

Investigation of Hate Crimes

Municipal Police Training Council
Model Policy

September 2020



**Division of Criminal
Justice Services**

**Municipal Police
Training Council**

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210
www.criminaljustice.ny.gov



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Investigation of Hate Crimes Model Policy

The Investigation of Hate Crimes Model Policy is intended to allow for the individual needs of each of the police departments in New York State regardless of size or resource limitations. Law Enforcement are encouraged to customize these protocols to meet their regional needs, while being mindful of the intent of the policy. As with all model policies adopted by the Municipal Police Training Council (MPTC), this policy is non-binding upon agencies within New York State and is meant to serve as a guide to be used in developing a department's individual policy.

The Municipal Police Training Council (MPTC) approved the model policy during their September 2020 meeting.

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Law Enforcement Training Directors' Association of New York State

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New York State Sheriff's Association

State University of New York

Anti-Defamation League

The New York State Division of Human Rights

District Attorneys Association of New York

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I. Purpose

This policy is designed to provide guidance to law enforcement agencies in developing written policies and procedures regarding the recognition of and response to hate crimes, as defined by New York State Penal Law §485.05 and pursuant to New York State Executive Law §840(6)(a). This policy is intended to allow for the individual needs of each of the police agencies in New York State regardless of size or resource limitations. Law enforcement agencies are encouraged to customize these protocols to meet their agency's needs, while being mindful of the intent of the policy.

II. Policy

The policy requires that all suspected and confirmed hate crime incidents be thoroughly and completely investigated in accordance with applicable law and the procedures set forth below. The guidance of this policy is based on the utilization of victim-focused procedures being mindful of and responsive to the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and far-reaching negative consequences of these crimes on victims, their families, and the community.

III. Definitions

- A. **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. For example, hanging a noose or painting a swastika could be deemed hate crimes if the statutory criteria are otherwise met.¹
- B. **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.
- C. **Specified Offense:** Any offense defined by the provisions of hate crime law.²

¹ See NYS Anti-Hate Crime Resources Guide: <https://www.ny.gov/we-are-all-immigrants/new-york-state-anti-hate-crime-resource-guide>

² NYS Penal Law § 485.05 (3)

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- D. **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.
- E. **Age:** sixty years old or more.³
- F. **Disability:** a physical or mental impairment that substantially limits a major life activity.⁴
- G. **Gender:** Used synonymously with sex to denote whether an individual is male or female.
- H. **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.⁵
- I. **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).⁶
- J. **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.
- K. **Sexual Orientation:** heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.⁷

IV. Procedures

- A. Initial Response
 - 1. Initial responding officers at the scene of a suspected hate crime should follow standard protocol for responding to a crime scene and should take the following specific actions:

³ NYS Penal Law § 485.05 Hate Crimes

⁴ NYS Penal Law § 485.05 Hate Crimes

⁵ NYS Penal Law § 485.05 Hate Crimes

⁶ Family members, friends, or the public should not be used as an interpreter.

⁷ NYS Executive Law §292

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- 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 requesting medical aid;
 - (2) Providing protection to victims and witnesses by increased police presence; and
 - (3) Protecting the crime scene and any physical evidence for collection.
 - (a) 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.
 - 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 the assistance of an interpreter when necessary.
 - d) Request the assistance of an investigator when necessary.
2. Investigate and document all evidence that it may be a hate crime including but not limited to:
- a) Interviewing victim(s) and witness(es) at the scene, or as soon as possible thereafter, and canvassing the area for additional sources of information, including symbols used by hate groups. Attempt to establish the victim's perception as to why they believe the crime may have happened.
 - b) Interviewing the perpetrator(s) to attempt to establish a motive or lack thereof. The nature of a particular incident could denote a hate crime, even when the perpetrator and victim don't know each other. The perpetrator(s)'s perception of the victim (whether accurate or not) will be particularly relevant in a hate crime investigation.

