present an opportunity to intervene in these young

people's lives. It is important for the Family Courts to look carefully into the underlying structure and situation of the juvenile's family and discover the reasons for criminal behavior. The Commission recognizes that children are not born with a racial or religious bias. Usually this is something which is absorbed by the child as he or she grows up in the family environment. This factor must be formally recognized by the legal and judicial system. Programs must be created and implemented to correct the biases of these juvenile offenders by the law enforcement, correctional, and educational communities in conjunction with the judiciary.

The Commission also recognizes that some young people do not develop their biases from their families but rather through their peers. In these cases it is critical for there to be parental involvement in the juvenile's life and parents should take responsibility for their children. There are also cases where the parents are unable to give adequate attention to their wayward teens because of the economic need for both parents to work or a single parent to work more than one job. In these cases, there should also be a concerted effort by law enforcement, correctional, and educational systems as well as community and religious organizations to assist the parent(s) in intervening in the juvenile's life. Additionally, the Commission believes that the points made about intervention in this section may apply to any juvenile bias offender and the recommendations should be applied accordingly.

Description of New Jersey's Anti-Bias Crime Statutes

As part of the on-going response to the problem of bias crimes, the New Jersey Legislature has been refining the state's criminal statutes in order to more effectively prosecute and punish bias crimes. Prohibited under New Jersey's Criminal Code are:

- Desecration of Venerated Objects - N.J.S.A. 2C:33-9
- Defacement or damage of property by placement of symbol, object or graffiti - N.J.S.A. 2C:33-10
- Putting or attempt to put in fear of violence by placement of symbol or graffiti on property - N.J.S.A. 2C:33-11

Additionally, the New Jersey Legislature passed Public Law 1990 Chapter 87, to increase penalties for bias related crimes. This new law modifies sections of the New Jersey Criminal Code and for certain offenses allows the prosecutor to apply to the sentencing court to extend the terms of imprisonment upon showing the crime was committed, at least in part, with ill will, hatred, or bias, and with a purpose to intimidate, an individual, or group of individuals because of race, religion, sexual orientation, or ethnicity.

This new law, "The Ethnic Intimidation Act" modifies the provisions of N.J.S.A. 2C:12-1 (Assault) and N.J.S.A. 2C:33-4 (Harassment) making the penalties:

- For a bias crime involving simple assault (attempting to cause bodily injury to another, or threatening to cause serious bodily injury, or causing actual bodily injury to the victim) - up to an 18 month prison term.
- For a bias crime involving harassment by making anonymous communications, communications at extremely inconvenient hours, the use of offensively coarse language, any action to cause annoyance or alarm; or striking, kicking, the victim or threatening to do so;

or engaging in any coarse or alarming conduct or repeatedly committing acts to cause alarm or seriously annoy the victim - up to an 18 month prison term.

Additionally, a prosecutor may utilize the extended term provisions of the Ethnic Intimidation Act and apply to the sentencing court for upgraded penalties.

- For a bias crime involving other criminal offenses, including murder, criminal sexual assault, kidnapping, aggravated manslaughter, or the use of a gun the term of imprisonment can be extended:

from a term of 10-20 years to terms of 20 years-life in the case of crimes of the first degree;

from a term of 5-10 years to a term of 10-20 years in the case of crimes of the second degree;

from a term of 3-5 years to a term of 5-10 years in cases of crimes of the third degree; and

from a term of up to 18 months to a term of 3-5 years in the case of a crime of the fourth degree.

Presently, the harassment statute, and crimes set forth under N.J.S.A. 2C:33-10 and 2C:33-11 are under review by the New Jersey Supreme Court. If they are found to be unconstitutional and thereby invalid, the Commission recommends that these statutes be modified, and the modifications enacted by the Legislature and signed by the Governor to conform to whatever guidelines are set by the New Jersey Supreme Court. As Middlesex County Prosecutor Robert Gluck urged the Commission in his testimony:

"It's an important tool that prosecutors have to maintain. . . that the legislature maintain bias crimes and enhanced penalties for bias crimes. . . I would like to say that I urge this commission to recommend that

we always have anti-bias crimes on the books. This sounds like a very simple statement to make but I must remind you that there are those out there who believe that a crime is a crime is a crime. And that all of these, that there are sufficient penalties on the books. That is not the case. We need enhanced penalties for bias motivated crimes. There is no question as that in my mind and I think in any of my colleagues minds."

The Need to Make "Persons With Physical, Mental or Cognitive Disabilities" and "Gender" Protected Classes Under New Jersey Bias Crime Statutes

Testimony was received from the former Chairperson of the Gloucester County Disabled Persons Advisory Commission, Edward Hudak, concerning crimes against persons with physical, mental or cognitive disabilities. He feels that persons with disabilities are particularly vulnerable to criminals and it is difficult, if not impossible, for many of them to protect themselves due to physical, mental or financial limitations. This problem becomes more obvious in an example used by Mr. Hudak in his testimony and speaks for the need to better protect persons with disabilities:

"There was an incident out in Chester. . . where a man who had lost an arm was murdered by two people. We're still trying to determine whether it was a violent crime or a robbery, you can't tell. I think they lump a lot of these crimes into; well, they were just going to rob him. Well, they could have hit him because he was in a wheelchair or didn't have an arm. So I think we need to look more closely how we investigate crimes against people if there is a disability involved. I think we haven't gotten to the point where it's understood that there are certain people that don't like you because you just look different. I mean physically deformed."

There were other examples of the danger to persons with disabilities. Mr. Hudak cited the case of the sexual violation

of a young woman with mental disabilities by a group of high school athletes and also the risk of many persons in our state with physical, mental or cognitive disabilities who are at the mercy of their caretakers.

Unfortunately, persons with disabilities are not yet a protected class under New Jersey's bias statutes. The Commission is especially concerned because although the Legislature is considering a measure it may not be enacted during this legislative term. Additionally, the Legislative Bills containing the extension of protection of New Jersey's bias crime statutes also includes "gender" as a protected class. The Commission believes that "gender" based crimes should be penalized as the other bias crime categories because the potential intimidation of all members of that class creates a unique harm to the victim and fabric of our society. It is therefore strongly recommended by this Commission that provisions making "persons with disabilities" and "gender", protected classes under our bias statutes be enacted as expeditiously as possible by the present Legislature or its successor. Further, this law should be publicized in health care institutions and publications.

Bias Issues in Law Enforcement

There were three main issues identified in the area of law enforcement during the three hearings. The first was concerned with the amount of cultural diversity training a police recruit and veteran officer receives. The second concern was about the perception of law enforcement officers as not treating all

members of their community equally and the third was the concern that there should be more minorities hired within police departments across the state.

Thirteen witnesses testified that there was a need for police officers to receive specialized training in the area of cultural diversity. Of these witnesses, eight were representatives from law enforcement. It was believed that in order to make the police officers more effective in dealing with minority populations in their communities that the officers should understand cultural differences and utilize more effective methods of dealing with minorities.

Overall twelve members of communities throughout the state testified to the perception that some members of law enforcement agencies do not treat all members of the community equally in respect to arresting suspects and pursuing bias acts. Examples cited ranged from perceptions that law enforcement personnel were insensitive to minority issues to accusations of improper arrests of members of minority groups.

The Commission has major concerns about these allegations especially if a law enforcement officer or official has committed a bias offense. It is therefore important to place an emphasis on a fair and objective system of reviewing complaints of police misconduct and the consistent application of the Bias Investigation Standards when circumstances warrant. In all allegations of police misconduct standards issued by the Attorney General (described in more detail below) outline a system which ensures an impartial investigation and disciplinary action where appropriate. The concern about bias crimes committed by police

officials is included in the Commission's Report and reflects a concern that police misconduct so motivated is particularly damaging to efforts from all quarters designed to promote community harmony and cohesion.

It is undeniably important for law enforcement to continue to build bridges with minority communities and change the perception of some minorities that law enforcement is insensitive or even hostile towards them.

As Mr. Thomas Daniels, Chairperson of the Labor and Industry Committee of the Asbury Park/Neptune Branch of the NAACP testified:

"We feel that they should examine why law enforcement is viewed as an oppressor by particularly young black males in most urban areas. We think that's very important. If they don't understand that, we are always going to have problems. We are always going to be on a collision course and we're always going to have young males in the criminal justice system..."

Six witnesses testified that more minorities should be hired by local police departments. Two of the witnesses were representatives of law enforcement and four were community members. It was believed that a greater amount of sensitivity to minority populations and their concerns would be shown by minority officers themselves and the presence of minority police officers would also add to the education of the other police officers through the experience of working with minorities as equals.

Laura Freytes, President of the Puerto Rican Action Council of New Jersey cited the example of the Mayor of Houston in her testimony:

"The City of Houston has a larger growing population of Mexican-Americans and has a Mayor who happens to be white. However, he recognized that in order to maintain and create harmony in his community, he could not ignore the large number of Spanish-speaking population in his town. He decided that it was in the best interest of the city and its people to increase the number of Mexican-Americans in the police force and with this action, the Mayor not only gained respect but he was able to decrease racism. This is an example of what the government could do, include structures, those segments of the population which are dominant in the city so that they can have a chance in decision-making but to exclude (them) can only lead to racial tension."

