



HATE CRIMES

2020

Suffolk County Police Department

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30 Yaphank Avenue, Yaphank, New York 11980
Prepared by the Office of the Police Commissioner

SCPD Hate Crimes Report for 2020

“Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society.

Legislative findings, NY PENAL LAW §485.00¹

The SCPD Hate Crimes Unit

The Suffolk County Police Department places the highest priority on preventing, detecting, solving and prosecuting Hate Crimes.² The Hate Crimes Unit (HCU) investigates all incidents involving a possible hate motive anywhere in the police district. Incidents involving death or other serious circumstances are also investigated by other units, such as the Homicide and Arson Squads, but the HCU retains responsibility for any hate elements within those investigations.

From the inception of the HCU, the SCPD has always maintained a robust policy governing its investigatory responsibilities.³ That policy also contains rigorous oversight and auditing protocols, and since 2017, a detailed procedure for maintaining a mapping database.



In addition to these functions and responsibilities, the HCU provides on-site instruction to Department personnel at the Police Academy in the Recruit Training, Criminal Investigations and Supervision courses. HCU detectives also consult with the Academy staff responsible for delivering the annual Hate Crimes training to In-Service personnel. The central theme of this training is the need for all members of the Department to report incidents that appear to contain the slightest “hate element”, and to notify the HCU in all circumstances. Members of the HCU also provide training outside the Department at a host of community events and programs where

¹ New York State’s Hate Crimes law is codified in Article 485 of the Penal Law. Rather than creating separate offenses, the statute enhances the penalties for existing crimes in which the offender selects a victim because of their race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation.

² The U.S. DOJ has found SCPD hate crimes operations in Substantial Compliance with all the terms of a negotiate Settlement Agreement since October of 2018.

³ That policy is now contained in Section 319 “Hate Crimes and Incidents” which is attached to this report as Appendix A. Prior references to the Hate Crimes Rule and Procedure were to “Chapter 24, §6”.

they stress that timely reporting of incidents is essential to the preservation of evidence and identification of witnesses.

Hate Crimes Reporting

The SCPD reports data on Hate Crimes to the New York State Division of Justice Services (DCJS) on a monthly basis. This is accomplished using a format provided by DCJS, who in turn reports hate crime statistics to the F.B.I. on an annual basis.

**NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
HATE CRIME INCIDENT REPORT**

Report is to be submitted each month. UCR agencies reporting no hate crimes for a particular month must check the "Nothing To Report" box on page 5 of the Return A. IBR participating agencies must submit this form and check the "Nothing to Report" box when no hate crimes have been reported. Forms should be sent to: **State of New York Division of Criminal Justice Services, Crime Reporting Unit, Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210, fax 518-485-8039, or email infonysucr@dcjs.ny.gov**

Agency Name _____ Agency ID# _____ Month and Year of Report _____ Nothing to Report (NTR)

Prepared By _____ Title _____ Phone Number _____ Email Address _____

A Incident Date mm/dd/yy	B Agency Case Number	C Hate Crime Incident Classification <small>See Law Section Reference Table (Include Penal Law Subsection)</small>	D Bias Motivation	E Incident Information																
				Location of Hate Crime	Type of Victim	Victim(s) Demographics				Offender(s) Demographics										
						Age	Gender	Race	Ethnicity	Age	Gender	Race	Ethnicity							

C. Hate Crime/Incident Classification (See Hate Crime Penal Law Reference Table)

D. Bias Motivation

RELIGION/RELIGIOUS PRACTICE
 (21) Anti-Jewish
 (22) Anti-Catholic
 (23) Anti-Protestant
 (24) Anti-Islamic (Muslim)
 (25) Anti-multi-religious groups
 (26) Anti-Atheism/Agnosticism
 (27) Anti-religious practice, generally
 (28) Anti-other religion
 (29) Anti-Buddhist
 (30) Anti-Eastern Orthodox (Greek, Russian, etc.)
 (31) Anti-Hindu
 (32) Anti-Jehovah's Witness
 (33) Anti-Mormon
 (34) Anti-Other Christian
 (35) Anti-Sikh
 (55) Anti-Native Hawaiian/Pacific Islander

ETHNICITY/NATIONAL ORIGIN/ANCESTRY
 (31) Anti-Hispanic
 (32) Anti-Arab
 (34) Anti-other ethnicity/national origin/ancestry
 (56) Anti-Not Hispanic

SEXUAL ORIENTATION
 (41) Anti-male homosexual (Gay)
 (42) Anti-female homosexual (Lesbian)
 (43) Anti-LGBT (mixed group)
 (44) Anti-heterosexual
 (45) Anti-bisexual

DISABILITY
 (51) Anti-physical disability
 (52) Anti-mental disability

AGE
 (04) 60 years old or more

RACE/COLOR
 (11) Anti-White
 (12) Anti-Black
 (13) Anti-American Indian/Alaskan Native
 (14) Anti-Asian
 (15) Anti-multi-racial groups
 (55) Anti-Native Hawaiian/Pacific Islander

E. Incident Information

Location of Hate Crime
 (61) Place of worship (Churches, Synagogues, etc.)
 (62) Other property owned/operated by target group (e.g., religious, ethnic, etc. institutions or organizations)
 (63) Public Property (school, street, gov't building, hospital, jail/prison, etc.)
 (64) Business
 (65) Residence
 (66) Other Location

Type of Victim
 (72) Individual(s)
 (73) Structured Group or Organization (i.e., demonstrators, religious, ethnic or advocacy, etc.)

Ethnicity Code
 H - Hispanic
 N - Non-Hispanic

Race Code
 W - White
 B - Black
 A - Asian/Pacific Islander (Chinese, Indian, Japanese, Indian, Korean, Vietnamese, Philippine, Samoan, etc.)
 I - American Indian/Alaskan Native
 O - Other
 U - Unknown