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- c) Statements made by the perpetrator(s) (exact language is critical).
- d) Presence of multiple perpetrators.
- e) Display of offensive symbols, words or acts/gestures.
- f) Presence of hate literature, spray paint cans, and biased symbolic objects such as swastikas and crosses found in possession of the suspect and/or at or near the scene of the incident.
- g) Presence of social media activity for evidence of bias motivation.
- h) Tattoos, clothing, paraphernalia, or jewelry suggesting identification by the perpetrator(s) with an organized hate group.
- i) Evidence that the victim is the only person of a particular group among others present.
- j) Evidence the victim is from a different racial, national origin, religious group than the perpetrator.
- k) Date, time or circumstances of the occurrence, such as on a religious holiday or at a gathering of a group of people affiliated by race, ethnicity, religion, sexual orientation, etc.
- l) Multiple incidents occurring in a short time period involving victims of the same identifiable group.
- m) Proximity of the incident to an establishment (i.e., houses of worship, LGBTQ community center) that could be associated with one of the protected categories included in the hate crime law.
- n) Certain areas of victim's body targeted by the perpetrator(s) (i.e., Sikh victim forcibly having haircut, or a victim targeted for their gender identity being attacked near or around the person's genitalia.)

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- o) Existence of dual motivation by a suspect. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.

B. Supervisory Responsibilities

1. The supervisor shall personally respond to the scene and confer with the initial responding officer(s), take measures to ensure that necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel, community resources, or other victim support when necessary to accomplish the following:
 - a) Provide support and assistance.⁸
 - b) Explain to the victim about the probable sequence of events in the investigation and prosecution and the victim's right (see Attachment A) to be informed about the case status throughout the course of the investigation and prosecution.⁹
2. Ensure that officers and investigators conduct a thorough preliminary investigation.
3. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime. All related reports should be clearly marked "Hate Crime."
4. Conduct necessary notifications (e.g., members of the impacted community, press) depending on the nature and seriousness of the offense and its potential impact on the community.
5. Arrange for an increase in uniform patrols throughout the affected area.

C. Follow-up Investigation

1. Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution.

⁸ The Office of Victim Services (OVS) helps crime victims. OVS can be reached by telephone, by email or online: 1-800-247-8035; ovsinfo@ovs.ny.gov; www.ovs.ny.gov

⁹ New York State Office of Victim Service: Know Your Rights: A guide for victims of crime

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2. Coordinate the investigation with other local, state and federal agencies, as necessary.¹⁰

D. Incident Report Preparation

1. Incident reports should clearly indicate the following information:
 - a) Specified offense - as designated by hate crime penal law
 - b) Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
 - c) Offender age, gender, race, and ethnicity (when available)
2. 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.)

V. Victim

- A. 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.

¹⁰ New York State Crime Analysis Centers can provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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- c) Conduct all interviews with victims utilizing the principles of a trauma-informed approach that supports the immediate and long-term recovery of the victim by:
 - (1) Allowing the victim the option to have a victim advocate or others present (including, for example, a family member);
 - (2) Encouraging the victim to give a statement in their own words uninterrupted; use open ended questions
 - (3) Employing trauma-informed questions using caution to not affect the victim's account of the event; and
 - (4) Providing an opportunity for follow-up questions.
- d) Protect the privacy of the victim and their families as much as possible.
- e) Provide the victim with community resources that may provide support and assistance such as advocacy, healthcare, civil legal services, and counseling services.
- f) In cases where a police or peace officer is summoned for suspected criminal activity based on the belief or perception about the individual's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation and a reasonable person would not suspect such violation ¹¹, the supervisor should provide the victim with referral information for the New York State Division of Human Rights (DHR).¹² For other civil matters where discrimination is alleged against an individual in areas such as employment, housing, credit, and places of public accommodation, refer the individual to DHR.
- g) Provide victim(s) with a point of contact in the department to whom they can direct questions or concerns and explain that they have the right to be informed about the case status throughout the course of the investigation and prosecution.

¹¹ Law enforcement can refer individuals to the NYS Division of Human Rights for civil rights violations related to Civil Rights Law Subdivision 2 of section 79-n.

¹² NYS Division of Human Rights: www.dhr.ny.gov or 718-741-8400; Referral brochure to NYS Human Rights Law & Division of Human Rights: <https://dhr.ny.gov/sites/default/files/pdf/basic-guide-trifold.pdf>

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VI. Community Relations and Crime Prevention

- A. Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's community as a whole. Working constructively with the community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage other victims to step forward and report those crimes. The following are community relations strategies that can be used to enhance the proactive approach of law enforcement's response to hate crimes.
1. Meet with neighborhood groups and residents including targeted communities to emphasize law enforcement's commitment to:
 - a) a proactive response to hate crimes;
 - b) build strong relationships and lines of communication;
 - c) provide safety, security, and crime prevention information; and
 - d) reduce the potential for counter-violence and reprisals.
 2. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
 3. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
 4. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
 5. Collaborate with communities to expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

VII. Reporting

- A. Establish and utilize a standard system for collecting, analyzing, and reporting hate crime incidents.

