
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 SPECIAL INVESTIGATIONS SECTION COMMANDING OFFICER'S RESPONSIBILITIES

The Commanding Officer of the Special Investigations 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 Special Investigations 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 Special Investigations Section Commanding Officer or designee will review each case on an ongoing basis.

The Commanding Officer of the Special Investigations 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 Special Investigations 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 Special Investigations 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 Special Investigations Section or his/her designee shall be prepared to describe the investigative techniques utilized in each case.

The Commanding Officer of the Special Investigations 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.

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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 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.

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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.
- (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.

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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.
- (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.