

Section 1. Why are Hate Crimes Not Reported in the United States and in Suffolk County?

There is no question that Hate Crimes are vastly underreported in the United States. The Bureau of Justice Statistics Special Report on Hate Crime Reported by Victims and Police states that approximately 44% of Hate Crimes, violent crime and property crime, across the nation were reported to police, over half (56%) are not ¹. It is particularly distressing to note that 55% of Hate Crimes classified as "violent" which are defined as rape, other sexual assault, robbery and assault, are never reported to police².

Depending upon the victim and his or her circumstances there are a number of individual or a combination of reasons why Hate Crime does not get reported. Combining testimony heard throughout the Task Force Hearing process, feedback from Hate Crime victims supported and serviced at the Crime Victims Center and the literature, those reasons include but are not limited to the following:

1. Lack of knowledge about what Hate Crimes are, how the laws are applied and the overall criminal justice process;
2. Lack of knowledge of crime victims' rights and available support services;
3. Fear of retaliation by the perpetrator for reporting;
4. Fear of being re-victimized by the criminal justice process;
 - Many victims of violent crime and property crime are intimidated by the thought of involvement with the criminal justice process. But for those immigrant victims who were terrorized at the hands of military personnel and/or corrupt police in their countries of origin, that fear is exacerbated exponentially – and they will avoid criminal justice involvement at all costs.
 - Lack of English language proficiency and the mechanisms available to report Hate Crimes.
 - Fear of being identified as an undocumented immigrant and being deported.
5. A belief, whether real or perceived, that law enforcement does not want to address Hate Crimes;
6. Shame or embarrassment for being a victim of any crime, especially a Hate Crime;
7. Cultural or personal beliefs that one should not complain about misfortunes and handle their problems on their own;

¹ Bureau of Justice Statistics Special Report – Hate Crime Reported by Victims and Police, Page 1. 2005. NCJ 209911

² Ibid. page 4.

8. Fear of being exposed as being gay, lesbian, bisexual or transgendered to one's family, employer, friends, or the general public and the potential ramifications associated with exposure;
9. Fear of retaliation on the part of the elderly or persons with disabilities who have emotional and/or life supporting dependence upon someone who has or is committing Hate Crimes against them;
10. Inability of some persons with disabilities to articulate when they have been a victim of a Hate Crime.

Section 2. Impact of Hate Crime across the Nation and in Suffolk County

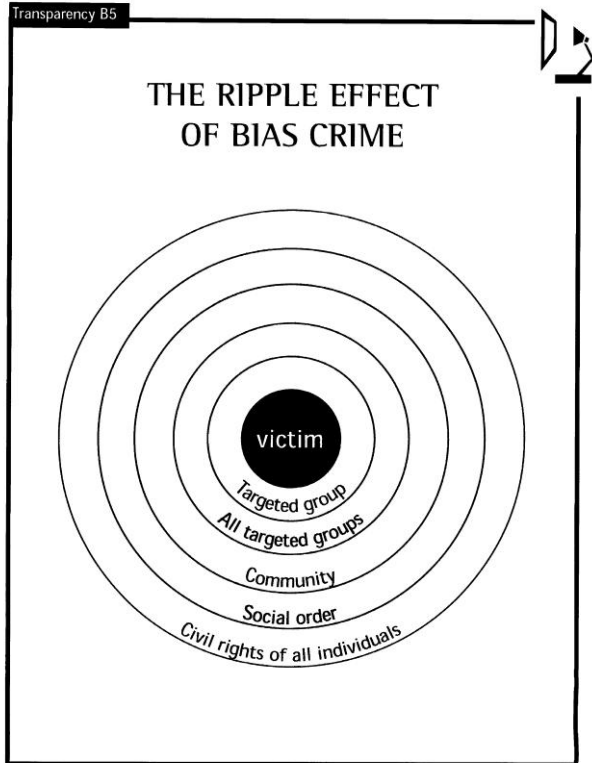


Illustration 1

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Hate crime victims frequently feel intense fear and isolation making them less likely to participate in the criminal justice process and more likely to suffer long-term emotional damage. Property crimes can create financial hardships for victims in trying to replace or do without what was stolen or damaged.