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- B. All incidents of reported hate crimes are to be submitted to DCJS each month using the State form 3294 (see Attachment B).¹³ A form must be submitted even if no hate crimes were reported by checking the Nothing to Report (NTR) box.

VIII. Training

- A. Officers will be periodically trained on:
1. The components of Penal Law § 485.05 and related case law;
 2. Familiarity with organized hate groups operating in the community;
 3. Response to a hate crime; and
 4. Arrest processing procedures for a hate crime.
- B. This policy is not intended to be a substitute for proper training in responding to or investigating hate crimes.

¹³ New York State Executive Law §837 4-c



Know Your Rights: *A guide for victims of crime*

The Office of Victim Services (OVS) helps crime victims. You can reach OVS by telephone, by email or online:

Telephone: 1-800-247-8035

Email: ovsinfo@ovs.ny.gov

Online: www.ovs.ny.gov

OVS also has two offices:

80 South Swan St., Second Floor
Albany, NY 12210
(518) 457-8727

55 Hansen Place, 10th Floor
Brooklyn, NY 11217
(718) 923-4325

If you wish to visit an OVS office, you must call to make an appointment.

Visit <https://ovs.ny.gov/locate-program> to search for a victim assistance program (VAP) using your zip code or name of the county where you live.

The District Attorney's (DA's) office also may refer you to a victim assistance program. If you have questions about a criminal case, visit <https://www.nypti.org/new-york-district-attorneys/> to find the DA's Office in your county.

Once you have a contact in the DA's office, write it here for future reference:

DA name: _____

Email: _____

Phone Number: _____

Address: _____

Website: _____

How can victims of crime get financial help?

OVS may pay costs you had because of the crime, including: the repair or replacement of essential personal property; loss of earnings or support; medical bills, including the cost of counseling; vocational rehabilitation; crime scene clean-up; or funeral bills.

To get help, you must file a claim with OVS. You can get a claim form from a police department or sheriff's office, a victim advocate, hospital emergency room, or online (www.ovs.ny.gov). Claims must be filed within one year from when the crime happened. If a victim died, the claim must be filed within one year of the date of death.

Victim advocates can help you with filing a claim. You can also get help from rape crisis centers, domestic violence programs or shelters, and other victim assistance programs.

Any payments from the following sources may reduce benefits provided by OVS:

- Insurance, Veteran's or Social Security benefits;
- Worker's compensation benefits if the crime happened at work, including payment for:
 - medical care and physical therapy,
 - lost wages,
 - disability benefits, or
 - death benefits;
- Filing a civil lawsuit.

If you are the victim of a crime:

You have the right to know what is happening in your criminal case.

You have the right to know how the case is being handled. To stay informed you **must** give your phone number and address to the DA and update this information when it changes. You should be told:

- the date someone is arrested;
- the date that person sees a judge for the first time;
- when that person is out of jail;
- when someone pleads guilty to the crime;
- the date of trial;
- the date of sentencing; and
- the possible sentence.

You have the right to attend court.

The prosecutor (another name for DA, the lawyer handling the case against someone who has been arrested) may ask you to stay away from court because of how they plan to handle your case. But, even if you are asked to stay away, you have the right to be in court.

You have rights while defendants are facing trial.

You may ask the police or prosecutor to contact your employer if you must miss work to help with the case. The police or prosecutor also should help by giving creditors information about

Attachment A

the crime if you can't pay your bills because of the crime.

Property held as evidence must be given back to you unless it is needed for proof at trial. The court will help to return property promptly.

You have the right to be free from intimidation.

Crime victims have the right to be protected from threats, physical injury or other forms of intimidation. The police department, sheriff's office or DA/prosecutor can give advice about how to protect yourself. Courts can issue orders of protection that direct the accused to stay away from you.

Intimidating a witness is a felony. Felonies are crimes for which a person can be sentenced to more than one year in prison. If you are threatened or harassed, immediately contact the police, sheriff's office, or DA/prosecutor.