Contained in the following section are innovative and model programs created in New Jersey to address some of the issues outlined above. The Commission believes these programs demonstrate a good foundation in addressing law enforcement issues in combatting bias crime and incidents in New Jersey.

Law Enforcement Efforts to Combat Bias Crime

Over the past few years there have been many initiatives created by the law enforcement community in New Jersey to combat bias crimes and incidents. One of these initiatives has been the establishment of an Office of Bias Crime and Community Relations within the New Jersey Division of Criminal Justice. The second initiative has been programs implemented through the New Jersey Division of State Police: the compilation of bias crime statistics; providing investigatory assistance upon the request of police agencies; and cultural diversity training through the State Police Academy, now part of the Department of Law and Public Safety's Institute for Law Enforcement Education.

The third initiative has been a directive to the law enforcement community which requires every county prosecutor to designate and train county and municipal Bias Investigation Officers. Additionally, the directive mandates full and thorough investigations of all suspected bias crimes done in accordance with Bias Incident Investigation Standards. Under this approach, there are now designated officers responsible for the investigation of bias crimes and incidents along with a procedural approach which ensures an appropriate law enforcement response to these crimes.

The fourth initiative has been the establishment of Human Relations Commissions in each of the state's 21 counties. These commissions act as a mechanism for dealing with community concerns about bias. Originally, Monmouth County Prosecutor John Kaye developed a Human Relations Commission in conjunction with the National Conference (formerly the National Conference on Christians and Jews) to help relieve community tensions and conflicts among minority groups and law enforcement. The Monmouth County Human Relations Commissions proved to be very successful and a model for other counties. Subsequently, the Attorney General urged the prosecutors of the remaining counties to adopt this model, and presently all 21 counties have a Commission in some form.

The fifth initiative has been the signing of a Memorandum of Understanding between the Department of Law and Public Safety and the Community Relations Service of the United States Department of Justice to promote harmony among communities and mediate disputes between groups in New Jersey.

The sixth initiative involved a Muslim Outreach Program where law enforcement officials visit mosques and explain bias crimes, reporting procedures for bias crimes, and services for bias crime victims. The seventh initiative has been the creation of an Office of Juvenile Justice within the Division of Criminal Justice. Initiatives have also been developed for law enforcement training, police procedures for investigating bias offenses and procedures for investigating allegations of bias offenses committed by law enforcement personnel.

Office of Bias Crime and Community Relations

The Office of Bias Crime and Community Relations was established within the New Jersey Division of Criminal Justice by then Attorney General Robert J. Del Tufo and former Director of Criminal Justice, Robert T. Winter, in January, 1992. This Office is the first of its kind in the Nation and has as its mission to:

- Seek ways to resolve community tension and to develop initiatives toward that goal.
- Develop bias and hate preventive measures with the advice of religious, community, business and educational groups such as the Stamp Out Hate Crime (S.O.H.C.) and Positive Impact Ensemble (P.I.E.) programs.
- Work with the New Jersey State Police, County Prosecutors' Offices and local police departments to assist investigations, training and to identify patterns in bias crimes upon the request of the law enforcement police executive.
- Accept referrals of allegations of bias offenses from the Division on Civil Rights.
- Develop and coordinate regional and statewide training programs as they relate to offenses and investigations of bias-criminality and collective youth violence such

as the Stamp Out Hate Crime (S.O.H.C.) and Positive Impact Ensemble (P.I.E.) programs.

- ° Work with the law enforcement community to develop police minority recruiting programs.
- ° Act as a liaison to other state departments, agencies and commissions concerned with bias incidents and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability.
- ° Assist the proposed New Jersey Human Relations Council with its work throughout the state.

The Office of Bias Crime has been involved and assisted the development of a number of programs outlined below and is headed by Paul Goldenberg under the guidance of Attorney General Fred DeVesa and the supervision of Director James F. Mulvihill of the Division of Criminal Justice.

As part of its responsibilities the Office of Bias Crimes and Community Relations accepts referrals of allegations of bias offenses from the Division on Civil Rights. The Division of Civil Rights, headed by Director C. Gregory Stewart, receives a variety of complaints of discrimination in employment and housing situations. A number of these complaints also allege conduct which can be considered a bias crime under the New Jersey Criminal Code. In these cases referrals are made by Director Stewart to the Office of Bias Crime and Community Relations.

The Office of Bias Crime and Community Relations in May of 1992, established a Bias Crime Training and Curriculum Working Group to create a training package for the law enforcement community to assist them in dealing with bias crimes. Training was conducted in May 1993 for teams consisting of a bias officer,

chief of police and Human Relations Commissioner from each of New Jersey's 21 counties.

Additionally, the Office has been instrumental in developing law enforcement exchange programs with the State of Israel and Metropolitan Toronto, Canada. In these exchange programs, bias crime enforcement and prevention techniques were shared and delegations traveled to view one another's law enforcement efforts.

New Jersey Division Of State Police Efforts

Under the leadership of Colonel Justin J. Dintino, the Uniform Crime Reporting Unit of the New Jersey Division of State Police has been collecting the data of reported bias crimes and compiling the Annual Bias Crime Report for the past 6 years. This Report serves as a means of determining the scope of the bias crime problem in our state.

The Central Security Bureau within Intelligence Services Section of the Division of State Police monitors and reviews the reports of bias crimes from police agencies throughout New Jersey through its Civil Affairs Unit. Additionally, the Civil Affairs Unit offers its assistance and expertise to the reporting police agency upon the agency's request.

Further, the State Police Training Academy provides cultural diversity training for State Police recruits and veteran Troopers. In addition, the State Police Academy as part of the Department of Law and Public Safety's Institute for Law Enforcement Education provides training about dealing with

hostile work environments, dealing with victims of sexual assault, domestic violence and other bias-related areas.

Bias Investigation Officers

These key law enforcement officers have a variety of duties as specified by their prosecutor or police chief, however they are all significant participants in investigating bias crimes/incidents. Additionally, many of these officers have created and been involved in the implementation of programs designed to prevent the occurrence of bias crimes. Further, some of these officers have been involved as trainers in providing cultural diversity training for law enforcement and other professionals.

For example, Passaic County Bias Officer, Sergeant Dan Reed has been instrumental in providing law enforcement training, working with the Passaic County School Superintendent in the creation of "Unity 2000" (an anti-bias educational methodology), a bi-county youth commission, and the development of other innovative programs in the schools to reduce bias. Additionally, Sergeant Reed has been instrumental in the formation of the New Jersey Bias Crime Officers Association composed of Bias Officers from across the state. Two of the primary purposes of the Association are: to share information to promote education about bias to law enforcement and the community; and to formulate and promote the highest standards for the investigation and prosecution of bias offenses in New Jersey.

Other examples of exemplary programs created by Bias Officers are in the area of youth gangs. Monmouth County Bias

Officer Louis Jordan has been one of the first law enforcement officers working in the area of gang violence based upon bias and has become one of the nation's leading experts on gangs. On the city level, Sergeant Ray Massi has been designated the Bias Incident Investigator for the City of Camden and he has been instrumental in the development of a youth task force which attempts to prevent violent gang activity and bias crimes.

The Commission has found New Jersey's Bias Officers to be dedicated professionals committed to reducing bias offenses in their jurisdictions. As Sergeant Reed explained in his testimony the importance of the Bias Officer's efforts:

"Our office is involved in every investigation of every hate crime incident which occurs in the county. We have trained and put in place hate crime officers in each department, in each town, each municipality, in each city of the county.

We actively and aggressively pursue these cases. . . I think that those who are inclined to commit this type of crime get a very clear message from law enforcement in this county that not only will we pursue and investigate, but we will prosecute. . . As you know, there is a lot more to the hate crimes officer job than just investigating hate crimes. There is a great deal to do with community relations and community service. . . we certainly are involved because the entire community is a victim."

Human Relations Commissions

The County Human Relations Commissions (CHRC) have been established by all of New Jersey's county prosecutors. Based upon a community conflict resolution mechanism developed by the National Conference, Monmouth County Prosecutor John Kaye established the first CHRC in February, 1990, following the

Tawana Brawley case. Due to the success of this approach, the remaining counties of the state have followed suit with the National Conference acting as the technical consultant to the CHRCs. The CHRCs are established to provide a mechanism for relieving tensions within the community concerning bias, including relations between minority groups and police agencies themselves. An additional benefit has been the creation of a dialogue and relationship between the law enforcement community and the minority community before a crisis develops, thereby creating a "venting device" for community tensions and cooperative approach to problems arising among population groups.

Listed below are some examples of programs and approaches developed by the CHRCs.

As testified to by William Suriano, honorary chairperson of the Middlesex County Human Relations Commission, his Commission has as its goals the following:

"to promote the appreciation of cultural diversity;

to help prevent prejudice, discrimination, and bias throughout the county; and to encourage the establishment of Human Relations Commissions within each town in the county."

The Middlesex County Human Relations Commission in conjunction with the County Superintendent of Schools, Dr. Mary Jean Guadette, recently conducted a survey of schools within the county to determine the needs of the schools in the bias prevention area. They hope to share resources wherever appropriate and to develop additional programming to better

educate children in the schools about prejudice and cultural diversity.

The Passaic CHRC has begun a conflict resolution program for non-serious but potential bias offenses. When non-serious offenses occur between neighbors for example, they are investigated by the county bias officer and referred by the county prosecutor to a sub-group of the CHRC, which has been established and trained in mediation and conflict resolution techniques. In this program the parties agree to participate in a mediation session designed to resolve the conflict between them on an amicable basis before the situation intensifies and a more serious offense is committed.