Testimony provided during task force hearings, direct feedback from victims who have been provided services at the Crime Victims Center, and available literature on the topic from across the nation consistently indicates that crimes of hate have a devastating impact on victims, the targeted group, all targeted groups, the community, on social order and on the civil rights of all individuals.³ According to the National Center for Victims of Crime, “A sense of anger is one

of the common responses to being the victim of a Hate Crime, but so is a deep sense of personal hurt and betrayal. Victims experience feelings of powerlessness, isolation, sadness and suspicion. Fear is another pervasive victim response. Victims fear for their own safety and for their family's safety. Most report changes in their lifestyle such as where they walk, how they answer the phone, reactions to strangers, suspicion of co-workers, and other such changes. Fear can take on paranoid qualities and drastically disrupt the lives of some victims. One of the most common reactions is a sense of injustice, and a corresponding loss of faith in law enforcement and the whole criminal justice system, which is often felt to be insensitive and disinterested.”⁴

³ Responding To Hate Crime: A Multidisciplinary Curriculum. National Center for Hate Crime Prevention. US Department of Justice. Available online at: <http://hhd.org/sites/hhd.org/files/Responding%20to%20hate%20crime%20-%20A%20multidisciplinary%20curriculum.pdf>

⁴ National Center for Victims of Crime, Hate Crimes. Available online at <http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentID=32356>.

Victims of hate violence indicate that the aftermath of victimization is characterized by a pervasive feeling of fear.⁵ Crimes are criminal offenses motivated entirely or in part by the fact or perception that the victim is different from the perpetrator. A number of factors contribute to increased psychological distress (e.g. depression, stress, anger, anxiety) among Hate Crime victims than those victims of other comparable crimes. This is caused in large part by the fact that most victims lack control over the characteristic that motivated their victimization. The victim characteristic motivating the attack (e.g. race or ethnicity) in most cases is ascribed and immutable. A person cannot modify his or her race, ethnicity, age, gender, or disability status. Even a religious identity or sexual orientation cannot be modified without forcing an individual to forego their rights and protections they are entitled to by law. The above, coupled with the fact that in most Hate Crimes the individual victim did nothing to provoke the attack, causes most Hate Crime victims to feel extremely vulnerable to future bias-related attacks.⁶

All victims of serious crimes are at risk for such distress, but the problems associated with Hate Crimes appear to last longer. Psychological problems among lesbian, gay and bisexual survivors of non-bias crimes dropped substantially within approximately two years after the crime. However, Hate Crime victims continued to have higher levels of depression, stress and anger as long as five years after their victimization occurred.⁷ Survivors of Hate Crimes are at increased risk of developing mental health problems including depression, anxiety, and post traumatic stress disorder (PTSD) in response to their victimization.⁸

Hate crimes are message crimes and their effect goes far beyond the direct and devastating impact on victims. As illustration 1. “The Ripple Effect of Bias Crimes” indicates, the initial crime sets off a chain reaction that, according to the National Center for Hate Crime Prevention, can result in the exacerbation of racial or intergroup tensions, which may result in civil disturbances, riots and even retaliatory Hate Crimes.

⁵ Levin, J. and McDevitt, J. (2001) Hate Crimes. Prepared for the Encyclopedia of Peace, Violence and Conflict, 2nd ed. Available online at: <http://jacklevinsonviolence.com/articles/HateCrimesencyc92206FINAL.pdf>. Page 18

⁶ Ibid. Page 7.

⁷ Herek, G., et al. (1999) Psychological Sequelae of Hate Crime Victimization Among Lesbian, Gay and Bisexual Adults. *Journal of Consulting and Clinical Psychology*.

⁸ American Psychological Association, The Psychology of Hate Crimes. Available online at: <http://www.apa.org/about/gr/issues/violence/hate-crimes-faq.pdf>.