If you receive unwanted contact after the individual is in prison, contact the Office of Victim Assistance at the New York State Department of Corrections and Community Supervision (1-800-783-6059) right away. Witnesses and victims may get help in relocating and changing their identities if needed.

If possible, when waiting to go into court, prosecution witnesses shall be provided a secure waiting area separate from all other witnesses.

You have the right to let law enforcement, the courts and the Parole Board know how you think and feel about the crime and how it affected you.

This is called making a victim impact statement. This statement allows you to share your feelings about the crime, how it affected you and your family, and what you think the defendant owes you. You may make these statements when the defendant is sentenced or eligible for parole.

The DA/prosecutor will ask what you think about releasing the defendant and about sentences other than prison. The court shall consider your views at sentencing.

At least 10 days in advance, you may ask to speak when the defendant is sentenced. You must let the court know you want to do this. You may speak about anything that relates to the possible sentence. If the victim of the crime is a minor, has died or been hurt and can't be in court, a relative may speak for the victim. You may make your statement in person at sentencing, or in writing as part of a pre-sentence report.

When a defendant is eligible for parole, you can also make a statement to the Parole Board. You may meet face-to-face with a member of the Parole Board, make your statement in writing, or make an audio or video recording of your statement. The defendant would not be at any face-to-face meeting.

You have the right to ask the DA to let you know how the case ended.

When making this request, ask for the "final disposition" of the case: was the person found guilty or not. You will get an answer within 60 days of when the case ended.

The Office of Victim Assistance at the state Department of Corrections and Community Supervision can answer questions about individuals sentenced to state prison. You may get information on these individuals — including when they will be sentenced — by:

Attachment A

Calling VINE (Victim Information and Notification Everyday) at 1-888-846-3469 or 1-888-VINE4NY and providing the:

- Inmate's full name,
 - date of birth, and
 - NYS ID number or the ID number assigned by the Department of Corrections and Community Supervision.
- *Note:* The DA's office will provide the NYS ID number and/or the inmate's date of birth.
 - Visit <http://nysdoccslookup.doccs.ny.gov/kinqw00> to search for an inmate by name, NYSID number or other identifying information.

You have the right to know when an inmate is released.

You can sign up for telephone, text or email notifications from VINE: Call 1-888-846-3469, 1-888-VINE4NY or visit www.vinelink.com to be told when a person is released from custody. VINE also provides other notifications such as an inmate's death, furlough, escape, and return to custody after an escape.

You also can register to be told when an inmate will go before the Parole Board and before an inmate is released. If you want to be told when an inmate is scheduled to go before the Parole Board or scheduled to be released, you must:

- Ask the DA's office for the form to make this request; complete it and then return it to the DA's office; or
- Complete the form online: www.doccs.ny.gov/DOCCSWebVictimNotification.aspx

You must complete this form to be informed of the chance to make a Parole Victim Impact statement. Registering with VINE alone will not inform you about this.

For additional questions about victim notification or making a Parole Victim Impact Statement, call the Department of Corrections and Community Supervision Office of Victim Assistance at 800-783-6059.

Other things you should know about your rights:

- You may always have a free copy of the police report.
- You can ask the Department of Motor Vehicles to waive fees for replacing licenses, permits, registrations, and license plates lost, destroyed or stolen because of a crime.
- Employers cannot fire or punish you because you:
 - were a witness in court;
 - took time to give a statement to the Parole Board, or
 - helped the DA.
- These rights apply to:
 - the next of kin of victims who died,
 - representatives of victims, and
 - Good Samaritans, who are people who tried to help victims even though it was

Attachment A

not their job, i.e., they are not police, firefighters, etc.

Violating this law is a misdemeanor. Your employer may decide, however, not to pay you for the time you spent away from work while involved in any of these activities.

- Victims can ask that a person convicted of a felony sexual offense be ordered to be tested for HIV. Requests must be in writing and must be filed with the court. A representative can act for a minor victim or someone a court has determined cannot handle his or her personal affairs. The test results are given to the victim and the defendant; they are not disclosed to the court.
- The Court may order the identifying information of a person applying for a name change sealed if publishing this information might put the person at risk.

Restitution: Your Right to be Paid Back

As a victim, you can ask that the defendant pay you back for what you lost due to the crime. This is known as restitution and it is not paid for future losses or pain and suffering.

