



## Criminal Justice Research Report

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# Hate Crime in New York State 2009 Annual Report

by Matthew Fetzer

## Introduction

This report meets the statutory reporting requirements from the Hate Crimes Act of 2000 and contains the statistical findings for hate crimes reported in New York State for 2009. It summarizes hate crimes reported by police, the number of hate crime arrests, offenses associated with arrests, the county of arrest, and disposition information when available.

Data in this report are derived from two sources: crime data are drawn from hate crime incident reports submitted by local and state police; arrest data are derived from the Computerized Criminal History (CCH) system at the Division of Criminal Justice Services (DCJS).

The report is divided into three sections. The first section describes hate crime incidents reported by law enforcement in 2009. Hate crime incidents are analyzed by offense type and characteristics of known offenders. Data on arrests and dispositions of hate crime cases are presented for arrests made in 2009 in the second section. The third section contains a series of appendices in which hate crime incident data from 2008 is compared with data for 2009.

Additional information about hate crime reporting and the efforts underway to improve data quality can be found at: <http://www.criminaljustice.state.ny.us/crimnet/ojsa/crimereporting/hatecrimedataquality.htm>.

## Major Findings

- ◆ Between 2008 and 2009, reported hate crimes in New York State increased approximately 14 percent.
- ◆ Reported hate crimes were most frequently motivated by anti-Jewish (37%), anti-black (21%), anti-male homosexual (12%), and anti-Hispanic (6%) bias.
- ◆ Most hate crime incidents involved destruction, damage, or vandalism (44%) or intimidation (26%).
- ◆ New York City reported 275 hate crime incidents and 53 hate crime arrests; the rest of the state reported 394 incidents and 126 arrests.
- ◆ Nearly 30 percent of those convicted from a hate crime arrest were sentenced to either jail or prison, and 18 percent were sentenced to probation.

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## Reported Hate Crime Incidents

A hate crime can be perpetrated against an individual, a group of individuals, or property: for example, a person or persons may be assaulted because of their race or religion; or property, such as a synagogue, could be defaced in a bias-motivated incident. Table 1 shows reported hate crime incidents by type of offense.

**Table 1. Hate Crime Incidents by Offense Type, 2009**

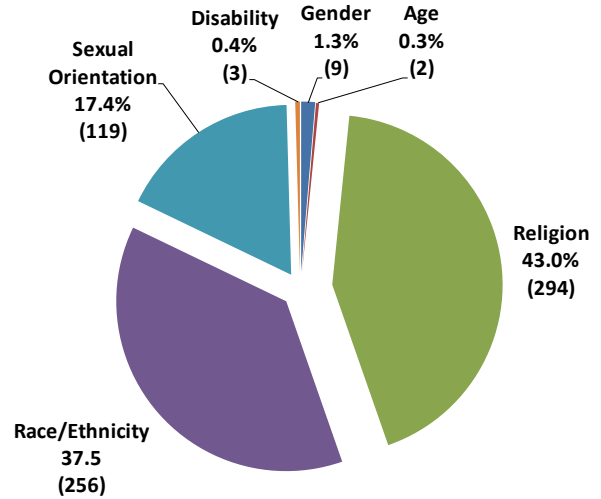
Offense Type	Number	Percent
<b>Total</b>	<b>683</b>	<b>100.0%</b>
<b>Crimes Against Persons:</b>	<b>359</b>	<b>52.6%</b>
Murder & Non-Negligent Manslaughter	0	0.0%
Robbery <sup>1</sup>	17	2.5%
Aggravated Assault	32	4.7%
Simple Assault	136	19.9%
Intimidation	174	25.5%
<b>Property Crimes:</b>	<b>324</b>	<b>47.4%</b>
Arson	4	0.6%
Burglary	8	1.2%
Larceny-Theft	8	1.2%
Destruction/Damage/Vandalism	303	44.4%
Trespassing	1	0.1%

<sup>1</sup>Although the Uniform Crime Reporting (UCR) system categorizes robbery as a property crime, for purposes of this report it is categorized as a crime against persons.