Some of the CHRCs are staffed by the National Conference, however most of the CHRCs are provided staff support by their respective County Prosecutor's Office. The Commission believes however, that additional funding and resources should be made available to the CHRC's to meet the increasing needs for anti-bias programming.

There were two witnesses who felt that the close tie of the Prosecutor and the CHRC could interfere with the focus of the CHRC. Because the main focus of this effort is one which has a large criminal justice component to reduce bias crime and violence based upon the victim's race or religion, it is critical to have the major commitment and involvement of the chief law enforcement of the county, the prosecutor. Additionally, the preventive nature of the CHRCs in establishing dialogues among minority groups and law enforcement before major problems develop indicates an important role for the Prosecutor's Office.

A balance should be reached between the public members and law enforcement of the county commissions. Broad based involvement from community leaders, local business and industry, the religious community, and educational community provide a wide range of resources to draw upon to deal with all aspects of human relations and bias violence.

Municipal Level Human Relations Commissions

Testimony was received indicating various examples of municipal level organizations that take the form of advisory boards, coalitions, and commissions. One example was presented by Pennsauken Police Chief Nicholas Petitt who testified about the experience of a Human Relations Council established in his town:

"The purpose of the human relation council is to address human relation complaints from within the Pennsauken community in an effort to assure all citizens a feeling of equality in the eyes of government, service providers, and fellow citizens."

One of the main components of the municipal human relations council is the mediation model described above, where a group of specially trained citizens mediate a problem between neighbors or other disputing parties to develop a solution acceptable to all parties, thereby preventing the escalation of the problem into a more serious incident or a bias offense.

Chief Petitt was also involved with a program which could be implemented through a Human Relations Commission either on the county or municipal level. This program has been named the Coalition for Multi-Cultural Understanding. Its purposes are to:

expand multi-cultural understanding between the community and law enforcement; identify community leaders for improved communications within one's own community; to identify and agree upon the role of the coalition to fulfill its goals; and to establish a team who could assist any community during a crisis situation. One example of an activity implemented by the Coalition was an in-service training program for police officers at the Gloucester County Police Academy.

Memorandum of Understanding

The New Jersey Department of Law and Public Safety has entered into a cooperative agreement with the Community Relations Service of the United States Department of Justice. The Community Relations Service cooperates with public and private agencies to provide assistance in resolving disputes based upon discrimination or bias and acts as a neutral mediation/conciliation agency, in confidence and without publicity. Through the efforts of Community Relations Service Regional Director Patricia Glenn, a Memorandum of Understanding was developed and specifies that the Department of Law and Public Safety will utilize the expertise of the Community Relations Service. Additionally, there will be joint efforts to relieve tensions among groups in New Jersey, develop informational brochures, inventory programs and agencies concerned with bias in the state, notify one another about civil disturbances and efforts to deal with such disturbances and coordinate community relations activities within New Jersey.

Muslim Outreach Program

This has been a cooperative program among the Division of Criminal Justice, county prosecutors and the Islamic Public Affairs Council. Initiated in Bergen, Morris, Hudson, Middlesex and Passaic counties this has been an educational outreach to the Islamic communities within these counties. Visits by the county prosecutor, and representatives of the Division of Criminal Justice and Office of Bias Crime and Community Relations were made to Mosques and presentations made to the congregations concerning the nature of bias crimes, how to report these crimes, and services available to the victims. Waheed Khalid, the Chairman of the Board of Trustees for the Islamic Public Affairs Council and one of the organizers of this program has stated in a telephone interview that the program has been very successful and he is interested in conducting follow-up sessions.

Office of Juvenile Justice

The Office of Juvenile Justice was established in August of 1993 within the New Jersey Division of Criminal Justice. Headed by Chief Bernice Manshel, the Office operates under the guidance of Attorney General Fred DeVesa and supervision of Director James F. Mulvihill of the Division of Criminal Justice.

This Office is developing a Youth Gang Initiative which began with training in awareness of gang activity including hate and occult groups. The Initiative includes working with county prosecutors to develop strategies to control existing gangs and prevent the expansion of gang culture.

This Office is also responsible for the Juvenile Justice and Delinquency Prevention (JJDP) Unit which administers the federal JJDP Act. The Act mandates that the state address the over-representation of minorities within the juvenile justice system. The JJDP Unit developed cultural diversity and race relations training that was provided to state level trainers in the spring of 1992 and continues to be provided to local groups through funding by the Unit.

Police Training

Throughout the hearings a consistent problem identified was the need for training of veteran police officers in cultural diversity. Although police recruits undergo a cultural diversity training experience in police academies throughout the state, thirteen witnesses testified to the need for additional cultural diversity training for veteran officers and in some cases police recruits. One police academy has been in the forefront of cultural diversity training.

The Monmouth County Police Academy has focused upon the need for this training and has developed a full three day training program for its police recruits.

Robert Scott, the Director of the Monmouth County Police Academy testified that his police academy changed its cultural diversity training three years ago. Prior to the change, the training consisted of a four hour "minority sub-culture training." However, as the number of bias crimes increased and the awareness of inadequate training for police officers also increased so too has the amount and intensity of the cultural

diversity training mandated by the Monmouth County Police Academy. In the course of the full, three-day training, experts are brought into train as would be expected, but additionally, the academy brings in leaders from various minority communities around Monmouth County to open a "dialogue" with the police recruits about bias and problems in their communities. There is also a role-playing component built-in to give the recruits personal experience in the subject matter.

Jerry Hamlin, Community Relations Officer for Monmouth County explained the need for appropriate training this way:

"We need to be persons who are ready to establish preventative and educational kinds of programs not just for the recruits. We have brought people (seasoned officers) back to the academy to sensitize them to the needs of the various cultures which make up this county. And the fastest growing culture in Monmouth County is the Asian community. We bring in representatives of all different experiences. Not just the NAACP. Not just the Latino community. But we also include the Gay and Lesbian Alliance."

The Commission believes that the Monmouth training is exemplary and should be replicated in all 21 counties.

Another witness, Sergeant John Gamberg of the New Jersey State Police Training Academy discussed efforts made by the New Jersey Division of State Police to train all of its officers in cultural diversity. In 1991, the State Police Training Academy initiated a full two-day police professionalism and cultural diversity training for State Troopers. The sessions brought in instructors from the State Police Training Academy for the first day and the second day consisted of guest speakers from minority groups throughout New Jersey. In its first year of operation the program trained 2450 people. An off-shoot of this program has

been a one-day training program offered in five regionalized locations for members of municipal police departments, Sheriffs Offices and Prosecutors' Offices.

Prosecutorial Staff Training

Another model discussed in the course of the hearings was the example set by Middlesex County Prosecutor Robert Gluck who stated:

"We felt that unless we cleaned up our own house, whatever message we carried on bias crimes and bias incidents would not have the full impact that it should. Therefore, we initiated the training for every individual in the Prosecutor's Office starting with myself on down to the secretaries in the office."

The cultural diversity training instituted in Middlesex County consists of a two-day training session and conducted according to a schedule to ensure that all staff members have participated. Following the completion of this training, members of the prosecutor's staff will provide training to the community and police departments in Middlesex County.

Police Response to Bias Incidents

During the course of his testimony Prosecutor Gluck outlined the response procedure for a bias incident in Middlesex County. The Commission believes this procedure to be a good model for all counties throughout the State. The Bias Investigation Officer for the County is on 24 hour call and will be notified immediately after a crime has been identified as one of bias. In the case of Middlesex County there are municipal bias officers

who make a determination and then notify the county Bias Officer. The county bias officer then goes immediately to the scene to deal with the victim. Upon the defendant's apprehension, the Prosecutor Office takes control of the case. Within 24 hours of the report of the case, the legal advisor to the bias incident unit is notified and determines the criminal charges to be prosecuted. In Middlesex's case, the bias offenses are personally handled by the legal advisor as a prosecutor, and are not subject to normal pre-indictment dispositions. This special attention to bias crimes is done to affirm the commitment to eradicating these offenses.

Procedures for the Investigation of Bias Crime Allegations Against Law Enforcement Personnel

A. Internal Affairs

In August of 1991, the Attorney General directed that all New Jersey law enforcement agencies formally establish an Internal Affairs function. The goal of Internal Affairs is to insure that the integrity of the police department is maintained through a system of internal discipline where fairness and justice are assured by objective, impartial investigation and review. Accordingly, the Internal Affairs is responsible for the investigation and review of all allegations of misconduct by members of this department.

To assist police departments in establishing Internal Affairs, the Division of Criminal Justice published the "Internal Affairs Policy and Procedures" chapter as part of the on-going Police Management Manual. This chapter provided extensive information of establishing and managing an internal affairs

function. Law enforcement agencies were advised that specific categories of misconduct, that are subject to disciplinary action, must be precisely defined within the department's rules and regulations. One such category of inappropriate behavior was "Differential Treatment," which was the taking or failing to take of police action, or the method of police action, that was predicated upon irrelevant factors such as race, attire, age, or sex.