The Suffolk County Hate Crimes Advocacy and Outreach Program

The Suffolk County Hate Crimes Advocacy and Outreach Program ensures that all victims of Hate Crime and their non-offending family members are; educated about their rights under the law; informed about the criminal justice process; are provided the support services they are entitled to and in desperate need of. Official protocols in place in the Suffolk County Police Department ensure that the Crime Victims Center, Hate Crime Advocate receives victim contact information after the crime is reported. The Hate Crime Advocate conducts comprehensive assessments, with crime victims and non-offending family members, to determine which of the many available cost free services are appropriate and available to them. Services include legal, medical, and concrete services referrals, criminal justice advocacy and assistance and advocacy in completing the New York State Office of Victim's Services application for reimbursement of expenses related to the crime. Reimbursement of expenses related to any violent crime may include, but are not limited to: all medical expenses related to the crime; expenses for counseling; loss of essential personal property; lost wages or support up to \$30,000; transportation for medical and court appearances; Good Samaritan property losses; crime scene clean-up; and funeral expenses. Confidentiality is strictly maintained and documentation status does not preclude any victim from accessing services. Crime victim advocacy, access to support services and knowledge of victims' rights increases the potential for participation in the criminal justice process and decreases the potential for long-term negative effects resulting from the crime.⁹ The collaboration between the Suffolk County Crime Victim Center and the Suffolk County Police Department ensures that all victims of violent crime, including minors, the elderly and disabled victims of property crime, understand their rights under the law and receive the benefits and services they are entitled to.

Hate crimes, not unlike acts of terrorism, are about messages. According to the American Psychological Association, Hate Crimes "are different from other crimes in that the offender, whether purposefully or not, is sending a message to members of a given group that they are unwelcome and unsafe in a particular neighborhood, community, school, workplace or other environment. Thus, the crime simultaneously victimizes a specific individual and members of a group at large." The intent of a Hate Crime is often to threaten and instill fear in an entire community and their frequency and degree of violence is seen as a method to achieve this objective. Being part of a community that is targeted because of immutable characteristics can decrease feelings of safety and security (Boeckman & Turpin-Petrosino,2002).¹⁰ Even the

⁹ U.S. Justice Department, Office for Victims of Crime: First Response to Victims of Crime (2008) available online at: <http://www.ovc.gov/publications/infores/pdftxt/FirstResponseGuidebook.pdf>

¹⁰ American Psychological Association, The Psychology of Hate Crimes. Available online at: <http://www.apa.org/about/gr/issues/violence/hate-crimes-faq.pdf>.

witnessing of discrimination against a group a person identifies with can lead to mental health issues such as depressed emotion and lower self-esteem. (McCoy & Major, 2003).

Recommendations:

- After confirmation from the Commissioner of Police that a Hate Crime has been committed in Suffolk County, a strong message of intolerance must be sent from both the Legislature and the County Executive, condemning the attack. This is important because it sends the message that they do not support their criminal behavior.
- See Section 5. Reporting, Outreach and Community Prevention Education

Section 3. Identifying Sources of Racial Tension in Suffolk County

In order to identify the sources of tension and what motivates Hate Crime it is essential to understand the various Hate Crime offender motivations that have been identified in the literature and existing or emerging conditions that may act as triggers. The National Hate Crime Training Curriculum taught by the FBI Training Academy identifies distinct types of Hate Crime typologies classified in terms of the offenders' motivations – thrill seeking offenders, reactive offenders and mission offenders. Retaliatory Hate Crime is motivated by revenge for another incident and may involve a large group activity or rioting.¹¹

Thrill Seeking Hate Crime offenders are looking for excitement. In a thrill seeking Hate Crime there need not be a precipitating incident. Youthful “hatemongers” gather to destroy property or bash minorities. Thrill seeking is the most common type of Hate Crime, representing 60% of all cases. Since attacks are random, it is difficult for law enforcement to identify the offenders.¹² A study of reported incidents in Boston found that perpetrators were predominately white teenage males, the vast majority (91%), did not know the victim they were attacking and 70% of their attacks were assaults, including brutal attacks that put the victim in the hospital.¹³ Many thrill motivated Hate Crimes are committed by teenagers travelling to another area to find victims.

¹¹ Responding To Hate Crime: A Multidisciplinary Curriculum. National Center for Hate Crime Prevention. US Department of Justice. Available online at: <http://hhd.org/sites/hhd.org/files/Responding%20to%20hate%20crime%20-%20A%20multidisciplinary%20curriculum.pdf>

¹² Ibid.