- Of the 683 hate crimes reported, 359 (53%) involved a crime against a person and 324 (47%) were property crimes.
- Of the 359 hate crimes against persons reported by law enforcement agencies, simple assaults and intimidations accounted for 310 incidents (86%).
- Of the 324 crimes against property, 303 (94%) were offenses which involved property destruction, damage, or vandalism.

Figure 1 shows the 2009 hate crime incidents reported by major bias type.

**Figure 1. Hate Crime Incidents by Bias Type (UCR)**



- In 2009, the most common types of reported hate crime incidents involved bias against religion (43%), race/ethnicity (38%), and sexual orientation (17%).
- Anti-Jewish hate crimes accounted for 251 (85%) of the 294 religious bias incident reports.
- Anti-black bias represented 144 (56%) of the 256 reported racial/ethnic hate crimes.
- Of the 119 hate crimes based on sexual orientation, 82 (69%) targeted males.

Table 2 shows the 683 hate crime incidents in 2009 for crimes against persons and property crimes broken down by specific bias motivation.

### Crimes Against Persons

- Of the 359 crimes against persons, 46% (165) involved race/ethnicity/national origin bias motivation, 27% (98) involved sexual orientation bias, and 24% (86) involved religious bias.
- The most frequently reported specific categories of bias motivation involved anti-black crimes (83), followed by anti-Jewish (72), and anti-male homosexual crimes (71).
- Within the category of race/ethnicity/national origin, anti-black bias accounted for 83 of 165 incidents (50%).
- Within the religion category, anti-Jewish bias accounted for 72 out of 86 incidents (84%).
- Sexual orientation was the second most frequently reported category of bias motivation, within which bias against gay males was most common (71 of 98, or 72%).

### Property Crimes

- Most (64%) of the 324 hate crime incidents involving property crimes reported were motivated by bias against religion.
- Of the 208 anti-religious crimes reported, 179 were anti-Jewish.
- Anti-black bias accounted for 19% (61) of property crimes among hate crime incidents reported in 2009.

**Table 2. Offense Type by Bias Motivation, 2009**

Bias Motivation	Crimes Against Persons		Property Crimes		Total Crimes	
	Number	Percent	Number	Percent	Number	Percent
<b>Total</b>	<b>359</b>	<b>100.0%</b>	<b>324</b>	<b>100.0%</b>	<b>683</b>	<b>100.0%</b>
<b>Gender:</b>	<b>5</b>	<b>1.4%</b>	<b>4</b>	<b>1.2%</b>	<b>9</b>	<b>1.3%</b>
Anti-Gender Identity Expression	3	0.8%	2	0.6%	5	0.7%
Anti-Female	2	0.6%	1	0.3%	3	0.4%
Anti-Male	0	0.0%	1	0.3%	1	0.1%
<b>Religion:</b>	<b>86</b>	<b>24.0%</b>	<b>208</b>	<b>64.2%</b>	<b>294</b>	<b>43.0%</b>
Anti-Jewish	72	20.1%	179	55.2%	251	36.7%
Anti-Islamic (Muslim)	8	2.2%	3	0.9%	11	1.6%
Anti-Other Religion	3	0.8%	10	3.1%	13	1.9%
Anti-Multi-Religious Groups	2	0.6%	9	2.8%	11	1.6%
Anti-Catholic	1	0.3%	5	1.5%	6	0.9%
Anti-Protestant	0	0.0%	2	0.6%	2	0.3%
<b>Race/Ethnicity/National Origin:</b>	<b>165</b>	<b>46.0%</b>	<b>91</b>	<b>28.1%</b>	<b>256</b>	<b>37.5%</b>
Anti-Black	83	23.1%	61	18.8%	144	21.1%
Anti-Hispanic	35	9.7%	9	2.8%	44	6.4%
Anti-White	25	7.0%	4	1.2%	29	4.2%
Anti-Arab	9	2.5%	1	0.3%	10	1.5%
Anti-Asian	5	1.4%	3	0.9%	8	1.2%
Anti-Multi-Racial Groups	4	1.1%	7	2.2%	11	1.6%
Anti-Other Ethnicity/National Origin	4	1.1%	6	1.9%	10	1.5%
<b>Sexual Orientation:</b>	<b>98</b>	<b>27.3%</b>	<b>21</b>	<b>6.5%</b>	<b>119</b>	<b>17.4%</b>
Anti-Male Homosexual	71	19.8%	11	3.4%	82	12.0%
Anti-Female Homosexual	19	5.3%	6	1.9%	25	3.7%
Anti-Homosexual (Male and Female)	8	2.2%	2	0.6%	10	1.5%
Anti-Bisexual	0	0.0%	2	0.6%	2	0.3%
<b>Disability:</b>	<b>3</b>	<b>0.8%</b>	<b>0</b>	<b>0.0%</b>	<b>3</b>	<b>0.4%</b>
Anti-Physical Disability	1	0.3%	0	0.0%	1	0.1%
Anti-Mental Disability	2	0.6%	0	0.0%	2	0.3%
<b>Anti-Age</b>	<b>2</b>	<b>0.6%</b>	<b>0</b>	<b>0.0%</b>	<b>2</b>	<b>0.3%</b>