To further insure that these mandates were being carried out, the Division of Criminal Justice has trained over 650 law enforcement officers in this critical area, and continues to provide training and technical assistance on a regular basis. Therefore for more than two years, through the Attorney General's directive and the Division of Criminal Justice educational effort, the law enforcement community has been striving to ensure that all types of alleged officer misconduct, including bias based actions are dealt with objectively and fairly.

B. Bias Investigations Standards

There currently exists a procedure whereby allegations of bias directed against police officers are reviewed in an orderly fashion. The Bias Investigation Standards issued in September 1991 by Attorney General Robert J. Del Tufo requires that chief law enforcement executives promptly report suspected or confirmed bias incidents to the county prosecutor. The initial investigation is conducted at the local level where information is gathered and analyzed. The county prosecutor evaluates the situation and identifies the entity which will conduct the

inquiry. Many police departments have Internal Affairs personnel, who are trained to handle such inquiries.

The county prosecutor's office monitors the investigations as necessary. Additionally, the chief law enforcement executive or designee can contact the county prosecutor's office for legal advice and investigative assistance as necessary. Should there be a complaint about a prosecutor's action or decision related to a bias incident, the Prosecutors Bureau within the Division of Criminal Justice, under the authority of the Attorney General will review the decisions of the prosecutor to determine if there was any abuse of prosecutorial discretion.

Bias Issues in Education

The most mentioned topic of all the public hearings was the importance and need for educational programs to combat prejudice and bias. Thirty-five witnesses testified to the need for education in all forms beginning in the home to kindergarten through twelfth grade. Both the law enforcement and education community agree that this is one of the most serious problems facing our society and education is perceived to be the key. As the Commission heard in Gloucester County through testimony of both the County Prosecutor and County Superintendent of Schools:

Gloucester County Prosecutor Harris Cotton stated:

"Drugs, hatred, all of those things are very hard to deal with in an adult. I feel that the real answer to all of this is where it starts, and that's with young people and education."

Gloucester County Superintendent Peter Contini testified:

"I think everyone believes that the long-term solution is education and that we learn those

behaviors which are unacceptable. We have accepted the fact that there is no community, no school district that's immune from the negative effects of bias and prejudice behavior, whether they exist in schools, communities, the dinner table or on the recreational fields. "

Many of the witnesses testified that the most effective place to educate our citizens about cultural diversity is in the classroom and the education should include innovative techniques and begin at the earliest grades. As Ray Weyhenmeyer, a teacher from Ramsey High School and one of the state's leading experts in developing anti-bias curricula stated:

"Kindergarten through 12th grade must have a regularly monitored prejudice reduction segment added to all social studies and language arts curricula with hands-on practical applications."

"We believe that just looking at film strips gets nothing done. We believe in Ramsey that the only way people will get to know people is by human contact. So we have set up several programs where students engage in this kind of activity from the kindergartners of our school. . ."

There were a number of other issues raised concerning the schools and education. These problems are parallel to the problems identified in law enforcement. The first problem was the need for appropriate training requirements for teacher certification and in-service training of all school personnel in the schools from custodians to administrators. Five witnesses testified to the need for cultural diversity training for teachers and school personnel. Two of the witnesses were educational professionals, one was a law enforcement representative and two were community members. As Dr. Paul Winkler, Executive Director of the New Jersey Holocaust Genocide

Education Commission, and a former superintendent of schools stated:

"I believe that higher education must be directed to include in its teacher preparation courses, courses on prejudice and discrimination. . . I'm even ready to recommend and talk with our commission regarding teacher training, even in-service. We did it in drug education, ten hours of in-service education."

And as Dr. Gilda Rorro, Director of the New Jersey Department of Education's Office on Equal Educational Opportunity testified:

"We want every school, every student and every staff member in our schools to be able to recognize and make appropriate responses about discrimination based on race, sex, national origin, sexual orientation, socio-economic status or disability and to strive for equity and unity in a diverse society."

This need for training in cultural diversity contributes to the second parallel problem identified in law enforcement, that of the perception of unequal treatment of minorities. Eight witnesses testified that there are teachers and administrators with prejudice and who are insensitive to the needs of the minority community. Three of these witnesses alleged that this insensitivity resulted in unequal and harsher treatment of minority students. Further, the procedures for classification appear to be resulting in a disproportional number of African-American students being placed in special education classes.

The third major area was also similar to the law enforcement issue of the need to hire more minorities. The Commission received testimony from eleven witnesses who believed that more minorities should be hired and employed by the schools. Nine of

these witnesses were from the community, one was the Director of the New Jersey Department of Education's Office of Equal Educational Opportunity and the other witness was the New Jersey Chancellor of Higher Education.

Besides the need to hire more minorities there may also be a need for more minorities to become qualified as teachers and Dr. Rorro of the New Jersey Department of Education offered a proposal to encourage minorities to pursue a career in teaching:

"We would like to write a joint proposal so that OEEEO, the equity office and higher education, can provide on-going professional development and also provide incentives, financial and material, and support people of color to enter the field of education. We feel there is a great need for that to happen."

Listed below are a variety of innovative programs which attempt to address the educational needs of our young people in prejudice reduction and the prevention of bias crimes. New Jersey is a leader in developing bias crime prevention programs and is a remarkable example of cooperation among agencies. The Commission believes that we can build upon these programs through such cooperative efforts.

Cooperative Programs Between Law Enforcement and Education

The State of New Jersey has been one of the nation's leaders in establishing cooperative programs between law enforcement and the educational community. Beginning with the establishment of Drug-Free School Zones, an Education and Law Enforcement Working Group was established of education and law enforcement professionals to develop a formal Memorandum of Agreement (MOA) between the law enforcement and education community. The

original MOA pledged cooperation in combating the drug epidemic specifically on and around school property, was signed by the Attorney General and Commissioner of Education and later adopted by the State Board of Education. Versions of this agreements were later signed by each of the county prosecutors and county superintendents of schools pledging cooperation on the county level, followed by the signing of agreements between local chiefs of police and school district superintendents.

In 1992, the Working Group was reconvened to revise and update the Statewide Memorandum of Agreement to address the problem of the use of firearms and other weapons on and around school property. This revised version has been signed by almost every local school district and police department in the State. Additionally, the State Board of Education rules and regulations have been modified to incorporate these revisions.

Most recently, another initiative has been announced by the Attorney General and Commissioner of Education to address the problem of bias crimes. This initiative requests that each county superintendent of schools and county prosecutor meet to assess the extent and nature of bias crimes occurring on school grounds or involving students. There are eight issues to be reviewed which include: maintaining accurate records of bias crimes occurring on school property or involving students; cooperation with and referral of appropriate cases to law enforcement authorities; the speedy identification, documentation and removal of physical evidence of bias crimes; developing law enforcement investigation procedures to minimize disruption to the schools; remediation of bias crimes and incidents including

victim counselling and related services; prevention of bias crimes and incidents through education, and public awareness activities for students and the community; appropriate discipline for student offenders; and training of appropriate members of the education and law enforcement community concerning policies and procedures for preventing and responding to bias crimes and incidents.

In Elizabeth, New Jersey, a model Memorandum of Agreement has already been signed by Chief Gene Mirabella of the Elizabeth Police Department, Elizabeth Superintendent of Schools, Thomas Dunn, President Leila Poch of the Elizabeth Board of Education and approved by Union County Prosecutor Andrew K. Ruotolo, Jr., and Union County Superintendent of Schools, Dr. Leonard Fitts. Contained in this agreement is a detailed set of procedures, definitions, and specific roles for law enforcement and the schools in dealing with bias incidents and crimes. To explain the distinction between a bias crime and a bias incident Executive Assistant Union County Prosecutor Ronald Susswein stated in his testimony:

"The agreement draws a distinction which had never been drawn before in terms of terminology. We always use hate crime and bias incidents interchangeably. This agreement draws a distinction. A hate crime is a criminal offense which under the law is motivated in whole or in part by some form of prejudice, and for a hate crime committed on school grounds or involving their students, they (the school) are required to report that to law enforcement, to our local or county bias officers. The other critical distinction is the term bias incident. A bias incident is defined as an act which is not a crime, and yet the act is motivated in whole or in part by racial, ethnic or sexual orientation, prejudice."

This agreement is quite extensive and in eight articles provides:

Statement of policies, findings, and objectives; Definitions; Referral procedures including mandatory reporting of a hate crime and a presumptive referral of a suspected bias incident; Preservation of evidence; Law enforcement response to mandatory and presumptive referrals; Victims' services; Training; and Maintenance of the agreement. This document will in all likelihood, become a national model for agreements between schools and law enforcement agencies in combatting bias crimes.

P.R.E.P. - Prejudice Reduction Education Program

A group has been formed on the state level by the Office on Bias Crime and Community Relations to create a Prejudice Reduction Education Program (PREP) as another cooperative effort between the law enforcement and educational community. This program is envisioned to be an in-school suspension or disciplinary program for students who have committed a bias incident which does not meet the legal criteria of a bias crime. These students will undergo an intensive educational experience about the history, causes and harm of bias. Once perfected, the program will be distributed through the Department of Education for use by local school districts.

GEM Program - Guidelines For Education That is Multi-cultural

A model program developed in the State Department of Education and coordinated by their Office of Equal Educational Opportunity was described at the Gloucester County hearing. The GEM program which stands for the Guidelines For Education That Is Multi-cultural has recently completed its pilot phase at five sites. These Guidelines have been distributed to all school

districts throughout the state for implementation on the local level.