¹³ Levin, J. and McDevitt, J. (2001) Hate Crimes. Prepared for the Encyclopedia of Peace, Violence and Conflict, 2nd ed. Available online at: <http://jacklevinsonviolence.com/articles/HateCrimesencyc92206FINAL.pdf>

Not all Hate Crime is committed by groups of teenagers. **Reactive** or otherwise known as **Defensive** offenders, seize on what they consider as a precipitating incident or factor to serve as the reason for the expression of their anger. They have a sense of entitlement regarding their rights, privileges, or way of life which does not, in their opinion, extend to the victim.¹⁴ From their point of view, it is their community, means of livelihood or way of life that is being threatened by the presence of members of another group. They feel their actions are justified and characteristically feel little remorse, even after perpetrating a savage attack. The perpetrators in reactive crimes typically never leave their local neighborhood and usually act alone. **Mission** Hate Crime perpetrators believe that all out-group members are bent on destroying our culture, our economy or the purity of racial heritage. They seek to wage war against any and all members of a particular group or groups of people. Mission Hate Crime offenders are likely to join an organized group such as the KKK. Mission Hate Crimes are the rarest kind of bias crime and it is estimated that no more than 5 % of all Hate Crimes in the United States involved organized groups.¹⁵ Mission offenders are often psychotic, suffering from mental illnesses that may cause hallucinations, impaired ability to reason, and withdrawal from other people. Crimes are of a violent nature; the mission often ends in the offender's suicide.¹⁶ **Retaliatory** offenses are motivated by revenge for another incident or crime, especially incidents perceived to be rooted in prejudice. There appear to be two types of retaliatory Hate Crimes: getting even for a previous hate offense and getting even for an act of terrorism. Offenders tend to attack on a random basis any member of the targeted group. The thinking is "you got one of us, we will get one of you." For example, "many communities witnessed a dramatic increase in anti-Arab and anti-Muslim retaliatory Hate Crimes in the aftermath of the September 11, 2001 attacks on the World Trade Center in New York City and the Pentagon in Washington DC. For the year 2001, there was a 1,600 percent." (Schevitz, 2002). **Organized Hate Groups** range from loosely structured local groups to highly structured international groups. Hate groups typically grow in response to periods of increased immigration, attempts by disenfranchised groups to increase political and economic power and periods of economic instability. Hate groups are explicitly racist, consider people of color to be subhuman, are homophobic and blame the government, communism, and/or ethnic and racial "conspiracies" for most of the country's problems. It is estimated that there are no fewer than

¹⁴ Responding To Hate Crime: A Multidisciplinary Curriculum. National Center for Hate Crime Prevention. US Department of Justice. Available online at: <http://hhd.org/sites/hhd.org/files/Responding%20to%20hate%20crime%20-%20A%20multidisciplinary%20curriculum.pdf>

¹⁵ , J. and McDevitt, J. (2001) Hate Crimes. Prepared for the Encyclopedia of Peace, Violence and Conflict, 2nd ed. Available online at: <http://jacklevinsonviolence.com/articles/HateCrimesencyc92206FINAL.pdf>

¹⁶ Responding To Hate Crime: A Multidisciplinary Curriculum. National Center for Hate Crime Prevention. US Department of Justice.

20,000 and possibly no more than 50,000 members of white supremacist groups in the United States.¹⁷

In 2010, the previous Suffolk County Police Department Hate Crime Commanding Officer reported that the largest population of hate and bias crime offenders in Suffolk County were teenagers between the ages of 13 and 19. This is supported by the New York State Division of Criminal Justice Services (DCJS) statewide 2008 Hate Crime report where victims reported that 44% of offenders were under the age of 19.¹⁸ However, in the 2009 DCJS Hate Crime Report, where age was known, victims reported only 21.7% of offenders were 19 and under and 55% were less than 25 years old.¹⁹

Comprehensive offender demographic analysis is needed to more accurately plan and implement effective crime prevention and community education initiatives. Information such as; offender typology and motivation, specific crime committed (crime against a person or crime against property) geographic location of crime, victim-offender relationship, use of weapons, gender, race, age of the offender and other pertinent characteristics are needed to assist in identifying variables and possible correlations that may give rise to incidences of Hate Crime in Suffolk County.