## Offenders as Reported by Their Victims

Demographic information collected by DCJS on the gender, race, and age of alleged perpetrators provides valuable insight into bias-motivated crimes. This section describes the demographic qualities of the offender, as reported by the victim or another party, regardless of whether the offender was known or an arrest was made.

If the victim does not know the identity of the offender, but can identify the offender's gender or race, that information is included here. Table 3 shows the gender, age, and race of offenders as reported by their victims.

**Table 3. Gender, Age, and Race of Offenders**

	Number	Percent
<b>Total</b>	<b>410</b>	<b>100.0%</b>
<b>Gender:</b>		
Male	353	86.1%
Female	50	12.2%
Unknown	7	1.7%
<b>Age<sup>1</sup>:</b>		
15 & under	23	5.6%
16 to 19	66	16.1%
20 to 24	38	9.3%
25 to 29	30	7.3%
30 to 34	19	4.6%
35 to 39	17	4.1%
40 to 44	10	2.4%
45 to 49	10	2.4%
50 to 54	6	1.5%
55 to 59	9	2.2%
60 to 64	3	0.7%
65 & older	2	0.5%
Unknown	177	43.2%
<b>Race<sup>2</sup>:</b>		
White	184	44.9%
Black	151	36.8%
Other	7	1.7%
Unknown	68	16.6%

<sup>1</sup> Age was reported for 233 of the 410 offenders.

<sup>2</sup> Race was reported for 342 of the 410 offenders.

- Males accounted for 353 known offenders (86%).
- Age was reported for 233 offenders (57%). In incidents where age was known, most (55%) offenders were less than 25 years old.
- Among known offenders, 187 were white and 151 were black.

Data suggest that the vast majority of reported hate crime incidents in which the offender or offenders were seen were perpetrated by a single individual rather than a group. Table 4 shows that a total of 410 offenders — suspects with one or more demographic characteristic (such as gender, race, or age) reported— were identified in 281 of the 683 reported hate crime incidents. Most incidents in which no offender was demographically identified did not involve any contact between the victim and offender, as often occurs in many property crimes.

**Table 4. Number of Offenders per Incident**

# Offenders Involved	Incidents		Total Offenders	
	Number	Percent	Number	Percent
<b>Total Number</b>	<b>281</b>	<b>100.0%</b>	<b>410</b>	<b>100.0%</b>
One	214	76.2%	214	52.2%
Two	28	10.0%	56	13.7%
Three	19	6.8%	45*	11.0%
Four	11	3.9%	44	10.7%
Five	7	2.5%	35	8.5%
Six	1	0.4%	6	1.5%
Ten	1	0.4%	10	2.4%

\* Three offenders were alleged to have committed a series of 5 incidents in one jurisdiction. All five incidents were counted separately but the three offenders were counted only once.

- A single offender was involved in 214 of the 281 incidents (76%) in which offender characteristics were reported.
- Two or more offenders were reported in 67 (24%) incidents. These 67 incidents involved a total of 196 offenders.

## County Where Hate Crime Incidents and Arrests Were Reported, 2009

Table 5 shows the number of hate crimes reported by police and the number of persons arrested for committing hate crimes, by the county where the incident occurred or in which an arrest was made in 2009.