The purpose of the GEM is to provide all public school students with an equal educational opportunity regardless of race, gender, sexual orientation, national origin, socioeconomic status, or disability. This is accomplished through changes in the standard kindergarten through twelfth grade curricula which incorporate multi-cultural contributions and scholarship to the student's educational experience. Designed to stress cross-cultural communications and ideas from among various groups which comprise our society, the program also focuses on methods and programs to improve the school environment and fosters equal educational opportunities for the students within diverse schools.

The implementation of the program is custom designed by a local GEM committee. This group represents school staff, students, community members, and parents who cooperatively develop a specific program for their school district. The group begins by conducting a needs assessment, develops a comprehensive plan to meet those needs, evaluates the progress of the program and reports to the local school board, superintendent, and community members on a regular basis.

This program is exemplary because it provides a structure through which the local school board can best design a multi-cultural educational program based upon the local school district's needs. Additionally as stated by Dr. Gilda Rorro, of the New Jersey Department of Education:

"We want to provide students with multi-cultural experiences, we want to transform

all our curriculum to include various ideas and perspectives of at least 104 ethnic groups we have in New Jersey. We want to empower our students and their families to become active participants in the process of learning, to understand diverse cultures, and help students develop a positive self-image, respect all languages and dialects, and help with critical thinking skills. We must be proactive through long-range planning and education to tackle these very complex social issues in our society."

Task Force on Violence and Vandalism

Another major initiative in the Department of Education has been created by the State Board of Education itself. It has recently appointed a Task Force on Violence and Vandalism due to the increasing number and increasing intensity of violent acts in the schools. The Task Force is addressing the following issues: a reexamination of regulations concerning the disciplining of students to better balance the rights of the disrupted students as opposed to the rights of the disrupting students; implementation of policies, procedures and programs which create a safer and better disciplined school environment; and revisions to reporting systems so that more accurate data and more meaningful insights into the issue of violence and vandalism in the schools can be addressed.

The S.U.R.E. Program - Schools United for Respect and Equality

The S.U.R.E. Program (Schools United for Respect and Equality) was developed in Gloucester County in the Spring through Fall of 1993. Originally, a group of high school administrators, teachers and students were assembled by Gloucester County Superintendent Peter Contini to plan a "Unity

Day" in the Spring of 1993. The plans for Unity Day consisted of performances by the Positive Impact Ensemble, followed by a meeting with representatives from 29 school districts, 15 high school representatives, a leadership team, students and faculty. Recognizing that one time events cannot eliminate bias, this group began developing an on-going plan for reducing bias and prejudice in Gloucester County and has named itself S.U.R.E.

The group has four basic objectives. The first is to create cultural diversity awareness for the students and faculty leaders. The second objective is to create dramatic presentations which could be utilized in the high school, middle school and grammar school and are focused on specific bias issues of the local district. The third objective is to implement an expanded Unity Day for the 1993-1994 school year and the fourth objective is to begin assessing all prejudice reduction programs in the county and sharing information among the county's school districts.

Unity 2000

In Passaic County, the County Superintendent of Schools, Maria Nuccetelli has been working in conjunction with County Prosecutor Ronald Fava in creating a countywide initiative to reduce bias and prejudice incidents through education. The first component of this initiative has been the development of a resource book of activities which can be implemented in the schools to raise awareness about prejudice and reduce bias. The second component has been the establishment of core teams from every school district and parochial school consisting of board of

education members, parents, students, and teachers. These core teams are conducting a countywide needs assessment for bias and prejudice reduction in the county's schools. The third component will be the development and implementation of actual strategies to reduce bias and prejudice.

The PIE Program - Positive Impact Ensemble

This program is a dramatic presentation consisting of 22 vignettes depicting the harm of prejudice and bias. The "play" is performed by a troupe of 40 young actors and actresses from Paterson, New Jersey's Rosa Parks School for the Performing Arts. The Positive Impact Ensemble performs on a weekly basis in high schools throughout the state. Developed as a cooperative effort among, the students, their school, the Passaic County Prosecutor's Office, the New Jersey Commission to Deter Criminal Activity and the Office of Bias Crime and Community Relations the program has been performed for over 50,000 high school students in New Jersey.

Interschool Exchange Programs

Similar to a foreign exchange students program a number of schools in New Jersey have become involved with an intra-state exchange program. Under this model, schools from rural or suburban areas match selected students with inner city school students and create activities for both sets of students to participate in. An example of this program has been initiated by the Mountain Lakes and Paterson school districts over three years ago. Recently, this exchange program "The Paterson Connection"

was awarded funding from a federal "Serve America" grant to refurbish the historic water raceway system in Paterson and expand a tutoring network.

A second example was discussed by Malcolm Dawson, Superintendent of Gateway High School in Gloucester County. His school is involved in two different exchange programs. The first is based on the model where the humanity students spend a day on another high school campus, following a typical schedule and interacting with the student body. In this instance his school is matched with a Philadelphia urban school, Edison High School. The second example is an exchange where students from Gateway High School and Woodbury High school enroll in year-long courses for a portion of the day on the opposite campus.

Another student exchange program has been proposed by the Diocese of Trenton which would match 60 students from a predominantly white Catholic school in New Monmouth with 60 inner city students attending Catholic schools, primarily Essex Catholic High School. This would allow both sets of students to gain a better understanding of each other's environments, problems and views. The importance of this type program was explained by a student leader at Matre Dei High School, Christian Burke:

"We formed an interracial or intercultural program along with three Diocesan schools: McCorriston, Union and Essex Catholic. And we feel that this can change the color barriers, by placing different cultures together. This is one step we feel, in the right direction. First, we have realized the problem: racism does exist. Second, instead of saying we can't stop racism or deny that change can happen, we've stepped right into it, jumped head first into it, and tried to battle it by doing this program."

The E.R.A.S.E. Program - End Racism And Sexism Everywhere

The E.R.A.S.E. program was created in the spring of 1992 by a group of students and a faculty advisor at Lakeland Regional High School in Wanaque, New Jersey. The acronym E.R.A.S.E. represents End Racism and Sexism Everywhere and has four major goals as outlined by the club's advisor, Saundra Putnam:

"To help eliminate racism and sexism and decrease the number of discriminatory incidents in the schools and community; to alert all high school students to the signs of prejudice and discrimination, and the negative effects they have on society; to conduct community awareness programs and to provide a continual outlet for victims of discrimination, to vent their feelings; and to seek constructive solutions to the problems."

The E.R.A.S.E. group has assembled a package which assists a school in creating a chapter and is available upon request. Chapters have been formed all over New Jersey and are also beginning to be formed in other states and countries. Due to the success of this program and the students' desire to develop new activities and share successful programs with one another, a newsletter is being considered for distribution to all chapters.

The Inter-County Youth Human Relations Commission

Most recently, representatives of both the Passaic and Bergen County Human Relations Commissions unanimously decided to create a joint education program, the Inter-County Human Relations Commission to work with young people of their counties to reduce prejudice and bias related crimes. The Inter-County Youth Commission will be composed of representatives of participating high schools from both counties with "the overall

goal of creating unity from diversity in a region that has historically been a port of entry for immigrants from around the globe." Participating high school faculty advisors will be given conflict resolution training and students will be given peer mediation training.

In addition to the formation of the Inter-County Youth Human Relations Commissions, each county will form its own Youth Human Relations Commission composed of those participating schools within each respective county.

Bias Issues in Higher Education and New Jersey's Colleges

Colleges are not exempt from bias incidents and problems as was evidenced by a recent incident at a New Jersey college. As Chancellor of Higher Education Edward Goldberg stated:

"We are painfully reminded of this gap last week by a fraternity hazing incident at one of the independent colleges here in the state. Someone planned an event designed to ridicule and denigrate African-Americans. Much has been written about this deplorable incident, less has been written about the circumstances of its publicity because four students, four white students, who by chance found out about the evening's activities recognized it as offensive and intolerable. they objected publicly. They came forward to college administrators to express their outrage and belief that the conduct must be condemned."

Additionally, colleges and universities may be more at-risk of racial tensions because of efforts made by groups such as the Ku Klux Klan to exercise their First Amendment rights to distribute hate literature on campus. As Dr. Vera Farris, President of Stockton State College testified:

"I was one of the first women presidents in the state and certainly the first female minority. . . So it was not without deep pain that this came to the attention of hate groups and those hate groups began by coming on our campus and taking the newspapers, the students' newspapers and all the other newspapers and filling them with their hate newspapers and they would confiscate the student's paper, fill them with literature from the Klan and place them on campus. We decided that they shouldn't be distributed. They went to court. . . they sued to be able to come onto our campus and demonstrate."

Colleges and universities in the state are however, putting programs in place to help educate their students about cultural diversity, women's studies, and prejudice reduction. At Stockton State for example, members of the general community came together to support the college in its efforts and has continued to meet since the Ku Klux Klan incidents in 1987. The group "represented every major organization in Atlantic County, social organizations, civic organizations, Black organizations, Jewish organizations, and Italian organizations." The college has opened a holocaust center and has an academic chair for a professor to visit for a year and conducts classes on the campus and in the community about this subject. As Dr. Farris also stated:

"These classes have become so strong that every year we have about a thousand students out of our 5600 that take one or the other of these courses and every one of those students tell us that their life was changed by that. So I know education is a powerful force for them."