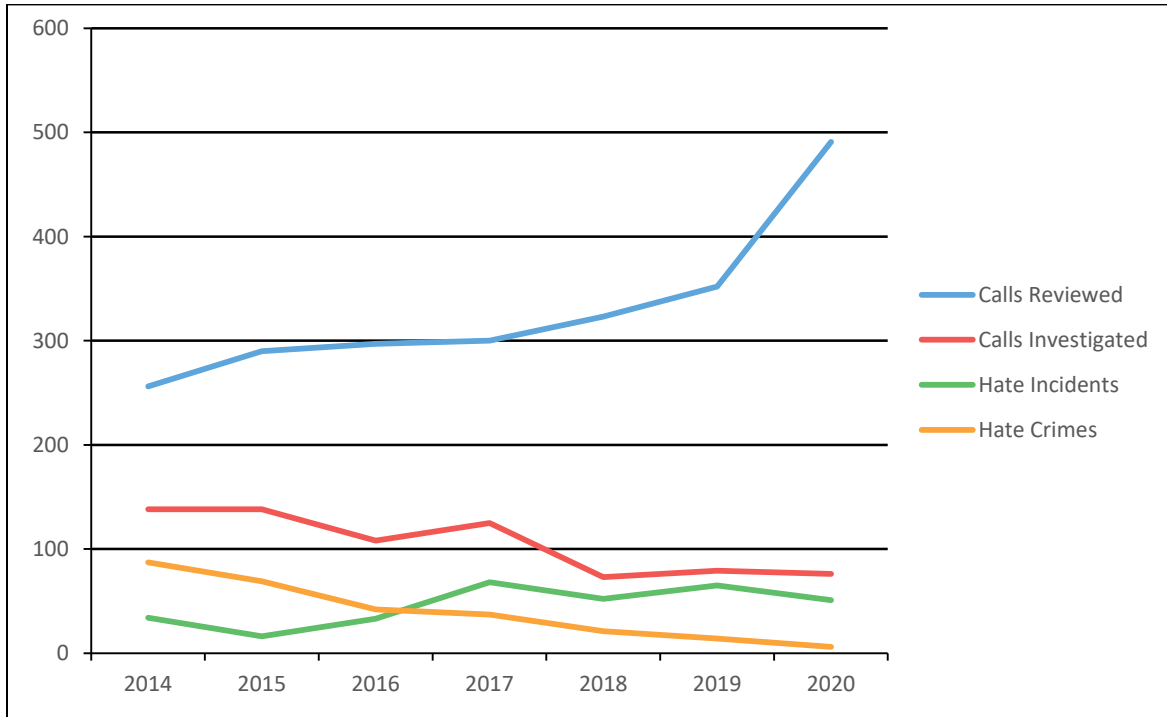
DCJS - 3294 (7/16)

To ensure accuracy of reporting, SCPD adopts the same categories used by DCJS in describing the hate motivation of a particular crime. SCPD also tracks those Hate Incidents which involve white supremacist ideation that simultaneously targets multiple demographics.

The category of "Hate Crime" includes all New York State Penal Law offenses listed in §485.05 and the offenses of Aggravated Harassment in the first degree, Harassment in the first degree and certain subsections of Aggravated Harassment in the second degree. "Hate Incidents" are those cases, criminal or not, which involve a hate motivation, but not an offense on the §485.05 list.

2020 Hate Crimes Data and Visualizations:

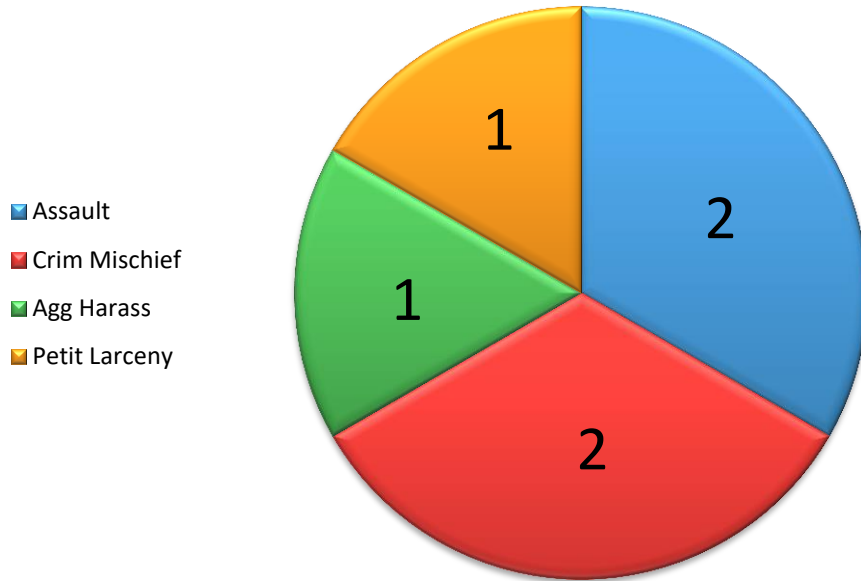
A total of 491 incidents were reviewed by the HCU in 2020. Seventy-six (76) of those were found to contain some element of hate and were investigated as HCU cases. Fifty-one (51) of those cases were ultimately classified as Hate Incidents, and 6 were designated as Hate Crimes.⁴ Of the 6 Hate Crimes cases, 2 were cleared by arrest.



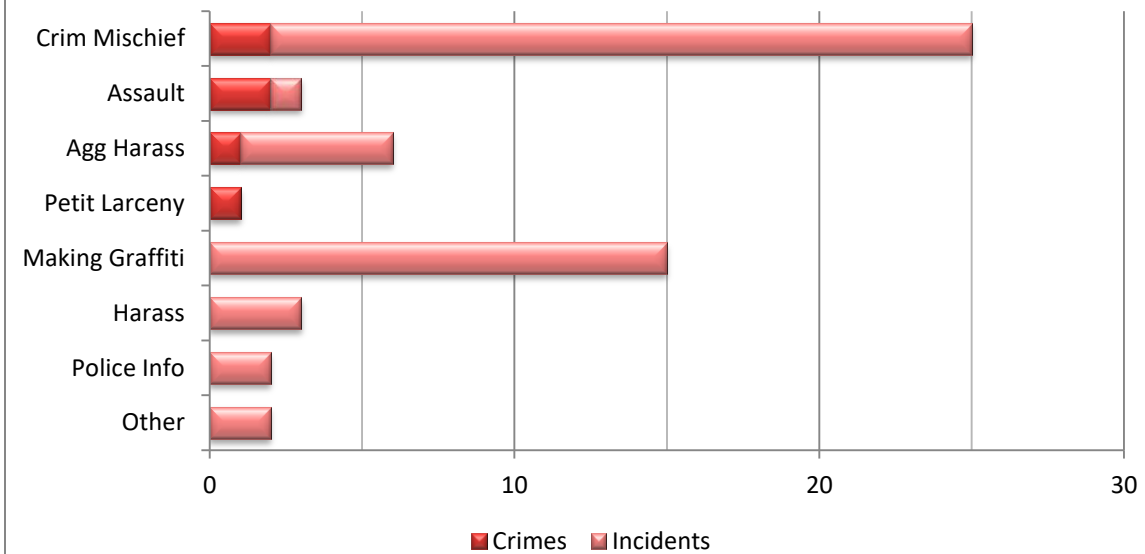
	2014	2015	2016	2017	2018	2019	2020
Total Calls Received & Reviewed	256	290	297	300	323	352	491
Calls Investigated by Hate Crimes	138	138	108	125	73	79	76
Hate Incident	34	16	33	68	52	65	51
Hate Crime	87	69	42	37	21	14	6
% Cases as DCJS Reportable Hate Crime	63.0%	50.0%	38.9%	29.6%	28.8%	17.7%	7.9%

⁴ Of the 51 Hate Incidents, 48 involved allegations of criminal acts; 2 cases were cleared by arrest, 2 were closed non-criminal; 18 were exceptionally cleared and 26 are pending.