A total of 45 of New York's 62 counties reported hate crime incidents and/or arrests in 2009. The remaining 17 counties reported neither incidents nor arrests. These counties are excluded from the table.<sup>1</sup> New York City's five counties—Bronx, Kings, New York, Queens, and Richmond—accounted for 40% of all reported hate crimes in 2009.

- In 2009, a total of 683 hate crime incidents were reported to police in 43 counties in New York State.<sup>2</sup>
- Incidents involving hate crimes in 34 counties resulted in the arrest of 179 persons in New York during 2009.
- Counties outside of New York City reported 70% (126) of all hate crime arrests in 2009, and 30% (53) of arrests were made in the five New York City counties.
- Of the 179 hate crime arrests in 2009, 169 were for incidents occurring that year, while seven arrests were for crimes that occurred in 2008, and three for crimes in 2007.

**Table 5. Hate Crime Incidents and Arrests by County**

County	Incidents	Arrests
<b>Total</b>	<b>683</b>	<b>179</b>
<b>Non-New York City</b>	<b>394</b>	<b>126</b>
Albany	10	2
Allegany	1	0
Broome	11	3
Cattaraugus	1	1
Cayuga	5	0
Chemung	1	1
Chenango	1	0
Clinton	8	0
Columbia	1	0
Cortland	2	0
Dutchess	8	0
Erie	47	24
Essex	1	0
Franklin	0	1
Greene	3	2
Madison	1	0
Monroe	16	9
Montgomery	1	0
Nassau	82	10
Niagara	7	3
Oneida	5	3
Onondaga	2	2
Ontario	1	1
Orange	9	6
Oswego	7	0
Otsego	6	1
Putnam	1	2
Rensselaer	2	1
Rockland	16	12
Saint Lawrence	3	1
Saratoga	4	2
Schenectady	5	1
Suffolk	80	20
Sullivan	4	3
Tompkins	10	1
Ulster	5	4
Warren	1	1
Washington	3	3
Wayne	0	1
Westchester	23	5
<b>New York City</b>	<b>275</b>	<b>53</b>
Bronx	33	6
Kings	92	10
New York	70	11
Queens	61	18*
Richmond	19	8
<b>MTA<sup>1</sup></b>	<b>14</b>	<b>0</b>

\* Four arrests for gang assault were excluded in Queens because such offenses are not covered by the hate crime statute.

<sup>1</sup> The Metropolitan Transportation Authority (MTA) Police Department covers multiple counties.

<sup>1</sup>Counties that reported no hate crime incidents or arrests in 2009 include Chautauqua, Delaware, Fulton, Genesee, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Orleans, Schoharie, Schuyler, Seneca, Steuben, Tioga, Wyoming, and Yates counties.

<sup>2</sup>Two counties—Franklin and Wayne—reported hate crime arrests for 2009 but not any incidents. Arrests sometimes occur in different years than the associated incidents.

## Reported Hate Crime Arrests and Dispositions

### Arrests

Table 6 shows the most serious Penal Law offense charged for the 179 reported hate crime arrests. The majority of arrests (53%) involved first- or second-degree aggravated harassment (95). Another 20% involved first-, second-, or third-degree assault (35).

**Table 6. Arrests for Hate Crime by NYS Penal Law**

New York State Penal Law	Frequency	Percent
<b>Total</b>	<b>179</b>	<b>100.0%</b>
<b>Homicide:</b>		
Murder-2nd	2	1.1%
<b>Robbery:</b>		
Robbery-1st	6	3.4%
Robbery-2nd	9	5.0%
Robbery-3rd	1	0.6%
<b>Assault &amp; Related Offenses:</b>		
Assault-1st	2	1.1%
Assault-2nd	14	7.8%
Assault-3rd	19	10.6%
Menacing-2nd	6	3.4%
Menacing-3rd	1	0.6%
Reckless Endangerment-1st	2	1.1%
<b>Arson:</b>		
Arson-3rd	1	0.6%
<b>Burglary:</b>		
Burglary-2nd	2	1.1%
Burglary-3rd	1	0.6%
<b>Criminal Mischief:</b>		
Criminal Mischief-2nd	6	3.4%
Criminal Mischief-3rd	4	2.2%
Criminal Mischief-4th	7	3.9%
<b>Offenses Against Public Order:</b>		
Harassment-1st	1	0.6%
Aggravated Harassment-1st	8	4.5%
Aggravated Harassment-2nd	87	48.6%

Note: Some arrests were for offenses that occurred in years prior to 2009.

