



August 10, 2021

*Sent via Email*

Montclair Township Manager Timothy Stafford  
Mayor Sean Spiller  
Township Council Members Lori Price Abrams, David Cummings, William Hurlock, Robert Russo, Robin Schlager, and Peter Yacobellis  
Montclair Police Department Chief Todd Conforti  
205 Claremont Avenue  
Montclair, NJ 07042

CC:

Ira Karasick, Montclair Township Attorney  
Christa Rapoport, Chair, Montclair Civil Rights Commission

Dear Township Manager Stafford, Mayor Spiller, Township Council, & Chief Conforti:

As members of AAPI Montclair, we are deeply concerned about the surge of bias and hate attacks on the Asian American community across the country. In the past year, there have been over 6,000 known incidents, a number which continues to climb. Indeed, anti-Asian bias incidents have been reported within our group and to the Montclair Police Department (MPD).<sup>1</sup> A recent Anti-Asian incident involving a member of the Montclair Police Department also illustrates the need for the Township to address diversity, equity, and inclusion throughout its workforce.<sup>2</sup>

Hate crimes and bias incidents are notoriously pernicious and are vastly underreported for a variety of factors, including a lack of awareness of reporting mechanisms, uncertainty of whether the incident should be reported, fear or distrust of law enforcement, and a belief that

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<sup>1</sup> See <https://www.montclairlocal.news/2021/04/05/worried-about-hate-montclair-asian-families-ask-public-schools-for-help/>

<sup>2</sup> See <https://www.northjersey.com/story/news/essex/montclair/2021/07/29/aapi-bias-alleged-facebook-post-montclair-nj-police-officer/5417126001/>

reporting will have little benefit. The U.S. Department of Justice estimates that from 2015-17, nearly half of all incidents were not reported to law enforcement.<sup>3</sup>

At the same time, we must shift our expectations of safety away from solely law enforcement and toward a community response. Combined with national and local calls for community solutions outside of law enforcement, we believe a holistic approach is the best pathway to a truly inclusive Montclair. Due to the nature of bias incidents and barriers to reporting these incidents, AAPI Montclair aims to work together with the Township, Council, community organizations, and others to strengthen our community's response to and prevention of bias incidents and hate crimes targeting the AAPI community and our broader communities, including but not limited to the Black, Latinx, and Indigenous communities, members of the Jewish community, members of the Muslim community, and the LGBTQ+ community.

This letter is intended as a first step toward understanding the practices the Township has in place already and to extend our group's hand to work with you and others on fundamental issues related to addressing and eliminating bias incidents in Montclair, as well as creating a more inclusive community and Township.

### **1. Bias Incident Reporting & Investigation Policy & Protocol**

We ask the MPD to provide the community with and post the Department's policy and protocol for investigating and handling reports of bias incidents, so community members understand what constitutes a bias incident under the law, and what to expect and anticipate from the investigation process. The policy and protocol should be trauma-informed, victim-centered, and culturally sensitive, according to best practices established by the federal Department of Justice, NJ Attorney General's Office, and others.<sup>4</sup>

Given the barriers to reporting bias crimes, we encourage the Township to provide information about how to report bias incidents in its communications and outreach. Currently this information cannot be located on the Montclair Township website. We call attention to the Municipality of Princeton, which has a detailed Bias Incident Investigation Protocol posted on its website, prominently featured in a dedicated "Bias Crime Reporting" page.<sup>5</sup> AAPI Montclair is happy to work together with the MPD and community groups to provide feedback on this policy.