And, New Jersey's colleges and universities may be leaders in integrating gender and multi-cultural scholarship into the college level curriculum. As Chancellor Goldberg stated:

"Over the past eight years or so, the State Board of Higher Education, my department, and the colleges and universities have developed policies and programs to combat racism and intolerance in our system through mechanisms such as faculty dialogues, incentive grant programs, racial harmony institutes, conferences on human relations, and strong support for integrating gender and multi-cultural scholarship into the curriculum. We have sought to deal directly with bias on our campuses. . . not only surface interactions on the college campus, but changing the curriculum itself so that people see themselves reflected in what is most critical at a college, and that is what is studied. Continuing all the efforts that we've done to date, we need to train college students, our leaders on the campuses now, and perhaps our future leaders in a broader societal context in the techniques of conflict resolution and mediation so the students can resolve tensions on campus, so that they can take those skills back into their communities"

Another issue identified at the college level was that while minority enrollments are increasing in New Jersey there has been a decrease in the number of minority faculty members. Chancellor Goldberg pointed out in his testimony that a convergence of two important factors arose in the 1960's for hiring minority faculty. Openings existed in colleges for faculty positions and due to the opportunities offered to all G.I.'s to pursue their education following World War II, Korea and Vietnam there were a significant number of qualified minorities to fill those positions. Over the next five to ten years, there will be a major exodus of those faculty members hired in the 1960's because they are now reaching retirement age. The problem presently is that there may not be enough minorities in the process of earning a doctorate degree to fill these positions as they become available. If they miss this opportunity over the next decade,

it will not occur again for another thirty years because of the tenure system which basically keeps faculty until their retirement.

New Jersey does have programs in place to try to remedy this situation both on the recruitment side and incentives for minorities to undertake doctoral studies. Chancellor Goldberg explained:

"We do, in this state, pay particular attention to encouraging, through budget rewards and penalties, institutions which recruit appropriately, but we also have at least our contribution to the (minority candidate) pool issue, because we have a minority academic careers program which has been funded since the mid-80's. And we help roughly, depending upon the year, five to fifteen new PH.D. candidates get their doctoral studies underway with a loan redemption feature that they can work off the loans by working at a New Jersey college and university."

The Commission finds however, that funding for these programs must be increased to have a positive impact on the lack of minority faculty in New Jersey.

Public Awareness

The Commission recognizes that when dealing with a problem with the dimensions of bias violence and crime, educational efforts must deal with our entire society and not just the young. Unless the attitudes of parents and adults are changed concurrently with the children's attitudes we will be unsuccessful in reducing bias. As Ms. Margarita Rodriguez testified:

"We have to remember that education starts at home. Our children will emulate and imitate

anything we say and do during the day so we have to start teaching our parents also . . . I don't know if that can be addressed through P.T.A.'s or something. . . If you take a child and teach a child in school that he or she should not say or do certain things and teach them about cultural differences, if they are going home in the evening and come face to face with parents who are authority figures to them and have them destroy everything that has been taught during the day, then it is not good."

Educational programs for parents and other adults need to be developed and implemented to help reduce bias and prejudice in our society in general. Unfortunately, it is always difficult to have parents and adults attend meetings or activities in the evening no matter how grave the problem is. Therefore, it is necessary to reach them through advertising in the media, in print materials and posters. The Commission recommends the development of public awareness campaigns to convey information about the harm of bias and steps members of the community can take to reduce its occurrence in New Jersey.

SUMMARY OF FINDINGS

The Commission on Racism, Racial Violence and Religious Violence after careful study and consideration finds:

1. Cultural diversity and bias crime training are not readily available at the local, county, or state level for veteran police officers and other law enforcement personnel. Existing training programs for law enforcement personnel should be reviewed to ensure that police officers are adequately trained in cultural diversity and that such training is provided on an on-going basis.

2. A perception exists among many groups and citizens in New Jersey that some law enforcement officers do not treat members of minority groups in a fair and unbiased manner.
3. There is an inadequate number of minority law enforcement officers in New Jersey.
4. There is an extensive need in New Jersey's schools for comprehensive Kindergarten through 12th grade education programs and curricula to prevent and reduce prejudice, bias incidents and bias crimes.
5. There is a need for cultural diversity training for teacher candidates, teachers, administrators and other staff in the schools.
6. There is a perception that in some school districts minority students and parents are not always treated in a fair and unbiased manner.
7. There is an inadequate number of minority educators in New Jersey.
8. There is an inadequate number of minority college faculty members in New Jersey.
9. There is a need to make the citizens of New Jersey more aware about the harm of bias and inform them of practical steps which can be taken to promote harmony and combat prejudice and bias crimes.
10. There are many excellent model programs that should be replicated around the state.

RECOMMENDATIONS

Contained in this section are the recommendations of the Commission on Racism, Racial Violence and Religious Violence to combat bias-related violence in New Jersey.

Need For a Statewide Human Relations Council

The Commission on Racism, Racial, and Religious Violence has considered ways to improve its own role in addressing bias crimes and incidents throughout the state. During the course of the public hearings it became obvious that there is a great deal of concern about the bias issue as it relates to violent acts, treatment of victims and suspects by law enforcement agencies, minority hiring practices and training of law enforcement and school personnel.

As can be seen from this report there were many concerned citizens who testified at the three public hearings about problems which are not easily addressed. The Commission has found bias crime to be a multi-faceted problem that is being addressed with many programs created by agencies from a variety of disciplines and at different levels of government, federal, state, county and local. Because of the complexity of the causes of bias and violence the Commission recommends that an independent mechanism on the state level be created with appropriate duties and responsibilities to ensure a coordinated approach to the solutions of bias crime.

The Commission believes that this proposed New Jersey Human Relations Council incorporate the duties and responsibilities of the Commission on Racism, Racial Violence and Religious Violence

and have expanded authority and responsibilities to align it with the Human Relations Commission model on the county and municipal levels. As described in the recommendation below, the New Jersey Human Relations Council should be modeled on the County Human Relations Commissions and fulfill many of the same responsibilities on the state level. It would act as a mechanism to alleviate community tensions where appropriate, assist in ensuring that appropriate training programs be instituted across the state, assist in ensuring that conflict resolution and mediation services are also available statewide, and act as an on-going "sounding board" and problem solving mechanism for reducing bias crimes in New Jersey. The proposed membership would include all of the 21 County Human Relations Commissions chairpersons, law enforcement agencies, educational departments and institutions, community organizations, and other interested groups in New Jersey. Through this mechanism, New Jersey would develop a coordinated approach to address statewide problems of shifting populations, reduced resources and increasing violence as we move into the 21st Century.

I. Establishment of a State Level Human Relations Council

An on-going state level planning and coordinating mechanism should be established to replace the existing Commission on Racism, Racial Violence and Religious Violence. This proposed New Jersey Human Relations Council (Council) should deal with the problem of bias and violent acts based upon the victim's race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability. The Council should be

administratively housed "in but not of" the Department of Law and Public Safety and with its own, funded staff within the Division of Criminal Justice. The staff should also serve as liaisons for the Council with other appropriate agencies throughout the state.

A Chairperson should be selected from among the public members and the Council should be empowered to appoint subcommittees as needed to study specific issues.

The Council should develop policy proposals for the state and assist with coordinating efforts to prevent and deter crimes based upon the victim's race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability. The Council should also:

- ° assist in diffusing tensions in communities affected by such crimes if needed
- ° act as a clearinghouse for informational and program ideas among the existing County Human Relations Commissions, and
- ° assist in providing training programs for members of the County Human Relations Commissions and other interested community leaders

Additionally, the Council should assist the Office of Bias Crimes and Community Relations in its efforts to foster better community relations throughout the state. Further, the duties outlined here should be closely coordinated with the educational community, federal government, county governments, and local governments to maximize resources and avoid duplication of effort.

Due to the broad nature of bias-based violence, the Council should be composed of an Executive Committee and a minimum of two

standing sub-committees: County Human Relations Chairpersons; and County Youth Human Relations Chairpersons.

In addition, the Executive Committee may request that other state level coordinating bodies appoint members ex-officio to sit on the Council and its sub-committees.

Executive Committee membership should include:

- Ten public members appointed by the Governor and the Legislature who shall be representative of the various ethnic; religious; racial; sexual orientation; gender; and physical, mental or cognitive disabilities organizations within New Jersey. Public members should be appointed for three year terms, staggered initially with one, two and three year appointments to ensure continuity.
- Ex-Officio Members or their designees:
 - The Attorney General;
 - Commissioner of Education;
 - Commissioner of Community Affairs;
 - Commissioner of Corrections;
 - Commissioner of Human Services;
 - Public Advocate;
 - Director of the Administrative Office of the Courts;
 - Director of the Division of Criminal Justice;
 - Superintendent of the Division of State Police;
 - Director of the Division on Civil Rights;
 - President of the County Prosecutors Association of New Jersey;
 - President of the New Jersey State Association of Chiefs of Police;
 - President of the Bias Crime Officers Association of New Jersey;
 - a County Superintendent of Schools selected by the Commissioner of the Department of Education;
 - President of the New Jersey Principals and Supervisors Association;
 - President of the New Jersey Education Association;
 - Chairperson of the New Jersey Human Relations Council's Sub-Committee of County Human Relations Commissions;
 - Chairperson of the New Jersey Human Relations Council's Sub-Committee of County Youth Human Relations Commissions; and

Membership of the Sub-Committee of County Human Relations Commissions:

- ° All 21 County Human Relations Commission Chairpersons or their designees.