### Dispositions

Of 138 hate crime arrests in 2009, Table 7 shows the final disposition reported to the Division of Criminal Justice Services by the courts as of October 2010. These 138 dispositions represent 77% of the 2009 arrests. The remaining 41 hate crime arrests in 2009 had not been disposed as of this date.

**Table 7. Adjudications for Hate Crime Arrests**

Disposition	Number	Percent
<b>Total</b>	<b>138</b>	<b>—</b>
<b>Conviction (63% of total)</b>	<b>87</b>	<b>100.0%</b>
Conviction by Plea <sup>1</sup>	84	96.6%
Conviction by Verdict	2	2.3%
Conviction, Unknown Type	1	1.1%
<b>No Conviction (37% of total)</b>	<b>51</b>	<b>100.0%</b>
Dismissal	44	86.3%
Covered by Another Case	3	5.9%
Prosecution Declined	2	3.9%
Acquittal	0	0.0%
No True Bill	2	3.9%

<sup>1</sup> Conviction by plea also includes YO adjudication by plea.

Of the 138 reported dispositions:

- A conviction was reported in 63% of the disposed 2009 arrests.
- Of the 87 convictions, 84 (97%) were by plea, two by verdict, and one from an unknown type.
- Among the 51 cases that were disposed in favor of the defendant, 44 (86%) were dismissed, three were covered by another case, prosecution was declined in two cases, and two resulted in no true bill handed up by the grand jury.

## Reported Hate Crime Convictions and Sentences

### Convictions

Table 8 shows the top disposition charge for the 87 convictions reported as of October 2010.

**Table 8. Convictions from Hate Crime Arrests**

*Note: Shading indicates conviction for a hate crime offense.*

Top Disposition Charge	Number	Percent
<b>Total</b>	<b>87</b>	<b>100.0%</b>
<b>Conviction After Trial</b>		
Murder-2nd /As Hate Crime	1	1.1%
Manslaughter-1st	1	1.1%
<b>Conviction After Guilty Plea</b>		
Assault-2nd /As Hate Crime	2	2.3%
Assault-3rd	5	5.7%
Assault-3rd /As Hate Crime	4	4.6%
Menacing-2nd	2	2.3%
Menacing-2nd /As Hate Crime	2	2.3%
Menacing-3rd /As Hate Crime	1	1.1%
Robbery-2nd /As Hate Crime	1	1.1%
Robbery-3rd	1	1.1%
Harassment-2nd	16	18.4%
Aggravated Harassment-1st /As Hate Crime	4	4.6%
Aggravated Harassment-2nd /As Hate Crime	8	9.2%
Aggravated Harassment-2nd	2	2.3%
Criminal Trespass-3rd	1	1.1%
Criminal Mischief-4th	9	10.3%
Making Graffiti	3	3.4%
Petit Larceny	1	1.1%
Disorderly Conduct	18	20.7%
False Report Incident-3rd	1	1.1%
Endangering an Incompetent Person	2	2.3%
Stop/Stand/Park Violation Highway	1	1.1%
<b>Conviction, Unknown Type</b>		
Burglary-2nd /As Hate Crime	1	1.1%

- Two of the hate crime arrests reported in 2009 resulted in conviction after trial: one for Murder 2<sup>nd</sup> and the other for Manslaughter 1<sup>st</sup>.
- Guilty pleas were entered in 84 of the 87 convictions (97%).
- Conviction for a designated hate crime offense resulted in 24 cases (28%). These convictions are shaded in Table 8 above.
- Sixty-three cases (72%) resulted in convictions for offenses that were not designated hate crimes.

### Sentences

The sentences reported for convictions from hate crime arrests are shown in Table 9. Conditional discharge was the most common sentence imposed upon conviction, followed by jail/time served, probation, fine, prison, and jail & probation.