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<sup>3</sup> "Improving the Identification, Investigation and Reporting of Hate Crimes" by the U.S. Department of Justice Hate Crimes Enforcement and Prevention Initiative, <https://cops.usdoj.gov/RIC/Publications/cops-w0895-pub.pdf> (P. 24)

<sup>4</sup> See Action Agenda for Community Organizations and Law Enforcement to Enhance Response to Hate Crimes: <https://lawyerscommittee.org/wp-content/uploads/2019/04/IACP.pdf>; see also "Bias Crime Assessment: A Tool for Law Enforcement and Concerned Communities" by the Vera Institute of Justice, available here: <https://www.ojp.gov/pdffiles1/nij/grants/252011.pdf>

<sup>5</sup> <http://princetonnj.gov/DocumentCenter/View/2518/Our-Policy-on-Bias-Incident-Investigations-PDF>; see also Princeton Police's landing page, which includes a Bias Crime Reporting link: <http://princetonnj.gov/363/Police-Department>

## **2. Township Training & Recruitment**

We ask that the Township provide information about the status of training of township staff, officials, and official bodies on anti-discrimination, anti-bias, diversity & inclusion, and implicit bias. Last August, Governor Murphy signed NJ A3641 into law, which requires law enforcement agencies to participate in diversity and implicit bias training.<sup>6</sup>

We encourage the Township to work with community members and professionals to ensure that training is culturally appropriate, trauma-informed, and routinely updated to reflect current trends and needs. Further, we recommend that these critical trainings occur annually.<sup>7</sup> We recommend that all members of official bodies, including the Montclair Civil Rights Commission and Montclair Planning Board, also receive this training to ensure that diversity, equity and inclusion are embedded in all areas of decision-making.

We also call on the Township and the Montclair Police Department to join other municipalities in New Jersey in detailing to the community its workforce diversity and efforts to recruit staff of diverse backgrounds.<sup>8</sup> We also call on the Mayor and Council to issue a policy requiring Township Boards & Commissions to make all efforts to ensure that they too reflect the diversity of the community, conduct outreach to underrepresented communities, and report on those efforts.<sup>9</sup>

## **3. Tracking of Incidents**

According to the NJ State Attorney General's Office, Montclair recorded 20 bias incidents in 2020, which include two reported at Montclair State University.<sup>10</sup>

Bias incidents impact not just the individuals directly affected, but the community at large. We encourage the Township to provide the community with data about these bias incidents disaggregated by bias motivation, a summary of the offense, type of location, and other relevant information. Data is critical in helping the community to understand patterns of bias and

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<sup>6</sup> See <https://nj.gov/governor/news/news/562020/approved/20200827d.shtml>

<sup>7</sup> See Princeton Police Department Annual Report 2019 (p. 27), available here: <https://www.princetonnj.gov/ArchiveCenter/ViewFile/Item/88>

<sup>8</sup> NJ A2394/S401 that requires the MPD to establish a recruitment program and detail its success was signed into law by Governor Murphy in October 2020. Princeton Police Department Annual Report 2020 (p. 8), available here: <https://www.princetonnj.gov/ArchiveCenter/ViewFile/Item/1902>

<sup>9</sup> All Township committees such as the Planning Board can benefit from diversity to ensure that equity and inclusion is embedded in its mission and work. See for example the American Planning Association's Planning for Equity Guide: <https://montgomeryplanning.org/planning/equity-agenda-for-planning/>; and the Montgomery County Equity Agenda for Planning: <https://montgomeryplanning.org/planning/equity-agenda-for-planning/>.

<sup>10</sup> NJ State Police 2020 Preliminary Bias Incident Report, available here: [https://www.njsp.org/ucr/pdf/bias/2020\\_Preliminary\\_Bias\\_Incident\\_Report.xlsx](https://www.njsp.org/ucr/pdf/bias/2020_Preliminary_Bias_Incident_Report.xlsx)

hate, mobilize, and develop and strengthen resources to prevent and combat hate. Trust is also built when community residents know that these incidents are being investigated thoroughly. We recommend that the MPD and Township (e.g. through the auspices of the Civil Rights Commission) also provide annual data and information on the progress and outcome/disposition (e.g. whether the incident was referred for prosecution) of bias incident investigations.<sup>11</sup>

