

Protocols

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What happened to me?

- This incident took place on July 17, 2021
- The police responded quickly and professionally, treating me and the witness with compassion
- The perpetrator was arrested soon afterwards
- However, as the case progressed to court, several gaps were exposed – I want these to be addressed for the benefit of future victims, town leadership and the community as a whole
- We will cover 3 scenarios and some general guidance, which I have developed in collaboration with Police Chief Massimino, Detective Sergeant Mea and Prosecutor Muftau



SCENARIO 1

A bias incident occurs and is reported to the Police. Police investigate but for whatever reasons (e.g. lack of evidence), there is no legal action taken and the investigation is over.

1. The alleged victim can be referred to the town's Truth, Community Healing & Inclusion (TCHI) committee as a potential resource if the alleged victim is interested in sharing their experience with the town committee. The TCHI will provide police with a business card or pamphlet to give out in this situation.
2. Since this will not be an ongoing legal matter (although it could be in the future), the Mayor can respond with a general statement that should first be discussed with the Police Chief, Township Attorney and also reviewed by the Prosecutor.
3. Generally, if the incident was fairly publicized, the Mayor should lean toward making a statement.

SCENARIO 2A

A bias incident occurs and is reported to the Police. The investigation is ongoing and the incident was highly publicized.

1. This incident was highly publicized, for example it was reported on social media and other news outlets.
2. The investigation is ongoing, perhaps an arrest is made.
3. If an arrest was made, the matter will be sent to Union County court.
4. The police inform the victim that the police should be contacted if any help is needed and also inform the victim about the Office of Victim-Witness Advocacy for Union County as an additional resource. This is already being done by BHPD.
5. Due to the public nature of the matter, the Police decide to release a statement on the matter.
6. The Police will share this statement with the Mayor, Town Council and TCHI.
7. The Mayor will issue a public statement letting people know that details of an ongoing legal investigation can't be discussed but reiterate that hate has no home in Berkeley Heights.

SCENARIO 2B

A bias incident occurs and is reported to the Police. The incident was not publicized and the investigation is ongoing.

1. This incident was not publicized and remained private.
2. The investigation is ongoing, perhaps an arrest is made.
3. If an arrest was made, the matter will be sent to Union County court.
4. The police inform victim that the police should be contacted if any help is needed and also inform the victim about the Office of Victim-Witness Advocacy for Union County as an additional resource. This is already being done by BHPD.
5. Due to the private nature of the matter, police decide to not release a statement on the matter.
6. The police will write a synopsis, however, that will be shared with the Mayor, Town Council and TCHI.
7. The Mayor will only issue a public statement at the discretion of the Chief

Other Key Takeaways Learned Through My Experience

- For the Mayor and Town Council members, if the victim of a crime in an ongoing legal investigation reaches out to you for any reason, let them know that it is not appropriate to communicate with them for fear of jeopardizing their legal case and refer them back to the Chief.
- There are actually resources available to help victims at the municipal level.
 - Municipal victims are entitled to counseling from the County.
 - Union County Victims Rights has set up “Project Direct” to help victims at the municipal level with any issues they might have with their case. Stephanie Jimenez is the person in charge of Project Direct.

Issues to Still Be Addressed...

1. Trying to get information from Union County on Project Direct has been a painfully slow process. There needs to be a way to communicate to municipal victims that Project Direct is available to them. Currently, Detective Sergeant Mea is waiting to work out that process with Project Direct. This needs to be completed.
2. While I am very pleased that Prosecutor Muftau was appointed this year, as I believe a change was needed for reasons I have already discussed at other meetings, I still have concerns about whether important municipal appointments (e.g. prosecutor, public defender, judge) are made with adequate feedback on the job performance of incumbents. There needs to be a process for gathering information to annually review such positions before reinstating appointments and waiting for people to complain should not be the process.
3. The Township should consider adding a bias crimes statute to the Municipal Code, it is hard to pursue a bias crime at the County level, for example, the County declined to prosecute my case. In my opinion, the consequences should include a fine, anger/diversity counseling and remaining on the perpetrator's record for a maximum of two years.