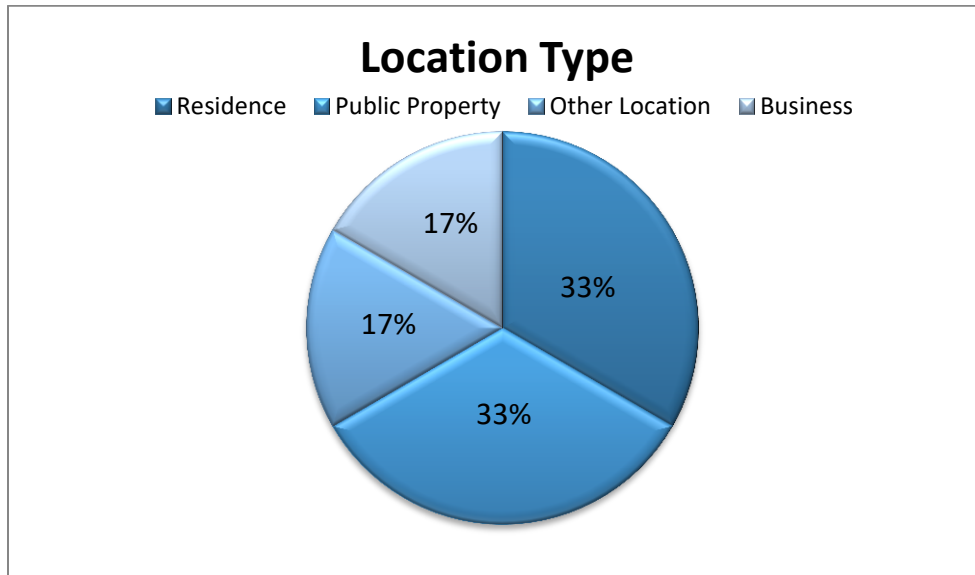
Hate Crimes by Offense



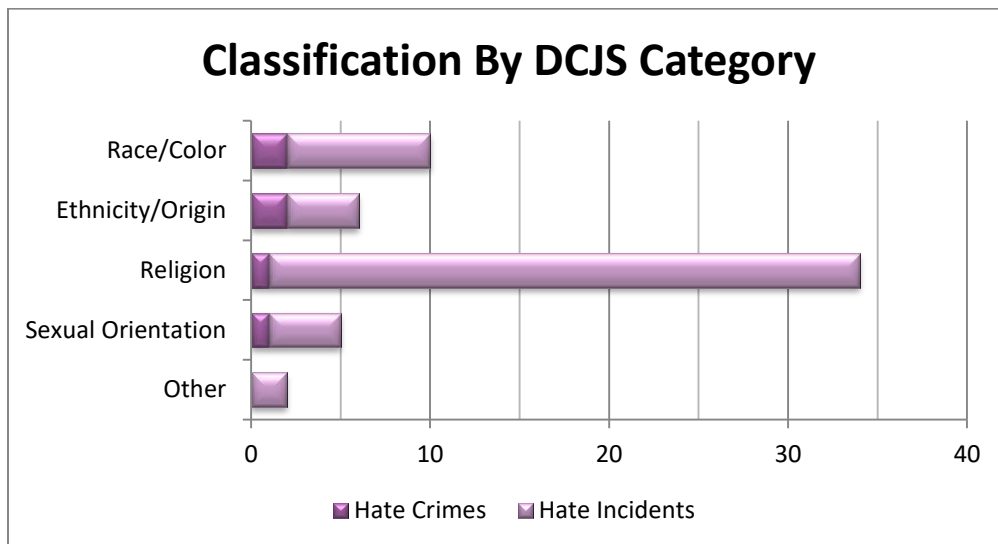
Hate Crimes vs Hate Incidents



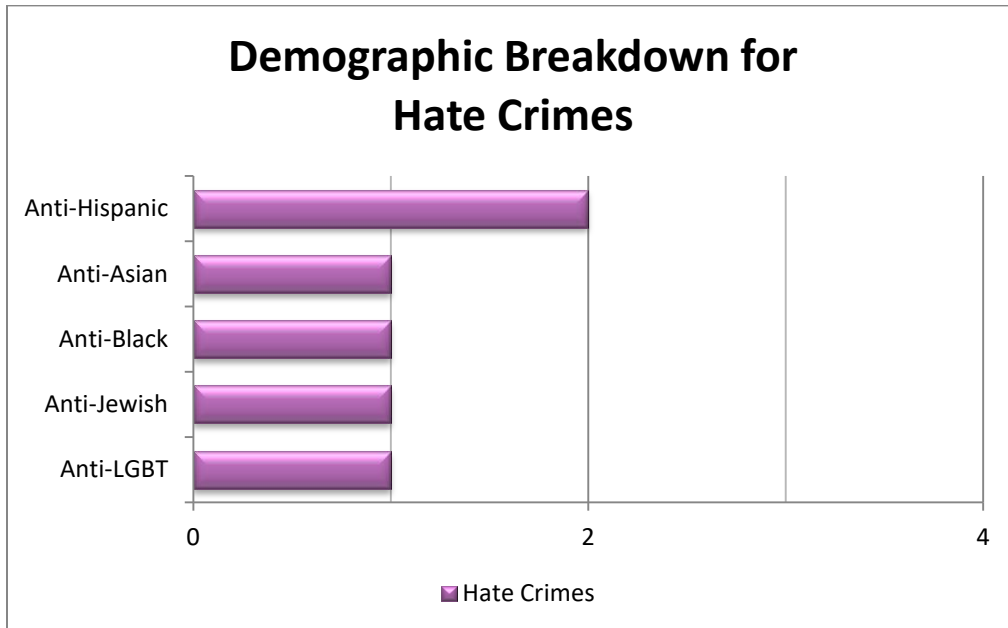
The two most common locations in which Hate Crimes were reported in were residences and public property, which shared an equal percentage of occurrence. This marks a significant increase in Business locations accompanied by an even more steep decrease in Places of Worship.