Restitution must be part of a defendant's sentence. The amount paid to you will be based on proof of what you lost because of the crime.

- Keep records and receipts of any costs you have due to the crime, and
- Give copies of those records and receipts to the police, DA and Probation Department. Your claim for restitution will be part of the report that the Probation Department files with the court.

If you do not provide this information in time to be part of the defendant's sentence, you may be able to get repaid by suing the defendant.

You can ask for, but are not limited to:

- medical and counseling costs,
- loss of earnings,
- replacing, repair or cleaning of property,
- funeral costs, and
- any other cost you incurred because of the crime.

The defendant can object and the court may hold a hearing on your request. The DA may ask you to testify at that hearing. If you are worried about being in court, you should talk to the DA.

A judge will usually order the defendant to pay you back. If the judge does not order repayment, he or she must clearly state why, on the record. The restitution order will be on the inmate's commitment paper, which is the written instruction from the court directing the convicted person to be put in jail or prison.

The agency responsible for collecting repayment is listed on the restitution order. Payments are required to be made as ordered and will be made by check. You must provide a current address and update your address information if it changes.

Restitution from minors or persons in need of supervision (PINS) must be ordered by the Family Court. Repayment from juvenile delinquents is limited to \$1,500, and \$1,000 from PINS. To seek additional restitution, victims may file a lawsuit against the minor's parents or guardians.

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If OVS has paid your bills and the court orders restitution, that repayment may be made to OVS, not you. If you filed a claim with OVS, it is important that you tell OVS if the court orders repayment.

Certain victims of crime have additional rights under the law.

Rights of Child Victims:

1. Describing the crime as few times as needed;
2. A judge sensitive to the stress a child may experience testifying;
3. The same prosecutor handling the case whenever possible;
4. The use of video-recording or two-way closed-circuit TV when acting as a witness;
5. A support person when acting as a witness in court;
6. Using dolls and drawings when acting as a witness;
7. A team of people from various fields to address child abuse.

Rights of Victims of Domestic Violence:

1. An Order of Protection, which is an order of a court that requires one person to stay away from another person. Orders of protection are served at no cost. Criminal courts can give such orders to anyone while Family Court is limited to giving such orders to:

- relatives,
- former spouses, or
- people who are not related but have an “intimate relationship.”

The judge will decide if a relationship is “intimate;” non-sexual relationships can be “intimate.”

2. An arrest made by police if:

- Police find that your abuser committed a **felony** against you, they must make an arrest.
- An **Order of Protection has been violated**. This is true even if the order of protection was issued in another county, state, territory or tribal jurisdiction.
- Police determine that a **misdemeanor** has been committed against you, unless you ask them not to. Even if you make that request, police may still make the arrest. Misdemeanors are crimes for which a person can be sentenced for up to one year in jail.

3. When police believe that more than one family or household member committed a misdemeanor family offense, they are not required to arrest more than one person. In such cases, police must try to determine who is most responsible and arrest that individual.

4. If the police do not witness the violation or do not make an arrest, you can make a civilian arrest.

- This does not mean that you must physically make the arrest. It means that you must sign a complaint.
- Police may either take your abuser into custody or give you information on how to get the court to take some action.

5. In addition to making arrests, police can help you:

Attachment A

- Get to a safe place: victims of domestic violence can get emergency residential services;
- Get information on how the court can help protect you;
- Get medical care;
- Get personal belongings from your home;
- Get a free copy of any incident reports; and
- File a complaint in Criminal Court.

6. You may either place or temporarily lift a “freeze” on your credit report free of charge. To do this you must a) write to the credit reporting agency, and b) give proof you are a victim of domestic violence by providing one of the following:

- a domestic violence incident report (called a DIR),
- a police report,
- an order of protection, or
- an affidavit of a medical provider or of a victim advocate

Credit reporting agencies must not share the reason for the request.