Recommendations:

- Establish a Police Commissioners' Special Task Force on Hate Crimes. The task force should be charged with comprehensively analyzing all department Hate and Bias Crime demographics and statistics in Suffolk County, reporting those demographics and statistics and making ongoing recommendations for outreach, increased reporting and prevention initiatives.
- Establish a mechanism for SCPD clergy to coordinate with CVC advocates for additional victim support services as requested.
- Direct additional personnel resources to the Hate Crimes Unit to ensure adequate investigative coverage, supervisory coverage and statistical reporting and monitoring of all bias and hate crime incidents throughout the entire police district.

¹⁷ Ibid.

¹⁸ Hate Crime in New York 2008 Annual Report. New York State Division of Criminal Justice Services. Available online at: <http://criminaljustice.state.ny.us/pio/annualreport/hatecrimereport2008.pdf>

¹⁹ Hate Crime in New York 2009 Annual Report. New York State Division of Criminal Justice Services. Available online at: <http://criminaljustice.state.ny.us/crimnet/ojsa/hate-crime-in-nys-2009-annual-report.pdf>

During the public hearings and public presentations before the Hate Crimes Task Force, testimony was heard from civic organizations regarding potential contributing factors which could lead to community unrest or tension, these included:

1. Some community members felt threatened by rapid changes in demographics;
2. Some felt that local town government's failure to address overcrowding of residential homes in neighborhoods added to tensions;
3. The perception, whether realistic or not, that jobs were being taken away by undocumented immigrants, especially during difficult economic times added frustration and tension;

Another issue possibly contributing as a causative factor for creating community tension and conflict must be considered—Long Island communities are highly divided by race and ethnicity. According to a 2002 report from the Institute on Race and Poverty, Long Island is “among the most racially segregated metropolitan areas in the United States and this racial segregation heavily overlaps with economic segregation as pockets of racialized concentrated poverty exist side-by-side with the region’s general affluence.”²⁰ Racial segregation and racial violence must be studied in tandem. An analysis of “the proportion of group members of different races and ethnicities is critical regarding the conflict in neighborhoods because these distributions determine the likelihood of social interaction between groups” (Blau, 1977). “Maintaining spaces that contain and protect established or desired social relations is common” (Flint, 2004). Any demographic change, especially rapid or dramatic change such as those that occurred in Farmingville or Patchogue, may precipitate crime directed at minorities.

Preventing hate crime in Suffolk County, improving upon the mechanisms of reporting and ensuring the needs of victims are met cannot be accomplished by one person or any one group. Rapid demographic changes can be a precursor to neighborhood discord and these areas must be identified and pro-active hate crime prevention initiatives and resources deployed. Systemic abuses that facilitate segregation, such as racial steering, deny equal opportunity and limit access to resources. Aggressive, sustained and proactive enforcement initiatives must be implemented to realize measurable change.

Recommendations:

- See Section 5. Reporting, Outreach and Community Prevention Education

²⁰ Racism and the Opportunity Divide on Long Island (2002) Available online at: <http://www.racialequitytools.org/resourcefiles/irp.pdf>

- Community organizations representing protected classes should conduct random tests to ascertain if “racial steering” is occurring and reports their results to the Human Rights commission for follow-up action.
- See prior recommendation to establish a Police Commissioners’ Special Task Force on Hate Crimes to comprehensively analyze Hate and Bias Crime demographics and make ongoing recommendations for outreach, increased reporting, and prevention initiatives.

Although it is not a charge of this task force to comment on immigration issues, it is important to note that significant conflict regarding the federal immigration laws cause tension not only in Suffolk County but across the nation. Community members demanding non-enforcement or overhaul of federal immigration laws clash, at times in volatile and public displays, with other community members who demand strict enforcement of immigration laws. While the media can be a useful tool to educate the community and potentially help to prevent Hate Crime, unbalanced coverage of these conflicts can contribute to tensions in the community – especially during difficult economic times. Until these matters are resolved federally, one way or another, conflict will continue to divide our communities and racial tension will exist making our protecting classes more vulnerable to Hate Crime.