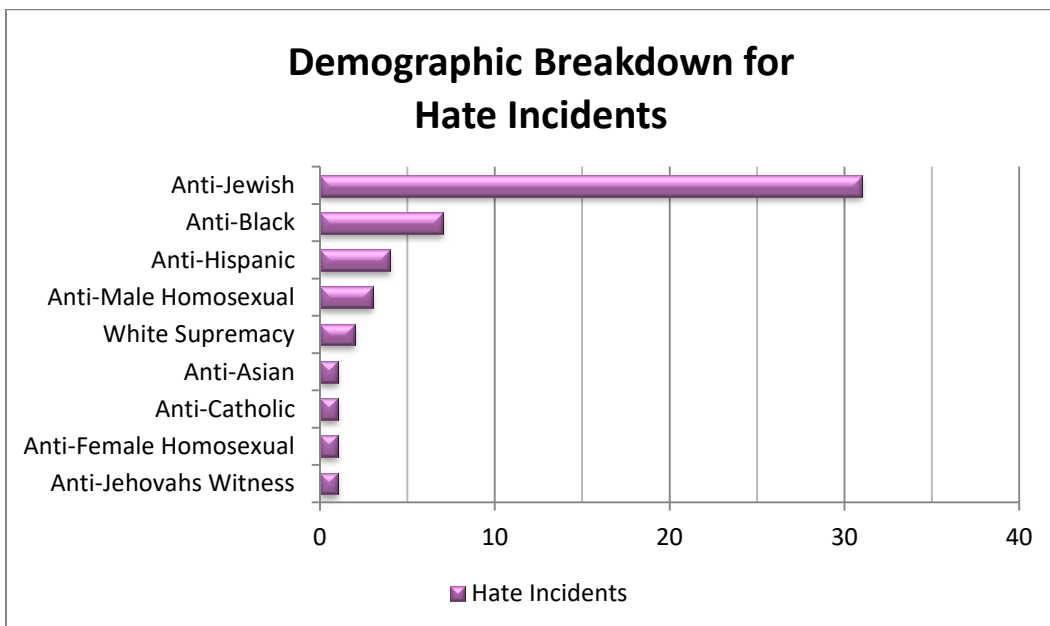
The most frequently targeted demographics for Hate Crimes in 2020 were Race/Color and Ethnicity/National Origin. When the larger pool of Hate Incidents is considered, Religion accounts for the overwhelming majority of demographic category.



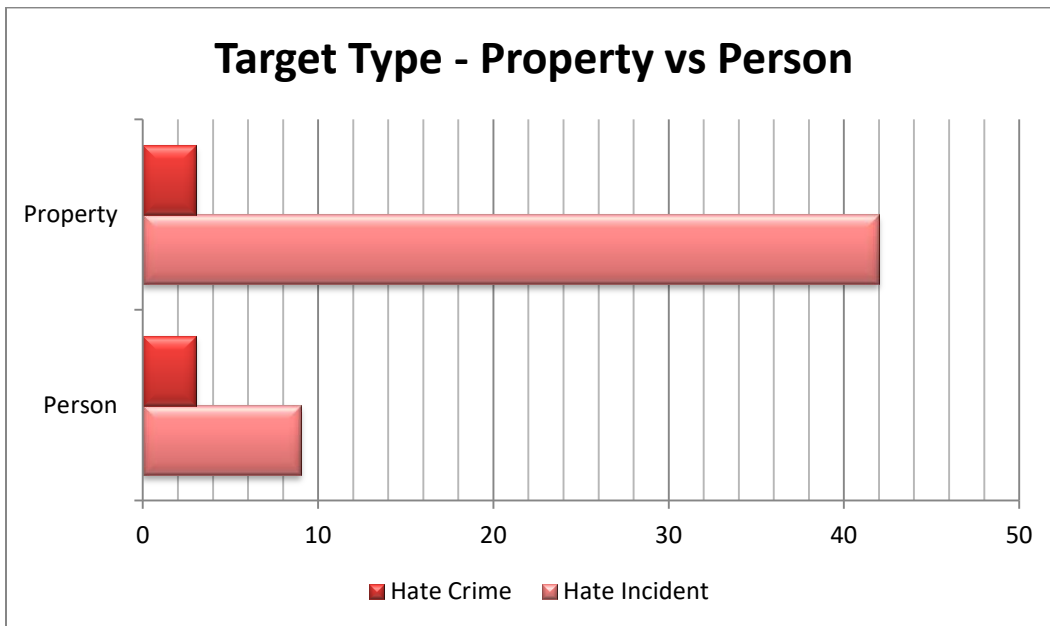
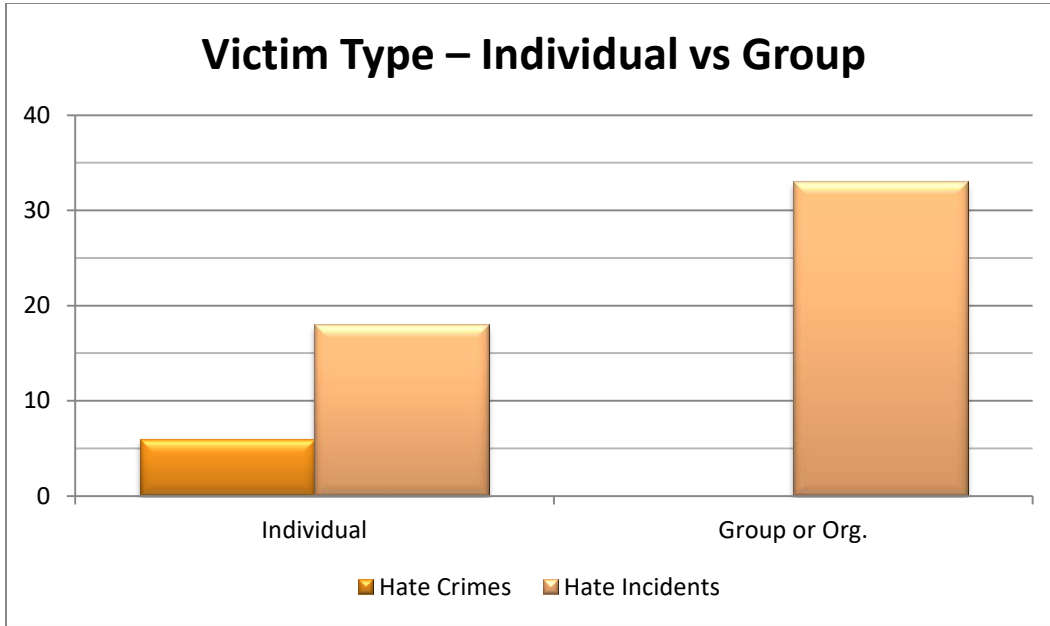
When these categories are broken down into individual demographics, Hispanic was the most common Ethnicity for victims of Hate Crimes.



When Hate Incidents are included, Jewish was the most targeted religion and Black the most targeted Race/Color.