**Table 9. Sentences from Hate Crime Arrests**

Sentence	Number	Percent
<b>Total</b>	<b>87</b>	<b>100.0%</b>
Prison	5	5.7%
Jail/Time Served	19	21.8%
Jail & Probation	2	2.3%
Probation	16	18.4%
Fine	10	11.5%
Conditional Discharge	29	33.3%
Convicted - Sentence Pending	6	6.9%

- Twenty-six of the 87 convictions resulted in a sentence to prison, jail, or a combination of jail and probation (split sentence), representing 30% of the total.
- Overall, a conditional discharge was the most common sentence (33%). The 29 conditional discharge cases reported generally involved alternative punishments such as community service.



## Appendix 1: Comparison of Bias Motivation for Hate Crimes, 2008-2009

Between 2008 and 2009, reported hate crimes in New York State increased by approximately 14 percent. Increases were reported in every bias motivation category except gender. Appendix 1 compares the number of reported hate crime incidents by type of bias motivation for 2008 and 2009.

Bias Motivation	2008	2009
<b>Total</b>	<b>599</b>	<b>683</b>
<b>Gender:</b>	<b>10</b>	<b>9</b>
Anti-Gender Identity Expression	6	5
Anti-Female	3	3
Anti-Male	1	1
<b>Religion:</b>	<b>260</b>	<b>294</b>
Anti-Jewish	219	251
Anti-Islamic (Muslim)	8	11
Anti-Other Religion	17	13
Anti-Multi-Religious Groups	3	11
Anti-Catholic	11	6
Anti-Protestant	2	2
<b>Race/Ethnicity/National Origin:</b>	<b>247</b>	<b>256</b>
Anti-Black	147	144
Anti-Hispanic	25	44
Anti-White	21	29
Anti-Arab	5	10
Anti-Asian	12	8
Anti-Multi-Racial Groups	20	11
Anti-Other Ethnicity/National Origin	17	10
<b>Sexual Orientation:</b>	<b>81</b>	<b>119</b>
Anti-Male Homosexual	62	82
Anti-Female Homosexual	8	25
Anti-Homosexual (Male and Female)	9	10
Anti-Bisexual	2	2
<b>Disability:</b>	<b>1</b>	<b>3</b>
Anti-Physical Disability	1	1
Anti-Mental Disability	0	2
<b>Anti-Age</b>	<b>0</b>	<b>2</b>

*Note:* 2008 categories presented in this table differ slightly from those presented in the 2008 annual report due to changes that were made in 2009 to the classification of certain Penal Laws as either crimes against person or crimes against property.



## Appendix 2: Comparison of Hate Crime Incidents by County and Year, 2008-2009

Appendix 2 shows the number of reported hate crime incidents by county for 2008 and 2009. In 2008, 41 counties reported at least one hate crime incident, while in 21 counties no hate crimes were reported. In 2009, 43 counties reported at least one hate crime incident and in 19 counties no hate crimes were reported.

County	2008	2009	County	2008	2009
<b>Non-New York City</b>	<b>338</b>	<b>394</b>	Oswego	2	7
Albany	14	10	Otsego	0	6
Allegany	0	1	Putnam	0	1
Broome	4	11	Rensselaer	2	2
Cattaraugus	3	1	Rockland	4	16
Cayuga	0	5	Saint Lawrence	3	3
Chautauqua	4	0	Saratoga	9	4
Chemung	2	1	Schenectady	5	5
Chenango	0	1	Suffolk	62	80
Clinton	5	8	Sullivan	2	4
Columbia	0	1	Tioga	1	0
Cortland	1	2	Tompkins	2	10
Delaware	1	0	Ulster	1	5
Dutchess	6	8	Warren	1	1
Erie	33	47	Washington	2	3
Essex	0	1	Wayne	1	0
Greene	1	3	Westchester	16	23
Jefferson	2	0			
Livingston	2	0	<b>New York City</b>	<b>259</b>	<b>275</b>
Madison	0	1	Bronx	17	33
Monroe	25	16	Kings	117	92
Montgomery	0	1	New York	66	70
Nassau	100	82	Queens	40	61
Niagara	2	7	Richmond	19	19
Oneida	2	5			
Onondaga	5	2	<b>MTA<sup>1</sup></b>	<b>2</b>	<b>14</b>
Ontario	1	1			
Orange	8	9	<b>Total</b>	<b>599</b>	<b>683</b>
Orleans	4	0			

<sup>1</sup> The Metropolitan Transportation Authority (MTA) Police Department covers multiple counties.