7. To be treated fairly by an employer or licensing agency in hiring or employment practices.

8. Avoid forced contact with your abuser.

9. Request a new telephone number, at no cost.

Rights of Victims of Rape or Sexual Assault:

1. To be informed in writing of the name, address and phone number of the nearest rape crisis center;
2. To be in a private setting when being interviewed;
3. To limit people in the interview to:
 - those conducting the interview,
 - a social worker, rape crisis counselor, psychologist or other professional providing emotional support, and
 - the victim’s parents, spouse or friend if requested by the victim.
4. To not be asked or required to take a lie detector test or stress exam.
5. To have OVS pay for a medical exam related to a sexual assault. In addition:
 - Examiners and facilities must accept the state’s set fee as payment in full.
 - Victims may assign insurance benefits to the examination provider.
 - If victims assign insurance benefits, such coverage is not subject to annual deductibles or co-pays or balance billing by the provide¹⁴
 - However, victims may choose not to provide insurance information to the examination provider if concerned about privacy or safety.

¹⁴ For all insurance policies and contracts issued, renewed, modified, altered or amended on or after January 1, 2019.

Attachment A

6. To have clothes returned upon request.
7. Hospitals providing emergency treatment:
 - shall provide information on the availability of emergency contraception, its use and how well it works;
 - must provide emergency contraception, unless the victim refuses or if the victim is pregnant.
 - must offer victims a trained sexual assault advocate during the examination.
8. To have sexual offense evidence collected and kept in a locked, separate and secure area for 20 years from the date of collection. Victims will be notified at least three months before the end of the 20-year period that the evidence will be discarded.

**INSTRUCTIONS FOR PREPARING THE
HATE CRIME INCIDENT REPORT**

The Hate Crime Incident Reports provide data to the Division of Criminal Justice Services on hate crimes that occur in your jurisdiction. Agencies must report a hate crime when it appears that the offender's actions were motivated, in whole or in part, by a bias towards the victim. Use the attached Hate Crime Penal Law Reference Table to identify crimes that may involve a bias motivation. Submit the completed form with your monthly UCR or IBR crime report.

IF THERE ARE NO HATE CRIME INCIDENTS TO REPORT for the month, IBR agencies should check the appropriate box on the form and fill in month, year, and agency name before submitting by email, fax or postal mail. UCR agencies should check the appropriate box on page 5 of the Return A form.

This form is designed for electronic or manual data entry. To complete the form, enter the data into the spreadsheet or print the form and manually enter the information. When completed, return the form **by email to infonysucr@dcjs.ny.gov, by fax at (518) 485-8039, or by mail to NYS DCJS, Crime Reporting Unit, Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210.** If you have any questions, please call the Crime Reporting Unit at **1-800-262-3257.**

- Incident Date:** Enter the date the incident occurred.
- Case Number:** Enter the agency case number assigned to the incident
- Hate Crime Incident Classification** Refer to the Hate Crime Penal Law Reference Table (attached) to determine the charges relevant to the incident. Enter the appropriate Penal Law charge(s).
- Bias Motivation** Use the codes located at the bottom of the form and enter the bias motivation being reported.

C. Incident Information

- Location of Hate Crime** For each incident, enter a location code that best describes where the bias crime occurred.
- Type of Victim** For each incident, identify the type of victim that was targeted. "Structured Group or Organization" (code 73) should be used to identify bias crimes against a group of people defined by their collective similarity where no one individual was targeted.
- Victim(s) Demographics** If victim(s) is an "Individual(s)" (code 72), enter all known demographics for each victim on a separate line. If victim is a "Structured Group or Organization" (code 73), do not enter any victim demographics.
- Offender(s) Demographics** Enter all known demographics for each offender on a separate line. Leave blank if offender is unknown.

D. HATE CRIME PENAL LAW REFERENCE TABLE

Hate Crime involves a bias motivation to commit or attempt to commit any of the following offenses.

105.00	Conspiracy 6th
105.05 All subs	Conspiracy 5th
105.10 Sub 1, 2	Conspiracy 4th
105.13	Conspiracy 3rd
105.15	Conspiracy 2nd
105.17	Conspiracy 1st

Note: The conspiracy must involve the intent to commit one of the hate crimes listed below.