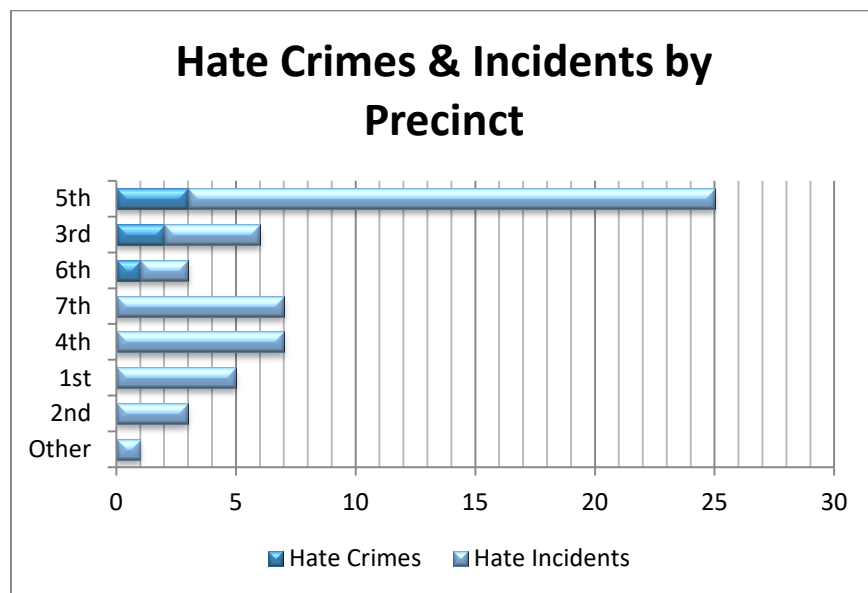
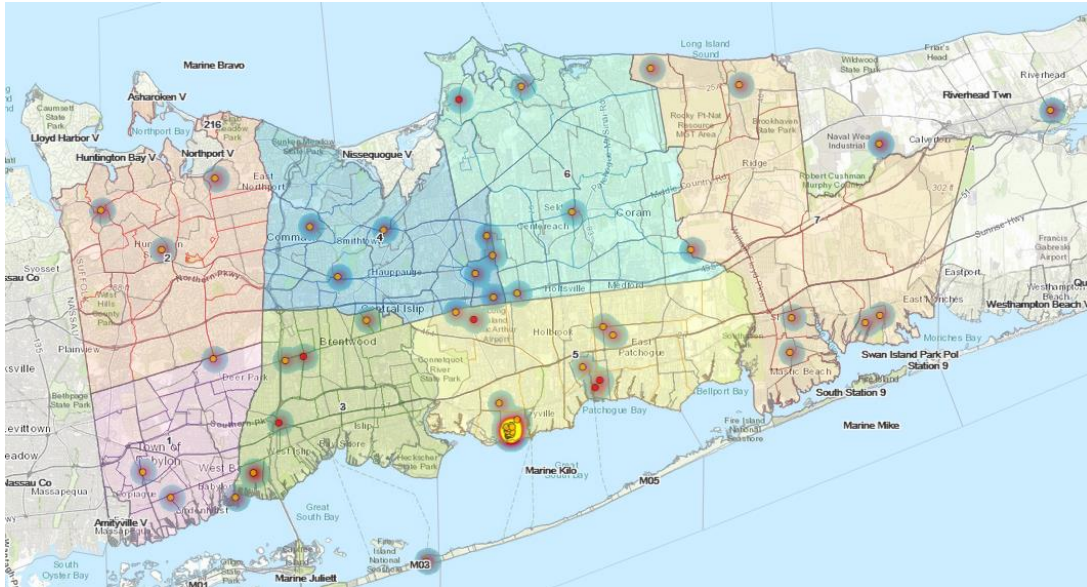


Individuals were the sole victim-type Hate Crimes for 2020. However, when Hate Incidents are included, Group targets were far more common. As in 2018, this dichotomy is again driven by the large number of Making Graffiti incidents.



Comparisons by Precinct

The only notable geographic concentration of Hate Incidents in 2020 occurred in the 5th Precinct, and involved a youth who defaced a row of cars on one residential street with swastikas. No evidence of anti-Semitic intent was uncovered and none of the owners wished to press charges. The case was, therefore, exceptionally cleared. Three of the six Hate Crimes also occurred in the 5th Precinct; two unrelated anti-Latino assaults and one anti-Black criminal mischief.



APPENDIX A

Hate Crimes and Incidents

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Hate Crime - A specified offense as defined in Penal Law §485.05 committed or intended to be committed in whole or substantial part because of a belief or perception regarding the race, color, religion, national origin, gender, sexual orientation, gender identity or expression, disability, ancestry, religious practice or age of a person, regardless of whether that belief or perception is correct.

Protected Class - The actual or perceived race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age (60 years old or more), disability (physical or mental impairment that substantially limits a major life activity) or sexual orientation of a person.

Non-designated Hate Offense - Any offense that targets a protected class, appears to be motivated by hate, and evinces the requisite intent associated with Hate Crimes, but is not specifically categorized as a Hate Crime in Penal Law §485.05(3). Examples of Non-designated Hate Offenses include, but are not limited to: Subdivisions 3 & 5 of Penal Law § 240.30 (Aggravated Harassment Second Degree) and Subdivisions 1-5 of Penal Law § 240.31 (Aggravated Harassment First Degree).

Bias Motivated Incident - An incident which occurs in whole or in substantial part because of a belief or perception regarding a person's membership in a protected class, regardless of whether the belief or perception is correct.

Hate Incident - An incident that is apparently bias motivated involving an element of hate targeting a protected class, regardless of whether the belief concerning the target's membership in that protected class is correct, and regardless of whether said incident is unlawful.

Other Hate Crimes Unit Investigation - An incident that, although initially reported as a Hate Crime or Hate Incident, is revealed by investigation not to be motivated by bias or hate, but which remains with the Hate Crimes Unit.

House of Worship - Any church, mosque, temple, chapel, meetinghouse, or synagogue where persons congregate to perform acts of religious praise, honor or devotion.

House of Worship Related Facility - Any building or facility having a connection to a house of worship or religious practice. This would include religious schools, manse, individual or group residences of retired or active clergy, church auditoriums, and garages and/or athletic fields and supporting structures on church grounds.

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Calls Reviewed - Calls that are reviewed by Hate Crimes Unit detectives when contacted for consultation on incidents with possible bias components or noted by them during review of the Communications Section Log for calls initially designated as possible hate offenses.

319.2 POLICY

The Suffolk County Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the Department and will be given the highest priority. The Department shall employ necessary resources and vigorous law enforcement action to identify and arrest Hate Crime suspects. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, officers shall be mindful of and responsive to the security concerns of victims and their families.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this Department is committed to taking a proactive approach to preventing and preparing for likely Hate Crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of Hate Crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about Hate Crime laws.

