

City of Minot



To: House Judiciary Committee Police Department
Re: HB1443 – Support if Amended

Committee Members,

I would like to address the following concerns with House Bill 1443 as presented for consideration. I speak to you against this bill as written, but I would support if the following changes were made. In concept, this bill sets the foundation for law enforcement to have better, more consistent training, enforcement, and tracking of bias related (hate) crimes in our communities. I am currently the Chief of Police for Minot Police Department and I have 26 years of service as a sworn officer with our department. In addition, I speak from my experience and current appointment as Chairman for the North Dakota Peace Officer Standards and Training Board.

My main concerns with this bill are as follows:

- I use my experience on the POST Board to speak to the fact that they are not the “trainers”, but they would be the agency that would approve the curriculum for the training.
 - The Board is made up of nine members from various agencies across the state and only has two permanent employees assigned. Only one of these employees is a certified instructor for the State of ND. This is not their only area of responsibility as they also have oversight of the State’s 24/7 program.
- If there is a training requirement, how do the various agencies fund this training effort for their departments. This concern includes the training time commitment the small agencies face when they do not have an instructor for the topic.
- Two points of concern under the outline provided on what the training must cover:
 - (3) Provide instruction on... the remedies available to, a victim of a bias crime.
 - The concern is that they are talking about a set curriculum across the state for all law enforcement. I know the resources available to victims of certain crimes are different from city to city and would not be available in some rural counties.
 - (4) Illustrate proper techniques and methods to handle a bias crime incident in a noncombative manner.
 - I am unsure what this item relates to in the training curriculum, but I read it to mean we need training to ensure we are not “combative” when dealing with victims of bias related offenses.
- This bill currently only addresses enhancements in 2 of the 3 crimes written into the bill.
 - 12.1-17-02 Aggravated Assault – under (e) it would make any assault based on the actual or perceived bias as listed a C felony.
 - If the assault is based on bias and I cause serious bodily injury it remains a C felony and there is no enhancement.
 - 12.1-21-05 Criminal Mischief – as written enhances a b-misdemeanor to a B felony for any damage to property for one of the bias listed in the definition.
 - Based on this rationale, it is more serious to damage the property of another person than it is to physically assault them.

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- 12.1-17-07 Harassment – confirms if you harass someone based on one of the areas of bias, it is still harassment. There is not an enhancement listed.
 - There are several crimes that should have enhancements that were not written into this bill and are likely to be encountered. The major one being terrorizing since most of the assaults and property damage, if done for the sake of bias, are meant to cause fear or intimidation so this crime would remain a C felony. Another law that an enhancement should be considered relate to causing a death, such as negligent homicide or attempted murder, these would remain the same with no enhancement.
- The final point is the bi-annual reporting, which seems redundant since we already report this data, if identified through investigation, in our Uniform Crime Reporting to the state and federal agencies.

In general, I voice that I am in support of addressing the issue of bias as a state and want justice for the victims of these crimes. By the same token, I want this to be a fair and complete process so we can truly close the gaps in the investigations, sentencing, and resources available. As a state, the law enforcement, prosecutors, victim & human rights advocates, and other interested parties need to have a bill in place that helps them support the victims and hold the violators accountable for their actions.

Without changes to the areas listed above, this bill only provides a good foundation for a law, but it misses the mark in many areas that are critical in a bias or hate crime law.

Thank you for your time and consideration of my written testimony. Please feel free to contact me with any questions you may have concerning my views on House Bill 1443. I hope we can work on this together and pass a valuable law to address the bias experienced by some members of our communities.

Respectfully,



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