120.00 All subs	Assault 3rd	135.60 All subs	Coercion 2nd
120.05 All subs	Assault 2nd	135.65 All subs	Coercion 1st
120.10 All subs	Assault 1st	140.10 All subs	Criminal Trespass 3rd
120.12	Agg Assault Person <11	140.15	Criminal Trespass 2nd
120.13	Menacing 1st	140.17 All subs	Criminal Trespass 1st
120.14 All subs	Menacing 2nd	140.20	Burglary 3rd
120.15	Menacing 3rd	140.25 All subs	Burglary 2nd
120.20	Reckless Endanger 2nd	140.30 All subs	Burglary 1st
120.25	Reckless Endanger 1st	145.00 All subs	Criminal Mischief 4th
120.45 All subs	Stalking 4th	145.05 All subs	Criminal Mischief 3rd
120.50 All subs	Stalking 3rd	145.10	Criminal Mischief 2nd
120.55 All subs	Stalking 2nd	145.12	Criminal Mischief 1st
120.60 All subs	Stalking 1st	150.05	Arson 4th
121.12	Strangulation 2nd	150.10	Arson 3rd
121.13	Strangulation 1st	150.15	Arson 2nd
125.15 Sub 1	Manslaughter 2nd	150.20	Arson 1st
125.20 Sub 1,2,4	Manslaughter 1st	155.25	Petit Larceny
125.25 All subs	Murder 2nd	155.30 All subs	Grand Larceny 4th
130.35 Sub 1	Rape 1st	155.35	Grand Larceny 3rd
130.50 Sub 1	Criminal Sexual Act 1st	155.40 All subs	Grand Larceny 2nd
130.65 Sub 1	Sexual Abuse 1st	155.42	Grand Larceny 1st
130.67 Sub 1A	Agg Sexual Abuse 2nd	160.05	Robbery 3rd
130.70 Sub 1A	Agg Sexual Abuse 1st	160.10 All subs	Robbery 2nd
135.05	Unlawful Imprisonment 2nd	160.15 All subs	Robbery 1st
135.10	Unlawful Imprisonment 1st	240.25	Harassment 1st
135.20	Kidnapping 2nd	240.30 Sub 1,2,3,4	Agg Harassment 2nd
135.25 All subs	Kidnapping 1st	240.31 All subs	Agg Harassment 1st

**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**

Nothing to Report (NTR)

Agency Name _____ Agency ID# _____ Month and Year of Report _____

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	

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

F. Bias Motivation (61) Place of worship (Churches, Synagogues, etc.)		H - Hispanic	
GENDER	RELIGION/RELIGIOUS PRACTICE	ETHNICITY/NATIONAL ORIGIN/ANCESTRY	Location of Hate Crime
(01) Anti-male	(21) Anti-Jewish	(31) Anti-Hispanic	(62) Other property owned/operated by target group (e.g., religious, ethnic, etc. institutions or organizations)
(02) Anti-female	(22) Anti-Catholic	(32) Anti-Arab	(63) Public Property (school, street, gov't building, hospital, jail/prison, etc.)
(03) Anti-Gender Non-Conforming	(23) Anti-Protestant	(34) Anti-other ethnicity/national origin/ancestry	Race Code
(53) Anti-Transgender	(24) Anti-Islamic (Muslim)	(56) Anti-Not Hispanic	W - White
	(25) Anti-multi-religious groups		B - Black
	(26) Anti-Atheism/Agnosticism	SEXUAL ORIENTATION	A - Asian/Pacific Islander (Chinese, Indian, Japanese, Indian, Korean, Vietnamese, Philippine, Samoan, etc.)
AGE	(27) Anti-religious practice, generally	(41) Anti-male homosexual (Gay)	Type of Victim
(04) 60 years old or more	(29) Anti-other religion	(42) Anti-female homosexual (Lesbian)	(72) Individual(s)
	(58) Anti-Buddhist	(43) Anti-LGBT (mixed group)	(73) Structured Group or Organization (i.e., demonstrators, religious, ethnic or advocacy, etc.)
RACE/COLOR	(59) Anti-Eastern Orthodox (Greek, Russian, etc.)	(44) Anti-heterosexual	Ethnicity Code
(11) Anti-White	(60) Anti-Hindu	(45) Anti-bisexual	I - American Indian/Alaskan Native
(12) Anti-Black	(61) Anti-Jehovah's Witness		O - Other
(13) Anti-American Indian/Alaskan Native	(62) Anti-Mormon	DISABILITY	U - Unknown
(14) Anti-Asian	(63) Anti-Other Christian	(51) Anti-physical disability	
(15) Anti-multi-racial groups	(64) Anti-Sikh	(52) Anti-mental disability	
(55) Anti-Native Hawaiian/Pacific Islander			