#### **4. Developing & Supporting Community Solutions**

Many bias incidents do not rise to the level of a hate crime, which means the MPD may not have recourse to further action, and leaves a gap where victims may not feel safe, perpetrators may not be held accountable, and the harm to the victim and community is left unaddressed. This void is a key example of why we must shift our expectations of safety away from solely law enforcement and toward a community response. We urge Montclair Township to invest in community solutions such as restorative justice, mediation, education, and community mobilization.<sup>12</sup> AAPI Montclair, to take one example, has made significant inroads working in our schools to help ensure safety and foster inclusion, supported by the work of schools' social justice committees and Restorative Justice Montclair.

We encourage the Township to dedicate resources to empower the community, its Civil Rights Commission, and community groups to identify needs and strategies to combat bias and promote inclusion. To that end, we recommend that the Township develop a community-wide strategic plan to address hate and bias, and build an inclusive community<sup>13</sup>.

#### **Conclusion**

Thank you for your time and service to our community. A summary of all our recommendations is attached. We look forward to hearing from you.

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<sup>11</sup> See for example the Princeton Police Department's releases of disposition information for their Internal Affairs Investigations: <https://www.princetonnj.gov/ArchiveCenter/ViewFile/Item/88> (P. 19)

<sup>12</sup> See for example the City of Eugene in Oregon's Hate & Bias Incident Plan which empowers their Office of Human Rights & Neighborhood Involvement to track criminal and non-criminal hate and bias activity, and provide victim support and coordinated community support: <https://www.eugene-or.gov/3643/Hate-and-Bias-Report> and Toolkit: <https://www.eugene-or.gov/4061/Hate-Bias-Prevention-and-Response-Toolkit>; see also "Exploring Alternative Approaches to Hate Crimes" by Stanford Law School Law and Policy Lab and the Brennan Center for Justice (June 2021): [https://www-cdn.law.stanford.edu/wp-content/uploads/2021/06/Alternative-to-Hate-Crimes-Report\\_v09-final.pdf](https://www-cdn.law.stanford.edu/wp-content/uploads/2021/06/Alternative-to-Hate-Crimes-Report_v09-final.pdf)

<sup>13</sup> See for example the Randolph, NJ Municipal Diversity and Inclusion Community Recommendations issued in July 2021: [https://go.boarddocs.com/nj/tornj/Board.nsf/files/C54GYA460B92/\\$file/Municipal%20Diversity%20and%20Inclusion%20Workgroup%20Report.pdf](https://go.boarddocs.com/nj/tornj/Board.nsf/files/C54GYA460B92/$file/Municipal%20Diversity%20and%20Inclusion%20Workgroup%20Report.pdf)

Sincerely,

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## **AAPI Montclair Recommendations Summary**

### **1. Bias Incident Reporting & Investigation Policy & Protocol**

- a. Ask MPD to provide the community with and post the Department's policy and protocol for investigating and handling reports of bias incidents
- b. Ask Township to provide information about bias incidents and how to report them to various bodies in its communications and outreach

### **2. Township Training & Recruitment**

- a. Ask Township and Mayor to provide information about the status of training of all township staff, officials, and official bodies on anti-discrimination, anti-bias, diversity & inclusion, and implicit bias
- b. Ask MPD to provide information on the status of its diversity and training efforts in accordance with the law
- c. Ask Mayor to issue a policy and require annual training on diversity, equity, and inclusion for all official bodies and commissions
- d. Ask Township to provide details on workforce diversity and diversity recruitment efforts and develop a diversity hiring action plan available to the public
- e. Ask MPD to provide information on its efforts to diversify and recruit its workforce in accordance with the law

### **3. Tracking of Incidents**

- a. Ask the Township and MPD to provide annual data and information on the disposition of incidents reported to the MPD and/or an official body or Commission

### **4. Developing & Supporting Community Solutions**

- a. Ask the Township to dedicate resources and develop a community-wide strategic plan to address hate and bias, and build an inclusive community