## Appendix 3: Hate Crime Incidents by Penal Law and Year, 2008-2009

Appendix 3 lists every Penal Law offense that can be prosecuted as a hate crime in New York State and shows the number of these offenses that were reported for both 2008 and 2009. The hate crime offenses presented in Appendix 3 totaled 599 in 2008 and 683 in 2009.

PL	Description	2008	2009	PL	Description	2008	2009
120.00	Assault 3rd	54	52	145.00	Criminal Mischief 4th	157	177
120.05	Assault 2nd	21	28	145.05	Criminal Mischief 3rd	16	24
120.10	Assault 1st	2	1	145.10	Criminal Mischief 2nd	6	7
120.12	Aggravated Assault Person <11	0	0	145.12	Criminal Mischief 1st	0	0
120.13	Menacing 1st	1	2	150.05	Arson 4th	1	3
120.14	Menacing 2nd	9	13	150.10	Arson 3rd	0	1
120.15	Menacing 3rd	6	5	150.15	Arson 2nd	0	0
120.20	Reckless Endangerment 2nd	2	4	150.20	Arson 1st	0	0
120.25	Reckless Endangerment 1st	2	2	155.25	Petit Larceny	8	6
120.45	Stalking 4th	1	5	155.30	Grand Larceny 4th	2	2
120.50	Stalking 3rd	0	0	155.35	Grand Larceny 3rd	0	0
120.55	Stalking 2nd	0	0	155.40	Grand Larceny 2nd	0	0
120.60	Stalking 1st	0	0	155.42	Grand Larceny 1st	0	0
125.15	Manslaughter 2nd*	0	0	160.05	Robbery 3rd	6	6
125.20	Manslaughter 1st*	1	0	160.10	Robbery 2nd	4	9
125.25	Murder 2nd	1	0	160.15	Robbery 1st	1	2
130.35	Rape 1st*	0	0	240.25	Harassment 1st	7	12
130.50	Criminal Sexual Act 1st*	0	0				
130.65	Sexual Abuse 1st*	0	0	240.30	Aggravated Harassment 2nd	170	217
130.67	Aggravated Sexual Abuse 2nd*	0	0	Sub 00	Unspecified	50	43
130.70	Aggravated Sexual Abuse 1st*	0	0	Sub 01	Communicate in Manner Likely to Cause Alarm	74	88
135.05	Unlawful Imprisonment 2nd	0	0	Sub 02	Telephone w/o Legitimate Communication	4	3
135.10	Unlawful Imprisonment 1st	0	0	Sub 03	Physical Contact Due to Race, Religion, etc.	41	83
135.20	Kidnapping 2nd	0	0	Sub 04	Commit Harassment 1st w/ Prior Conviction	1	0
135.25	Kidnapping 1st	0	0				
135.60	Coercion 2nd	0	0	240.31	Aggravated Harassment 1st	112	96
135.65	Coercion 1st	0	0	Sub 00	Unspecified	0	1
140.10	Criminal Trespass 3rd	0	1	Sub 01	Damage Religious Premises > \$50	68	50
140.15	Criminal Trespass 2nd	0	0	Sub 02	Commit Agg. Harass. 2nd w/ Prior Conv.	1	1
140.17	Criminal Trespass 1st	0	0	Sub 03	Place a Swastika on Property	43	39
140.20	Burglary 3rd	1	3	Sub 04	Set Cross on Fire in Public View	0	0
140.25	Burglary 2nd	5	5	Sub 05	Display a Noose on Property	0	5
140.30	Burglary 1st	3	0				
				<b>Total</b>		<b>599</b>	<b>683</b>

\* Only certain subsections of these Penal Law offenses can be classified as hate crimes.