319.3.1 HATE CRIME VICTIM ADVOCACY AND COMMUNITY EDUCATIONAL SERVICES

The following services are available in Suffolk County:

- (a) Suffolk County Crime Victim Center's Hate Crime Advocacy and Outreach Program - Victims of Hate Crimes can experience mental, physical and/or emotional trauma that can have a lifelong devastating impact. Early intervention and the provision of crime victim services can greatly reduce the negative impact crime has on victims, their family and the community. The Suffolk County Crime Victim Center's Hate Crime Advocacy and Outreach Program may assist with the provision of crime victim services to Hate Crime victims, and is available 24 hours a day at 631-626-3156.

319.4 INVESTIGATIONS

Upon receiving a report of a Hate Crime, Non-designated Hate Offense, or Hate Incident, officers should:

- (a) Promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate. Officers shall investigate all complaints alleging the

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- commission of a Hate Crime, a Non-designated Hate Offense or a Hate Incident, whether received from a victim, witness, potential witness or other third party reporter.
- (b) Promptly notify their supervisor and the Hate Crimes Unit via the Communications Section supervisor.
 - (c) Take reasonable steps to preserve evidence that establishes a possible Hate Crime once the in-progress incident has been stabilized (e.g., treatment of victims or arrest of suspects at the scene).
 - (d) Take appropriate action to mitigate further injury or damage to potential victims or the community.
 - (e) Interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a Hate Crime.
 - (f) Make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
 - (g) Include all available evidence indicating the likelihood of a Hate Crime in the relevant reports. Hate offenses should be appropriately classified in the online reporting system.
 - (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide victim assistance information as appropriate.

See procedure: [HATE CRIME PRELIMINARY ACTIONS](#)

See procedure: [HATE CRIMES PRELIMINARY REPORTING](#)

319.4.1 IMMIGRATION STATUS

Officers shall not inquire of any victim, witness, potential witness, or person receiving police assistance as to his/her immigration status. Consistent with constitutional mandates, as well as basic principles of effective policing, victims, as well as witnesses and other persons requesting police assistance, should not be discouraged from approaching police officers out of fear of inquiry into their immigration status. An exception to this requirement shall exist if any of the following situations occur:

- (a) The person has been arrested for a crime.
- (b) As may be otherwise legally required during a criminal proceeding.

319.4.2 SUPERVISORY RESPONSIBILITIES

Precinct patrol supervisors shall:

- (a) Respond to the scene of all possible Hate Crimes, Non-designated Hate Offenses, or Hate Incidents and confer with the initial responding officer(s).
- (b) Take preventive measures to ensure the safety of the victim.
- (c) Ensure necessary preliminary actions have been taken.

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- (d) Notify the Hate Crimes Unit and the responsible investigative command if they have not already been notified.
- (e) Ensure that officers conduct a thorough preliminary investigation.
- (f) Notify the Communications Section supervisor and other appropriate personnel in the chain of command, depending on the nature and seriousness of the possible Hate Crime, Non-designated Hate Offense, or Hate Incident, and its potential inflammatory and related impact on the community.
- (g) Ensure all relevant facts are documented on the appropriate reports.

319.4.3 DETECTIVE DIVISION RESPONSIBILITIES

The Hate Crimes Unit will have primary investigative responsibility for Hate Crimes, Non-designated Hate Offenses and Hate Incidents, except for incidents involving death or as determined by the Police Commissioner, Chief of Department or Chief of Detectives. When another investigative command has primary responsibility, the Hate Crimes Unit shall investigate the hate-related nature of the incident, and assist the primary investigator(s) as required. The Hate Crimes Unit is charged with and will be responsible for determining at any stage of an investigation if the offense is a Hate Crime or Hate Incident.

See procedure: [HATE CRIMES INVESTIGATOR RESPONSIBILITIES](#)

The Hate Crimes Unit shall be responsible for maintaining statistical data and tracking of suspected Hate Crimes, as indicated or required by state law (Executive Law § 837).

The assigned investigator will be responsible for:

- (a) Coordinating further investigation with other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.

See procedure: [VICTIM ASSISTANCE AND FOLLOW-UP](#)

See procedure: [CALLS REVIEWED AND REFERRAL TO OTHER INVESTIGATIVE COMMANDS - NON-HATE CRIME/HATE OFFENSE/HATE INCIDENT](#)

See procedure: [PROCEDURE WHEN SUSPECT IS NOT IN CUSTODY OR HAS NOT BEEN IDENTIFIED](#)

319.4.4 SPECIFIC NOTATIONS

When a person is convicted of a Hate Crime and the specified offense is a misdemeanor or class C, D or E felony, the Hate Crime will be deemed to be one category higher than the offense actually committed (Penal Law § 485.10). Notice that the crime charged is a Hate Crime must be indicated on the accusatory instrument. The factual part of the instrument should contain facts supporting the determination that the crime is a Hate Crime. The accusatory part of the instrument should give notice to the court by using an “H” designation at the end of the statute citation. For example, an accusatory instrument for Criminal Mischief in the Fourth Degree determined to be a Hate Crime would appear as Penal Law § 145.00(1)H and cited as “Criminal Mischief in the Fourth Degree as a Hate Crime.”

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319.5 INVESTIGATIVE REVIEW

319.5.1 MAJOR CASE SECTION COMMANDING OFFICER'S RESPONSIBILITIES

The Commanding Officer of the Major Case Section or designee closely reviews Hate Crimes Unit investigations to ensure that proper investigative techniques and Department procedures were followed and to make certain the victim(s) was contacted, apprised of the ongoing investigation and made aware of appropriate victim services available. The Major Case Section Commanding Officer or designee shall further act as a liaison to the Suffolk County District Attorney's Office and the United States Attorney's Office to ensure the proper charging and prosecution of Hate Crimes.

319.5.2 SUPERVISORY REVIEW OF HATE CRIMES CASES

The Major Case Section Commanding Officer or designee will review each case on an ongoing basis.

The Commanding Officer of the Major Case Section or designee will conduct random audits of Hate Crimes Unit cases and report the results via Internal Correspondence (PDCS-2042) to the Commanding Officer of the Major Crimes Bureau on a quarterly basis. Fifteen percent (15%) of the cases will be selected for random audit using a computerized selection program which selects case numbers at random. The correspondence will provide a brief description of the case along with a synopsis of the investigation. The synopsis will be based on the Hate Crime Investigators' Responsibilities procedure within this policy.

The Commanding Officer of the Major Crimes Bureau will conduct a quarterly review of the Hate Crimes Unit's cases with the Commanding Officer of the Major Case Section or designee and any other personnel deemed necessary.

The Commanding Officer of the Major Crimes Bureau will prepare a report every six months describing the aforementioned random audits and forward the same through the chain of command.

