

SECTION 107-3. Hate Crimes



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01-18-21	Immediate	A-1	21-08

Accreditation Standard(s) 44.2

§ 107-3A. Purpose.

The purpose of this section is to facilitate members of the Department in identifying and investigating Hate Crimes and assisting victimized individuals and communities. A swift and strong response by the Department can help stabilize and calm the community as well as aid in a victim's recovery.

§ 107-3B. Policy.

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 Amityville Village Police 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, members of the Department shall be mindful of and responsive to the security concerns of victims and their families.

§ 107-3C. Definitions.

1. **Hate Crime**- A person commits a hate crime when one commits a specified offense and either targets a victim or commits a specified offense because of a perception or belief about the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether or not the perception or belief is correct. Hate crimes can be perpetrated against an individual, a group, or against public or private property.
2. **Bias**- A negative opinion or attitude toward a person or group of persons based on their race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation.
3. **Specified Offense**- Any offense defined by the provisions of hate crime law in NYS Penal Law §485.05(3).
4. **Hate Group**- An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons based on race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person.

5. Age- sixty years old or more.
6. Disability- a physical or mental impairment that substantially limits a major life activity.
7. Gender- Used synonymously with sex to denote whether an individual is male or female.
8. Gender Identity or Expression- a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.
9. Interpreter- A person who is able to convert source language into targeted language, both receptively (i.e., understanding what the person is saying) and expressively (i.e., having the skill needed to convey information back to that person).
10. Race- A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair, facial features, and so forth, which are genetically transmitted by descent and heredity and that distinguish them as a distinct division of humankind. Examples include Asians, Blacks or African Americans, and Whites.
11. Sexual Orientation- heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.
12. Hate Incident - An incident involving an element of hate or bias regarding a Protected Class, regardless of whether said incident is unlawful. The verbal use of racial or bias epithets motivated by the recipient's Protected Class shall constitute a Hate Incident.

§ 107-3D. Procedure.

1. Officers shall conduct a thorough and complete investigation in all suspected and confirmed Hate Crimes or Hate Incidents.
2. Officers shall make every effort to become familiar with organized hate groups operating in the community and information regarding such activity should be documented and a copy forwarded to the Suffolk County Police Department Hate Crimes Unit and the Criminal Intelligence Section.
3. First officers at the scene of a suspected Hate Crime 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 any physical evidence for collection (If evidence of an inflammatory nature cannot be physically removed, after it has been

properly documented for investigatory purposes (e.g., painted words or signs on a wall), the owner of the property shall be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible).

- 4) Start a crime scene log.
- b) Notify and brief a supervisor, as soon as practicable, of any report of a suspected hate crime or activity that reasonably appears to be a hate crime. The mere perception that the incident may be motivated by bias should necessitate a notification to a supervisor.
- c) Request and notify the Suffolk County Police Department Hate Crimes Unit of the incident via the Desk Officer.
- d) Request the assistance of an interpreter when necessary.
- e) Identify criminal evidence on the victim if applicable.
- f) Conduct a preliminary investigation and record information.
- g) Arrest suspect(s) if probable cause exists.

4. The Suffolk County Police Department Hate Crimes Unit will have primary investigative responsibility for Hate Crimes and Hate Incidents, except for incidents involving death or other violent felony incidents resulting in serious physical injury. In such cases the Suffolk County Police Department Homicide Section or the appropriate Suffolk County Police Department Precinct Detective Squad shall have primary investigative responsibility. The Hate Crimes Unit shall nevertheless 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.
5. Incident Report Preparation
 - a. Incident reports should clearly indicate the following information:
 - i. Specified offense - as designated by hate crime penal law.
 - ii. Victim age, gender, race, and ethnicity (when applicable)
 - iii. Offender age, gender, race, and ethnicity (when available).
 - b. The narrative portion of the Incident report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim(s)'s race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because the victim was Hispanic, Jewish, Muslim, transgender, etc.)

Note: Do Not title the Incident Report "Hate Crime"

§ 107-3E. Specified Offenses.