Note: Aggravated Harassment 1<sup>st</sup> and 2<sup>nd</sup> are presented separately and broken down by Penal Law subsection due to the relevant detail of the subsections.

## Appendix 4: Hate Crime Incidents by Offense Type and Year, 2008-2009

Appendix 4 presents hate crime incidents by offense type for both 2008 and 2009, and shows the difference from one year to the next. Overall, reported hate crimes increased by 14 percent. Crimes against persons increased 23 percent and crimes against property increased five percent.

Offense Type	2008		2009		Difference
	Number	Percent	Number	Percent	
<b>Total</b>	<b>599</b>	<b>100.0%</b>	<b>683</b>	<b>100.0%</b>	<b>84</b>
<b>Crimes Against Persons:</b>	<b>289</b>	<b>48.2%</b>	<b>356</b>	<b>52.1%</b>	<b>67</b>
Murder & Non-Negligent Manslaughter	2	0.3%	0	0.0%	-2
Robbery <sup>1</sup>	11	1.8%	17	2.5%	6
Aggravated Assault	27	4.5%	32	4.7%	5
Simple Assault	96	16.0%	136	19.9%	40
Intimidation	153	25.5%	174	25.5%	21
<b>Property Crimes:</b>	<b>310</b>	<b>51.8%</b>	<b>324</b>	<b>47.4%</b>	<b>14</b>
Arson	1	0.2%	4	0.6%	3
Burglary	9	1.5%	8	1.2%	-1
Larceny-Theft	10	1.7%	8	1.2%	-2
Destruction/Damage/Vandalism	290	48.4%	303	44.4%	13
Trespassing	0	0.0%	1	0.1%	1

<sup>1</sup>Although the Uniform Crime Reporting (UCR) system categorizes robbery as a property crime, for purposes of this report it is categorized as a crime against persons.

*Note:* The 2008 numbers presented in this table differ slightly from those presented in the *Hate Crime in New York State 2008 Annual Report* due to changes that were made in 2009 to the reclassification of certain offenses as either crimes against person or crimes against property.

## Appendix 5: Offense Type by Bias Motivation and Year, 2008-2009

Appendix 5 displays the number of reported hate crime incidents in 2008 and 2009 by bias motivation and offense type.

Bias Motivation	Crimes Against Persons		Crimes Against Property	
	2008	2009	2008	2009
<b>Total</b>	<b>289</b>	<b>359</b>	<b>310</b>	<b>324</b>
<b>Gender:</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>4</b>
Anti-Gender Identity Expression	5	3	1	2
Anti-Female	3	2	0	1
Anti-Male	1	0	0	1
<b>Religion:</b>	<b>64</b>	<b>86</b>	<b>196</b>	<b>208</b>
Anti-Jewish	49	72	170	179
Anti-Islamic (Muslim)	6	8	2	3
Anti-Other Religion	6	3	11	10
Anti-Multi-Religious Groups	3	2	0	9
Anti-Catholic	0	1	11	5
Anti-Protestant	0	0	2	2
<b>Race/Ethnicity/National Origin:</b>	<b>150</b>	<b>165</b>	<b>97</b>	<b>91</b>
Anti-Black	85	83	62	61
Anti-Hispanic	19	35	6	9
Anti-White	19	25	2	4
Anti-Arab	3	9	2	1
Anti-Asian	11	5	1	3
Anti-Multi-Racial Groups	2	4	18	7
Anti-Other Ethnicity/National Origin	11	4	6	6
<b>Sexual Orientation:</b>	<b>66</b>	<b>98</b>	<b>15</b>	<b>21</b>
Anti-Male Homosexual	52	71	10	11
Anti-Female Homosexual	6	19	2	6
Anti-Homosexual (Male and Female)	8	8	1	2
Anti-Bisexual	0	0	2	2
<b>Disability:</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>
Anti-Physical Disability	0	1	1	0
Anti-Mental Disability	0	2	0	0
<b>Anti-Age</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>

*Note.* The 2008 numbers presented in this table differ slightly from those presented in the *Hate Crime in New York State 2008 Annual Report* due to changes that were made in 2009 to the reclassification of certain offenses as either crimes against person or crimes against property.