Recommendations:

- The public, government, elected, criminal justice professionals and victim service providers should refrain from using the word “illegal” and refrain from making public comments that can be perceived , whether intended or not, as insensitive or as perpetuating racial, ethnic, religious and/or sexual orientation stereotypes. The use of the word “illegal” and the perpetuation of stereotypes can be used by extremists as justification to commit crimes against protected classes.
- Community leaders, advocates and victim service providers should refrain from making public comments that can be perceived, whether intended or not as dissuading victims from cooperating with or collaborating with law enforcement and other criminal justice professionals.
- County and other government agencies and authorities should inventory their public materials to determine if the phrase “illegal alien” is used and replace it with undocumented person.

Section 4. Training, Mandated Reporting and Prevention Education for Professionals

The Suffolk County Police Department provides a minimum 44 hour training program on diversity, cultural awareness, sensitivity and Hate Crimes for new recruits which include portions for representatives from community organizations to speak at the Academy. A new Hate Crimes full day training program for sworn officers began in October of 2010. This program is based upon a DCJS training which was customized to reflect local issues and includes community representatives.

Recommendations:

Law Enforcement

1. In-service sworn officer annual training should be mandated for every sworn officer and civilian working for the Police Department.
2. Each law enforcement officer should be provided a memo book insert similar to that of the Anti-Defamation League's informational card. The insert should include the definition of a Hate Crime, factors to be considered by responding officers, strategies for effective investigations and the CVC Hate Crime Victim Advocate 24 Hour Hotline number for referrals in cases where immediate victim advocacy is needed. Officers should be required to provide a referral to the Hate Crime Advocate in cases where the crime victim expresses fear and reluctance to report the incident or crime.

Prosecutors

1. Hate Crime training should be required for district attorney's who are prosecuting Hate Crimes. Training should include Hate Crime investigations, charging decisions, issues before a jury, and how to work with community based organizations.

Suffolk County Contract Agencies Mandated Reporting and Education

1. All Suffolk County contract agencies (including schools who contract with the County) should be required to report a suspicion of the occurrence of a Hate Crime and receive a minimum of one hour Hate Crime Prevention Education. This requirement should be written into their contract. Fulfillment of this requirement would be left to the discretion of the agency, but, documentation asserting to each staff member's participation in appropriate training would be required for submission to the county agency administering the contract. (Refer also to Legislative Recommendations - State licensed professionals such as teachers and medical providers, and human service

agencies that contract with the government must be required to report suspicions of the occurrence of a hate crime to law enforcement.)

Section 5. Reporting, Outreach and Community Prevention Education

The good news is that children are not born with hatred, it is learned. “It is possible for schools, families, law enforcement and communities to work together to prevent the development of the prejudiced attitudes and violent behavior that leads to Hate Crimes. Prejudice and the resulting violence can be reduced or even eliminated by instilling in children an appreciation and respect for each other’s differences, and by helping them to develop empathy, conflict resolution, and critical thinking skills. By teaching children that even subtle forms of hate are inherently wrong, we can hope to prevent more extreme acts of hate in the future.”²¹

Recommendations:

- See *Crime Victims Center Outreach and Advocacy Program Below*
- See Recommendations for Suffolk County Police Department to Build Trust, Increase Outreach Efforts and Increase Reporting of Hate Crime (Mechanisms of Reporting)
- See Section 4. - Training, Mandated Reporting and Prevention Education for Professionals Recommendations

At public hearings the Task Force consistently heard testimony from community organizations representing protected classes, that they believed there would be an increase in Hate Crime Reporting if there were more outreach programs, and if there were more trusting relationships built with law enforcement.

The Crime Victims Center Outreach and Advocacy Program:

In response to community requests for comprehensive Hate crime victim services and outreach through collaboration with community organizations, the Suffolk County Hate Crimes Advocacy and Outreach Program was established.

The Suffolk County Legislature and the Suffolk County Executive jointly funded the Crime Victims Center Outreach and Advocacy Program, the first of its kind in New York State. A bi-lingual advocate was hired and trained to specialize in working with the special needs of Hate Crime Victims and educating the community about Hate Crime Prevention. The Crime Victims Center has established a 24 hour Hate Crime Victim Hotline where callers can access a bi-lingual

²¹ Preventing Youth Hate Crime: A manual for Schools and Communities. (1998) Available online at <http://www.eric.ed.gov/PDFS/ED423491.pdf>

crime victim advocate 24 hours a day 365 days a year. The Crime Victims Center now utilizes Language Line, a service which makes it possible for all staff to communicate in 170 different languages.