The Commanding Officer of the Major Case Section or his/her designee will prepare a monthly report of Hate Crimes Unit cases. The report will consist of a description of the incident, a synopsis of the investigation and the case status. This status report will be the subject of a monthly or more frequent briefing to the Department command staff conducted by the Chief of Department or his/her designee. The Commanding Officer of the Major Case Section or his/her designee shall be prepared to describe the investigative techniques utilized in each case.

The Commanding Officer of the Major Case Section or his/her designee upon completion of the quarterly review will notify Hate Crimes personnel via Internal Correspondence (PDCS-2042) of the findings of the review to ensure compliance with the Hate Crime Investigators' Responsibilities procedure within this policy. Recommendations on investigation methods used shall be provided, if needed.

319.6 TRACKING AND ANALYSIS

The Department shall maintain a system for recording data related to Hate Crimes and Hate Incidents. Data captured will be analyzed, categorized, and mapped, with resultant information

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utilized to conduct educational, outreach and other initiatives to reduce Hate Crimes. The Commanding Officer of the Hate Crimes Unit, or his/her designee, shall be for maintaining the Hate Crimes Unit database.

The Hate Crimes Unit will be responsible for entering, maintaining, and analyzing the Hate Crimes Unit database. The following information shall be entered into the appropriate category within the database:

- (a) Data relating to Hate Crimes (as per New York State Department of Criminal Justice Services Hate Crime Incident Report (DCJS-3294))
- (b) Hate Incidents
- (c) Other Hate Crime Unit Investigations

The data will consist of:

- (a) Central Complaint number
- (b) Date of occurrence
- (c) Address of occurrence
- (d) Category (DCJS Reportable Hate Crime, Hate Incident, Other Hate Crime Unit Investigations)
- (e) Penal Law name and section, if applicable
- (f) Bias motivation
- (g) Latitude and longitude
- (h) Precinct of occurrence
- (i) Sex, age, race and ethnicity of the victim(s) and offender(s), if known

The number of calls reviewed (Outside command consultations and possible Hate Offenses on the Communications Section Log) will also be maintained in the database.

The Hate Crimes Unit shall analyze the data to identify:

- (a) Patterns or trends of offenses against a particular protected class
- (b) Clusters of incidents in a geographic area
- (c) Incidents occurring within a similar time frame
- (d) The demographics of the offenders, when known

The Hate Crimes Unit will prepare a map from the data on a monthly basis, which will be available on the internal GIS map portal.

Information on possible trends and patterns regarding the type of hate act, frequency of occurrence, geographic area of occurrence and type of victim will be utilized to:

- (a) Alert appropriate Patrol and Detective Division personnel including precinct and bureau Commanding Officers of said activity.

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- (b) Alert supervisory personnel within Community Relations Bureau of potential patterns of activity. School resource officers will also be provided with said information.
- (c) Coordinate educational and other initiatives in an effort to reduce bias and prevent the possible commission of Hate Crimes.
- (d) Coordinate with associated governmental organizations and agencies such as the Human Rights Commission, the Suffolk County Office of Minority Affairs, etc.
- (e) Coordinate with community-based groups and religious organizations.
- (f) A report analyzing these trends shall be produced annually, disseminated throughout the Department and made available to the public via the Department's Internet page.

319.7 RESPONSE TO POTENTIAL HATE CRIMES OR HATE INCIDENTS AT HOUSES OF WORSHIP AND RELATED FACILITIES

All officers shall remain vigilant to the potential for houses of worship to become targets for Hate Crimes, Hate Incidents, and/or terrorist acts.

Officers responding to such incidents at these locations shall:

- (a) Request the presence of a supervisor.
- (b) Preserve the scene.
- (c) Record the presence of all persons that respond.
- (d) Notify or cause to be notified the Hate Crimes Unit via the Communications Section supervisor.

All reports relating to incidents involving a house of worship and/or related facility shall be titled with the appropriate incident and annotated "House of Worship". If the Hate Crimes Unit will not be investigating the incident, copies of these reports shall be forwarded to the appropriate Precinct Crime Section or Detective Squad for investigation, with copies further submitted to the Hate Crimes Unit and Criminal Intelligence Section (CIS).

319.7.1 RESPONSIBILITIES OF THE CRIMINAL INTELLIGENCE SECTION

The Criminal Intelligence Section (CIS) shall establish a database to capture, store and analyze data related to incidents involving a house of worship and/or related facility. The Commanding Officer of CIS, or designee, is authorized to exclude any data entry that is not appropriate for the objectives of this program. Intelligence gained, and patterns of activity that are identified, shall be shared with the Chief of Patrol, Chief of Detectives or the Commanding Officer of the Homeland Security and Criminal Intelligence Bureau and disseminated within the Department as deemed necessary.

319.8 TRAINING

All officers shall receive training on Hate Crime recognition and investigation. Training should include:

- (a) Guidance for the investigation of Hate Crimes available through the New York State Division of Criminal Justice Services.

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- (b) The components of Penal Law § 485.05 and Penal Law § 485.10 and related case law, including:
 - 1. Notice that the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of the suspect, the victim, or both the suspect and the victim does not, by itself, constitute legally sufficient evidence of a hate crime.
 - 2. Notice that the mere mention of a bias remark does not make an incident bias-motivated, just as the absence of a remark does not make an incident without bias motivation.
 - 3. An explanation of how enhanced sentences relate to the specified offenses on which they are based.
 - 4. Related definitions, including age, disability, and gender identity or expression.
- (c) Supervisor notification.
- (d) Processing an arrest for a hate crime.

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319.1 HATE CRIME PRELIMINARY ACTIONS

Initial responding officers at the scene of a suspected Hate Crime, Non-designated Hate Offense, or Hate Incident shall take preliminary actions deemed necessary including, but not limited to, the following:

- (a) Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes, but is not limited to:
 1. Stabilizing injured victims and providing necessary medical aid.
 2. Providing protection to victims and witnesses at the scene.
 3. Protecting the crime scene and notifying the appropriate command to collect and photograph physical evidence such as hate literature, spray paint cans and symbolic objects used by hate groups, such as swastikas and crosses.
- (b) Request a supervisor and notify the Hate Crimes Unit of the incident via the Communications Section supervisor.
- (c) Request the assistance of a translator or counselor when necessary.
- (d) Identify criminal evidence on the victim, if applicable.
- (e) Conduct a preliminary investigation and record information on:
 1. The identity of suspects.
 2. The identity of witnesses including those no longer at the scene.
 3. Statements made by suspects; exact language is critical.
 4. Information received or known regarding any prior bias motivated occurrences in the immediate area or of other victims of crimes similar in nature.
- (f) Arrest suspect(s) if probable cause exists. The protected class status of the suspect, the victim, or both, is not independently conclusive regarding whether an incident constitutes a Hate Crime. Juveniles can be charged with committing Hate Crimes. Any attempt or conspiracy to commit any of the designated Hate Crimes can be prosecuted as a Hate Crime (Penal Law § 485.05).
- (g) Ensure necessary preliminary actions are taken and brief the responding supervisor and investigators as to actions taken. During the investigation, look for possible signs that the incident may be a Hate Crime, Non-designated Hate Offense, or Hate Incident:
 1. The motivation of the suspect or lack of motive.
 2. Statements made by the suspect.
 3. The presence of multiple suspects.
 4. The display of offensive symbols, words or acts.
 5. Hate literature found in the possession of the suspect.
 6. Consider whether the victim is from a protected class different from the suspect.