The members of the Sub-Committee shall elect a Chairperson of the Sub-Committee who shall serve on the Executive Committee.

Membership of the Sub-Committee of County Youth Human Relations Commissions:

- ° All 21 County Youth Human Relations Commission Chairpersons or their designees.

The members of the Sub-Committee shall elect a Chairperson of the Sub-Committee who shall serve on the Executive Committee.

Staffing

Adequate staffing and financial resources should be provided for the work of the Council and its sub-committees.

Responsibilities

The New Jersey Human Relations Council should:

- ° develop and present a biennial report to the Governor and Legislature on the status of bias and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental, or cognitive disability in New Jersey. The biennial report should also include the status of community relations efforts in the state including new innovative programs.
- ° establish and maintain a listing of conflict resolution programs and experts to be available as a resource for communities in times of crisis.
- ° develop in conjunction with law enforcement agencies, including the Office of Bias Crime and Community Relations, and the educational community appropriate and sufficient cultural diversity training for law enforcement personnel.
- ° assist local communities establish their own local Human Relations Commissions as requested.

- ° assess changes in local demographics and assist communities adapt to minority population shifts upon request.
- ° assist the various state, county and local governmental agencies with multi-cultural awareness programs to better serve the public.

Powers

The New Jersey Human Relations Council should be authorized to:

- ° conduct public hearings throughout the State
- ° establish whatever sub-committees it deems necessary to fulfill its responsibilities
- ° perform fact-finding and prepare reports on particular problems throughout the state in regard to racial; religious; ethnic; sexual orientation; gender; or physical, mental, cognitive disability.
- ° be entitled to call to its assistance and avail itself of the services and assistance of any officials of the State and its political subdivisions and their departments, boards, bureaus, commissions, and agencies as the Council may require.

II. All 21 Counties In New Jersey Should Continue their Human Relations Commissions.

Every county in the State should continue its County Human Relations Commission with adequate representation and resources to reduce and prevent the occurrence of bias and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability.

Responsibilities

The County Human Relations Commission should:

- ° conduct in-county public hearings on a periodic basis in order to insure that local community concerns are heard.
- ° provide periodic information to the Council describing the County Human Relations Commission's findings and

recommendations. The county's information and/or reports should be included in the Council's biennial report to the Governor and Legislature.

- create a Conflict Resolution Team from among its members or other appropriately trained individuals. These teams should serve as a mechanism to settle disputes between members of divergent populations in cases where there has not been a felony or other violent crime committed and to prevent the escalation of minor disputes into serious disruptions within the community. The appropriateness of cases for this type of mediation should be determined by the County Prosecutor on a case-by-case basis.
- membership should be broad-based and representative of a cross-section of constituencies residing and working in the county.
- staffing for the County Human Relations Commission should continue to be provided by the County Prosecutor's Office.

County Youth Human Relations Committees

Additionally, due to the large percentage of bias-type crimes committed by juveniles each County Human Relations Commission should establish as a sub-committee, a County Youth Human Relations Commission. The County Youth Human Relations Commission should be composed of a cross-section of youth chosen from the county on the basis of their interest and involvement in reducing bias that is based upon race; religion; ethnicity; sexual orientation; gender; or physical, mental or cognitive disability. Every school district in the county should be represented on the County Youth Human Relations Commission.

The County Youth Human Relations Commission should develop and implement programs designed to assist young victims of bias-based incidents and crime. Additionally, the County Youth Human Relations Commission should design programs and efforts to reach,

educate, and prevent young people from committing these types of crimes.

III. New Jersey Should Continue its Bias Crime Statutes and Adopt Provisions to Add "Gender" and "Persons with Physical, Mental and Cognitive Disabilities" as a Protected Class.

The Commission recognizes that New Jersey's Harassment Statute, and crimes set forth under N.J.S.A. 2C:33-10 and 2C:33-11 are under review by the New Jersey Supreme Court. If they are found to be unconstitutional and thereby invalid, the Commission recommends that these statutes be modified, and the modifications enacted by the Legislature and signed by the Governor to conform to whatever guidelines are set by the New Jersey Supreme Court, and the revisions enacted into law as expeditiously as possible.

Additionally, the Commission recognizes that there are amendments pending in the Legislature to extend New Jersey's bias crime statutes to include "gender" and "persons with physical, mental or cognitive disabilities" as protected classes. Criminal acts against someone based upon their gender should be protected as any other category because of the potential intimidation of all members of that class creates a unique harm to the victim and fabric of our society. Further, the Commission has found that persons with physical, mental or cognitive disabilities are particularly vulnerable to criminal acts and should be protected under New Jersey's bias statutes. Provisions to this effect amending New Jersey's anti-bias statutes to include both gender and persons with physical, mental or cognitive disabilities should be expeditiously enacted.

IV. Law Enforcement Efforts

A. Priority of Enforcement of Anti-Bias Statutes

The Commission commends the commitment of many law enforcement agencies to keep enforcement of New Jersey's bias statutes a top priority. The Commission however, also believes that this commitment must be made by all law enforcement agencies throughout the state. This can be accomplished by education of law enforcement personnel about the law and the reasons for it. Required training, retraining and reemphasis statewide for every police force is essential as well as a review of policies of enforcement. Training for better investigations to be conducted upon the reporting of a bias crime is also crucial, including handling the complainants with sensitivity and investigative savvy.

B. Office of Bias Crime and Community Relations

The Office of Bias Crime and Community Relations within the Division of Criminal Justice should continue its responsibilities to:

- Seek ways to resolve community tension and to develop initiatives toward that goal.
- Develop bias and hate preventive measures with the advice of religious, community, business and educational groups such as the Stamp Out Hate Crime (S.O.H.C.) and Positive Impact Ensemble (P.I.E.) programs.
- Work with the New Jersey State Police, County Prosecutors' Offices and local police departments to assist investigations, training and to identify patterns in bias crimes upon the request of the law enforcement police executive.
- Accept referrals of allegations of bias offenses from the Division on Civil Rights.

- ° Develop and coordinate regional and statewide training programs as they relate to offenses and investigations of bias-criminality and collective youth violence.
- ° Work with the law enforcement community to develop police minority recruiting programs.
- ° Act as a liaison to other state departments, agencies and commissions concerned with bias incidents and violence based upon race; color; religion; sexual orientation; ethnicity; gender; or physical, mental or cognitive disability.
- ° Assist the proposed New Jersey Human Relations Council with its work throughout the state.

C. Division of State Police

It is recommended that the Uniform Crime Reporting Unit of the Division of State Police continue its data collection and annual reporting of bias crimes in New Jersey to serve as a means of determining the scope of the problem in our state.

Additionally, the Division of State Police through its Uniform Crime Reporting Unit should consider expanding its definition of "Organized Hate Groups" to include "skinhead organizations" and other youth gangs involved in bias-related crimes, or develop a new category for such reporting.

The Central Security Bureau within Intelligence Services Section of the Division of State Police should continue to monitor and review the reports of bias crimes from police agencies throughout New Jersey through its Civil Affairs Unit. Additionally, the Civil Affairs Unit should continue to offer its assistance and expertise to the reporting police agency upon the agency's request.

Further, the State Police Training Academy should continue to provide cultural diversity training for State Police recruits

and veteran Troopers. In addition, the State Police Academy as part of the Department of Law and Public Safety's newly created Institute for Law Enforcement Education should continue to provide training on other bias-related areas and dealing with hostile work environments, dealing with victims of sexual assault, and domestic violence. --

D. Role of Bias Officers

Over the past few years, the development of Bias Investigation Officers has been an important initiative in combatting bias crimes and in resolving community tensions. These positions and assignments are to be commended and should continue.

On the county level, the Bias Officer should work closely with all other investigatory and prosecutorial personnel in solving bias crimes and gang-related violence in the county. The Bias Officer should be involved in the development and implementation of county-based educational and community awareness projects to prevent bias and gang-related violence. Further, the bias officer should work with the County Human Relations Commissions and play a role in conflict resolution and community crisis intervention efforts.

On the municipal level, the duties of the bias officer should include: prime responsibility for bias investigation within their jurisdiction; working closely with the county bias officer in conflict resolution and crises prevention in the municipality; reducing the incidence of gang-related violence;

school-based educational activities; and community awareness projects.

E. Law Enforcement Bias Reduction Program For Grammar School Classes

It is also recommended that the bias officers of this State develop a model program designed to educate grammar school aged children about cultural diversity, self-esteem, and decision-making. The program should utilize police officers who conduct classes in the school and develop a relationship with the students along the lines of the successful D.A.R.E. (Drug Abuse Reduction Education) program.

F. Training of Law Enforcement Personnel

It is recommended that cultural diversity training be continued for all police recruits in New Jersey's Police Academies and that regular on-going cultural diversity training be developed and provided to all veteran police officers. The New Jersey Human Relations Council should work in conjunction with the Police Training Commission, the Division of Criminal Justice, County Prosecutors, the Division of State Police, the New Jersey State Association of Chiefs of Police, and appropriate educational institutions in determining the most efficient means of accomplishing these goals.