NYS Penal Law §485.05(3) lists the following as Specified Hate Crime Offenses:

- 120.00 assault in the third degree
- 120.05 assault in the second degree
- 120.10 assault in the first degree
- 120.12 aggravated assault upon a person less than eleven years old
- 120.13 menacing in the first degree
- 120.14 menacing in the second degree
- 120.15 menacing in the third degree
- 120.20 reckless endangerment in the second degree
- 120.25 reckless endangerment in the first degree
- 121.12 strangulation in the second degree
- 121.13 strangulation in the first degree
- 125.15 (sub div 1) manslaughter in the second degree
- 125.20 (sub div 1, 2 or 4) manslaughter in the first degree
- 125.25 murder in the second degree
- 120.45 stalking in the fourth degree
- 120.50 stalking in the third degree
- 120.55 stalking in the second degree
- 120.60 stalking in the first degree
- 130.35 (sub div 1) rape in the first degree
- 130.50 (sub div 1) criminal sexual act in the first degree
- 130.65 (sub div 1) sexual abuse in the first degree
- 130.67 (sub div 1a) aggravated sexual abuse in the second degree
- 130.70 (sub div 1a) aggravated sexual abuse in the first degree
- 135.05 unlawful imprisonment in the second degree
- 135.10 unlawful imprisonment in the first degree
- 135.20 kidnapping in the second degree
- 135.25 kidnapping in the first degree
- 135.60 coercion in the second degree
- 135.65 coercion in the first degree
- 140.10 criminal trespass in the third degree
- 140.15 criminal trespass in the second degree
- 140.17 criminal trespass in the first degree
- 140.20 burglary in the third degree
- 140.25 burglary in the second degree
- 140.30 burglary in the first degree
- 145.00 criminal mischief in the fourth degree
- 145.05 criminal mischief in the third degree
- 145.10 criminal mischief in the second degree
- 145.12 criminal mischief in the first degree
- 150.05 arson in the fourth degree
- 150.10 arson in the third degree
- 150.15 arson in the second degree
- 150.20 arson in the first degree

- 155.25 petit larceny
- 155.30 grand larceny in the fourth degree
- 155.35 grand larceny in the third degree
- 155.40 grand larceny in the second degree
- 155.42 grand larceny in the first degree
- 160.05 robbery in the third degree
- 160.10 robbery in the second degree
- 160.15 robbery in the first degree
- 240.25 (sub div 1, 2 or 4) harassment in the first degree
- 240.30 aggravated harassment in the second degree
- 490.10 soliciting or providing support for an act of terrorism in the second degree
- 490.15 soliciting or providing support for an act of terrorism in the first degree
- 490.20 making a terroristic threat
- 490.25 crime of terrorism
- 490.30 hindering prosecution of terrorism in the second degree
- 490.35 hindering prosecution of terrorism in the first degree
- 490.37 criminal possession of a chemical weapon or biological weapon in the third degree
- 490.40 criminal possession of a chemical weapon or biological weapon in the second degree
- 490.45 criminal possession of a chemical weapon or biological weapon in the first degree
- 490.47 criminal use of a chemical weapon or biological weapon in the third degree
- 490.50 criminal use of a chemical weapon or biological weapon in the second degree
- 490.55 criminal use of a chemical weapon or biological weapon in the first degree
- or any attempt or conspiracy to commit any of the foregoing offenses

§ 107-3F. Victim Assistance.

Provide immediate assistance to the crime victim utilizing a victim centered approach:

1. Express the law enforcement agency's official position on the importance of hate crime cases and describe the measures that will be taken to apprehend the perpetrators.
2. Take preventive measures to ensure the safety of the victim.
 - a. Express the department's interest in protecting victims' anonymity whenever possible.
 - b. Explain any security measures and precautions to the victim.
 - c. Protect the privacy of the victim and their families as much as possible.
 - d. Provide the victim with community resources that may provide support and assistance such as advocacy, healthcare, civil legal services, and counseling services. Some resources are:

- i. Suffolk County Crime Victims 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 twenty-four hours a day at 631-626-3156.
- ii. New York State Office of Victim Services (OVS)- the OVS helps crime victims and can be reached by telephone (1-800-247-8035), by email (ovsinfo@ovs.ny.gov) or online (www.ovs.ny.gov).

§ 107-3G. Reporting and Training.

1. Reporting Procedures- All incidents of reported hate crimes are to be submitted to DCJS each month using the NY DCJS form 3294. This form must be submitted even if no hate crimes were reported by checking the Nothing to Report (NTR) box.
2. Training- Officers will be periodically trained on:
 - a. Annual Decentralized Individualized In-Service Training (DIIT) on Hate Crimes;
 - b. The components of Penal Law § 485.05 and related case law;
 - c. Familiarity with organized hate groups operating in the community.

By Order Of:

Chief Bryan O. Burton, Jr.