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7. The absence of any motive. The brutal nature of a particular incident may be indicative of a possible Hate Crime, particularly when the suspect and victim don't know each other.
8. The suspects' perception of the victim, whether accurate or not.
9. The victim's perception that they were selected because they are a member of a protected class.
10. The date, time or circumstances of the occurrence such as on a religious holiday, or at a gathering of people affiliated by ethnicity, religion, sexual orientation, etc.
11. Determine if the incident is an isolated occurrence or part of a pattern. The behavior may be part of a course of conduct that changes the severity of the event and helps establish criminal culpability in certain cases. The potential to connect incidents is important and may have significant investigative value.
12. Be alert for multiple incidents occurring in a short time period where all the victims are from the same protected class, potentially indicating the presence of a pattern.
13. Consider whether the incident occurred in proximity to an establishment that could be associated with one of the protected classes.
14. The suspect may have targeted a particular portion of the victim's body (e.g., a Sikh victim forcibly having his/her hair cut or a victim targeted for his/her sexual orientation being attacked near or around their genitalia).
15. Be cognizant of dual motivation by some suspects (e.g., a suspect may be looking to commit robberies and may be specifically targeting elderly victims).
16. The mere mention of a basis remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias.
17. Even the mere perception that an incident may be motivated by bias shall necessitate a notification to a patrol supervisor and the Hate Crimes Unit.

319.2 HATE CRIMES PRELIMINARY REPORTING

The Incident Reports (PDCS-1099d) should clearly indicate the following information:

- (a) Penal Law designated Hate Crime.
- (b) Victim's protected class, if applicable.
- (c) Offender's protected class, if applicable.
- (d) The narrative portion of the Incident Report (PDCS-1099d) should document that the perpetrator intentionally selected the person against whom the offense is committed or intended to be committed, or, that the perpetrator intentionally committed the act or acts constituting the offense, in whole or in substantial part because of a belief or perception that the victim is a member of a protected class, regardless of whether the belief or perception is correct. The apparent specific bias motivation of the suspect should be documented (e.g., selected victim because he/she was Hispanic, Jewish, Muslim, etc.).

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319.3 HATE CRIMES INVESTIGATOR RESPONSIBILITIES

In responding to the scene of an alleged Hate Crime, Non-designated Hate Offense, or Hate Incident, investigators shall assume control of the investigation to include the following:

- (a) Ensuring the scene is properly protected, preserved, and processed.
- (b) Conducting a comprehensive interview of all victims and witnesses.
 - 1. Allowing the victim opportunity to express his/her immediate concerns and feelings.
 - 2. Expressing the importance the Department places on these types of incidents and describing the measures that will be taken to apprehend the suspect(s).
- (c) Canvassing the area for additional sources of information.
- (d) Determining if the incident is an isolated occurrence or part of a pattern. The behavior may be part of the course of conduct that changes the severity of the event and helps establish criminal culpability in certain cases. The potential to connect incidents is important and could have significant investigative value.
- (e) Working closely with the District Attorney's Office.
- (f) Coordinating the investigation with other commands of the Department and with outside agencies where appropriate.
- (g) Coordinating the investigation with agency, state, and regional crime analysis centers. These sources shall provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the Hate Crime or Non-designated Hate Offense.
- (h) Ensuring all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted and requested to take measures to ensure removal as soon as possible. The Hate Crimes investigator shall follow-up to ensure this is accomplished in a timely manner.
- (i) Notifying the Major Case Section Commanding Officer or authorized designee.
- (j) As appropriate, maintaining contact with the initial responding officer(s) and keeping them apprised of the status of the case.

319.4 VICTIM ASSISTANCE AND FOLLOW-UP

Hate Crimes investigators shall take steps to ensure appropriate assistance is being provided to Hate Crimes victims, to include the following:

- (a) Contacting the victim periodically to determine whether they are receiving adequate and appropriate assistance.
- (b) Providing ongoing information to the victim about the status of the criminal investigation.

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- (c) Identifying individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or Department chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services. Providing information regarding New York State Office of Victim Services.
- (d) Informing the victim about the probable sequence of events in the investigation and prosecution.
- (e) Explaining security measures and precautions to the victim.

319.5 CALLS REVIEWED AND REFERRAL TO OTHER INVESTIGATIVE COMMANDS - NON-HATE CRIME/HATE OFFENSE/HATE INCIDENT

- (a) Hate Crimes Unit Detectives shall promptly assist outside commands when contacted for consultation on incidents with possible bias components. Detectives will also review the Communications Section Log for calls initially designated as a possible hate offense for proper classification.
- (b) In every case where a Hate Crimes Unit detective is consulted and determines that an incident is not a Hate Crime, a Non-designated Hate Offense or a Hate Incident, the Hate Crimes Unit detective will prepare a Supplementary Report (PDCS-1084c) indicating the Central Complaint number, the name of the notifying officer, the title of the incident, the follow-up command, and the basis for determination by the Hate Crimes Unit detective as to why the incident does not meet the criteria for a Hate Crime, Non-designated Hate Offense, or a Hate Incident. This Supplementary Report (PDCS-1084c) will be forwarded to the assigned investigative command.
- (c) Each tour, Hate Crimes Unit Detectives will review the Communications Section Log for calls initially designated as possible hate offenses which were determined not to be hate offenses during the preliminary investigation. Calls originating as possible Hate Offenses will be reviewed for proper classification. These reviews will be documented in the Hate Crimes Unit tour report.

319.6 PROCEDURE WHEN SUSPECT IS NOT IN CUSTODY OR HAS NOT BEEN IDENTIFIED

When a suspect is not in custody or has not been identified, investigators should:

- (a) Coordinate investigation with other Department commands.
- (b) Conduct an extensive canvass and distribute bulletins in the area of the incident.
- (c) Debrief individuals arrested in the area.
- (d) Work with media to attempt to garner witnesses and investigative leads.
- (e) Follow-up leads in a timely manner.