Additionally, all prosecutorial staff should also undergo an appropriate program of cultural sensitivity training to assist which their interaction with the victims of bias offenses and community organizations. This program of training should be developed by the New Jersey Human Relations Council in

conjunction with the Division of Criminal Justice and the County Prosecutors Association of New Jersey.

G. Recruitment of Minority Police Officers

The Commission recommends the development of additional strategies for the recruitment of minority police officers throughout New Jersey.

V. School Based Efforts

A. Uniform Guidelines

It is recommended that the New Jersey Department of Education continue its efforts to ensure the adoption and utilization of uniform guidelines for all of New Jersey's school districts concerning the occurrence and reporting of bias incidents and crimes to law enforcement agencies as appropriate.

It is also recommended that all school districts in New Jersey adopt guidelines and enter agreements similar to the Memorandum of Agreement developed in Elizabeth, New Jersey. These guidelines require the school district to work closely with local law enforcement officials and specify the methodology for dealing with a bias incident or crime.

B. Preventive Education Programs and Multi-Cultural Curricula

It is recommended that the Department of Education continue its initiative, "Guidelines For Education That is Multi-Cultural" (GEM) and all school districts throughout the state implement this program as appropriate. This initiative or similar mandate should ensure that all school districts actively seek, develop

and implement Kindergarten through 12th grade curriculum designed to raise cultural awareness and educate students about the contributions of our various multi-cultural groups and the harm of bias in our society.

C. Increased Research and Development of Multicultural Curricula

It is recommended that the State Department of Education increase funding for the development of specific curricula that is multicultural.

D. Dissemination of Existing Curricula and Teaching Resources

Lists of curricula and teaching resources should be made available to all school districts by the State Department of Education.

E. Development of Bias Incident Intervention Programs

It is recommended that the Department of Education continue its work with the Prejudice Reduction Education Program Committee to develop a bias reduction curriculum. This curriculum is proposed to be used as an in-school suspension program for students who have committed minor bias offenses due to their ignorance of the harm caused by these acts. Candidates for this program should not have committed an offense which would qualify as an actual bias crime. The program should be intended for offenders whose behavior can be changed through an intense educational experience.

**REPORT OF THE
COMMISSION ON RACISM, RACIAL VIOLENCE AND RELIGIOUS VIOLENCE**

The Commission on Racism, Racial Violence and Religious Violence was created by Joint Resolution No. 27 of the New Jersey Legislature in 1991. The Commission has been given a two-fold charge: the first is to "study the various problems of racism, racial violence and religious violence," and second, to "determine the methods of preventing racially and religiously motivated violence." After study and deliberation, the Commission shall present its recommendations to the Governor and the Legislature.

Consisting of 18 members, the Commission represents a broad spectrum of culturally diverse advocacy groups, community leaders and governmental officials with widespread expertise and a firm commitment to deal with the issues of racism, racial and religious violence.

The Commission held numerous meetings to discuss the bias problem in New Jersey and also decided to solicit additional information directly from the public. To gather information from the public, the Commission held a series of three hearings during 1993: in northern, central and southern New Jersey. This report contains the findings and recommendations of the Commission based upon the testimony presented at these hearings. The first hearing was held on February 2, 1993 at Brookdale Community College in Monmouth County. The second hearing was held on September 28, 1993 at the Gloucester County Office of Education and the third hearing was held on October 5, 1993 at Passaic

CONCLUSION

The Commission has found that much progress has been made in combatting racism, racial and religious violence in New Jersey, but that much more needs to be done. The Commission believes that the recommendations in this report, if implemented, will move New Jersey closer to the goal of eliminating racial and religious intolerance and violence.

to the Prosecutors Bureau within the New Jersey Division of Criminal Justice for review and investigation and to the New Jersey Department of Education as appropriate.

It is hoped that the recommendations contained in this report will be implemented and result in an innovative statewide system to reduce bias-based violence through community action. It is also hoped that the proposed New Jersey Human Relations Council can act as a statewide clearinghouse and coordinative body to combat racism and promote harmony among all of New Jersey's citizens.

New Jersey: One of the Our Nation's Most Culturally Diverse States

New Jersey has historically been one of the states where new immigrants initially reside and begin their new lives in the United States. Today, this continues to be the case and with the influx of the new immigrants, we continue to have a broad base of different cultures and backgrounds in our state. This presents a culturally-rich climate for our citizens and a wide range of opportunities to enjoy the best other cultures have to offer.

The composition of New Jersey's residents has been changing rapidly over the past ten years. There has been an increase in the minority populations and a decrease in the overall white population. According to a study of the 1990 Census by the Population Studies Department at the University of Michigan, there were approximately 215,000 new immigrants who settled in New Jersey during the 1980's. Minorities comprised approximately 157,000 of these immigrants with sizable numbers of Asian Indians, Chinese, Koreans, Filipino's, Cubans, Colombians,

GLOUCESTER COUNTY (cont'd)

Witnesses:

Dr. Paul Winkler
Executive Director,
New Jersey Holocaust Genocide Education Commission
Honorable Stephen D. Moore
Cape May County Prosecutor
Dr. Peter Contini
Superintendent of Schools, Gloucester County
Joseph Simmons
Student, Delsea Regional High School
Dolores Copeland
School Social Worker, Delsea Regional High School
Dr. Vera Farris
President, Stockton State College
Wayne Swanson
President, Gloucester County Branch, National Association
for the Advancement of Colored People (NAACP)
Chief Nicholas Petitt, Jr.
Pennsauken Township Police Department
Pennsauken Human Relations Council
Trudy Swanson
Student Advocate
Malcolm Dawson
Superintendent, Gateway Regional High School
Edward Hudak
Chairperson,
Gloucester County Disabled Persons Advisory Commission
Sergeant John Gamberg
New Jersey Division of State Police
Sergeant Ray Massi
Camden City Police Department
Bruce Brokenbaough
Disabled American Veteran
Phil Warner
Former President, Southern Gloucester County Branch,
National Association for the Advancement of Colored People
(NAACP)
Florine McCall
Chairperson, Community Relations Department of Atlantic City
Branch, National Association for the Advancement of Colored
People (NAACP)
Mozelle Dansby
Vice-President, Gloucester County Branch, National
Association for the Advancement of Colored People (NAACP)
Charles Walker
President, Parents for Action
Shirley Walker
Vice-President, Parents for Action
James Logan Jr.
President, Williamstown Civic Group
Mark Wood
Police Officer

hampered by existing racial, religious, language, and cultural barriers.

Unfortunately, these barriers make it more difficult to assist the victims of bias crimes and incidents compounding the harm created by these acts. As can be seen in the discussion below about New Jersey's bias crime statistics, there has been a steady increase in these crimes from 1988 to 1992. More frightening has been the increase of crimes against persons as reported in these statistics. It is the Commission's position that these increases also demand a corresponding increase in commitment, efforts and resources to prevent, eradicate, and provide adequate services to the victims of these crimes in New Jersey.

New Jersey's Bias Crime Statistics

As part of the State of New Jersey's response to the increasing awareness of the harm of bias related crime, the New Jersey Attorney General issued "Executive Directive No. 1987-3" to all law enforcement agencies to report the incidence of hate crimes, crimes committed upon persons or property based upon the victim's race, color, creed, ethnicity or religion. Beginning in 1988 statistics on these offenses have been compiled by the Uniform Crime Reporting Unit of the New Jersey Division of State Police. The statistics have shown a increasing number of bias crime reports. Reported bias crimes by year were:

1988	-	593 Bias Crimes
1989	-	607 Bias Crimes
1990	-	824 Bias Crimes

PASSAIC COUNTY (cont'd.)

Witnesses:

Dr. John Abdullah Yasin
Executive Council, Bergen County Branch, National
Association for the Advancement of Colored People (NAACP)
Detective Joseph Kluska
Mount Olive Township Police Department
Nancy Martinez
Interfaith Organization
Joan Waks, Esq.
Chairperson, Passaic County Human Relations Commission
Ray Weyhenmeyer
Ramsey High School
Laura Freytes
President, Puerto Rican Action Council of New Jersey
James A. Davis
Vice-Chairman, Passaic County Human Relations Commission
Joe Best
President, Passaic/Clifton Lodge of B'nai B'rith

increase in the "danger factor" towards individuals because of the increase in rates of bias crimes against persons rather than against property. Also significant in terms of long-term prevention of these crimes is the significant number of juveniles who are perpetrators of these crimes and the number of juveniles who are victims as well. There has also been a great deal of consistency as to the target groups of these bias crimes which should result in better planning and service delivery to the victims of these crimes.

It is also important to note the harm caused by bias crimes is not confined to the victim but also to the community in which the victim resides. The victim's family, friends, and members of his racial, ethnic, or religious group are made fearful. This fear can polarize the community along racial, ethnic, and other lines creating greater tensions and depriving the community of the ability to present a united front against these types of crimes.

A breakdown of the community is particularly troublesome because it is evident that the role of the community at-large is very important in relieving tensions and assisting victims. Two examples from Bergen County demonstrate the effect of the community's response in alleviating bias tensions. In the first example, a mosque was vandalized and the worshippers harassed. And, although the police stationed a patrol car outside the mosque during religious services, the community remained silent, allowing tensions to remain high. In the second example, there was a Jewish cemetery desecration during a Jewish high holy season and the community responded by assisting in the clean-up