The Hate Crime Advocate provides comprehensive support services and criminal justice advocacy to all victims of Hate Crime. The advocate conducts an intake with the crime victim and/or family at the Patchogue or Stony Brook location. The advocate has and will meet crime victims at a location of their choosing if transportation is an obstacle. The Hate Crime advocate collaborates closely with the Suffolk County Police Department Hate Crimes Unit. Since 2007, police department protocols require officers to ask all victims of violent crime, including minors, the elderly and disabled victims of property crime, if they would like crime victim advocacy. If the victim, guardian or surviving family members request support, the police department faxes victim contact information for Crime Victim Center advocates to follow-up for advocacy and services.

The Crime Victim Center conducted extensive telephone and in-person outreach to identify organizations in Suffolk County that represent each of the protected classes identified in Hate Crime Law and other organizations which have a role in the prevention of Hate Crime or who may come in contact with victims of Hate Crime, ie, houses of worship and community organizations. Beginning March 15, 2010 the Suffolk County Crime Victims Center has been conducting phone, fax and email outreach quarterly to over 490 organizations to present the Hate Crimes Prevention and Victims Services Program. The organizational listing is comprised of 282 organizations representing protected classes (based upon race, color, national origin, ancestry, gender, religion, religious practice, age, disability, sexual orientation), 55 Suffolk County Civic Associations, 70 Suffolk County School Districts, 57 Nassau County School districts, 32 elected officials.

The Hate Crime Prevention and Victims Services Program is an hour and a half long Power Point presentation which is currently being translated into Spanish. The accompanying literature is available in both English and Spanish. The program is designed to reduce Hate Crime by; educating attendees about prejudice, stereotyping and discrimination and the effect they have on individuals; increasing the reporting of Hate Crimes by educating attendees about the process for reporting a Hate Crime and the criminal justice process that follows the initial report; educating victims about their rights under the law and the services they are entitled to as a victim of a crime; linking the public and community organizations to educational referral sources where they can access other Hate Crime Prevention Programs. The program stresses confidentiality for all victims and points out that documentation status is never questioned, and does not preclude anyone from accessing services.

Outreach initiatives have resulted in strong collaborations between community organizations representing protected classes and agency Crime Victim advocates.

Recommendations for Crime Victim Center:

- After confirmation that a Hate Crime has been committed in a community, CVC staff should collaborate with a local community organization to present a Hate Crime Prevention Program.
- Conduct outreach and provide literature to consulates to make them aware of the crime victim services available to anyone who is a victim of a crime.
- Distribute Hate Crime Advocacy and Outreach Program literature to all County Personnel.
- Although we support the New York State Education Department's development and implementation of curricula to educate students and train staff, there are existing no-cost programs that can be utilized to get a jump start on educating students in schools about Hate Crime and about celebrating diversity. While conducting outreach for the CVC Hate Crime Prevention Program, the CVC should distribute student prevention education program flyers for the Suffolk County Police Department's Police Smart "Anti-Hate/Anti-Bias" Program, the Anti-Defamation League's "No Place For Hate" Program and the Southern Poverty Law Center's "Mix it Up" Program.
 - The Suffolk County Police Department's Police Smart Program is staffed by 10 Sworn Officers who conduct outreach and an array of prevention education programs in schools. Programs include a new "Anti-Hate/Anti-Bias" Program which is a Power Point presentation and is intended for mature middle school and high school students. Providing information about these programs will expose Superintendants to the many other K-12 educational programs offered by the Suffolk County Police Department, ADL and the Southern Poverty Law Center.
 - The "No Place For Hate®" Program, as indicated on the ADL flyer, is designed to celebrate diversity and empower members of the school community to challenge all forms of bigotry.
 - As indicated on the Southern Poverty Law Center's literature, "Mix it Up Day" is a national campaign to improve intergroup relations, reduce prejudice and build inclusive learning communities. Students thrive—socially and academically—in schools that are inclusive. Mix It Up encourages students to identify, question and cross social boundaries that separate them from other students.

Programs Initiated and Existing Programs Provided By the Suffolk County Police Department Aimed at Building Trust, Increasing Outreach Efforts and Increasing Reporting of Hate Crime (Mechanisms of Reporting)

The Suffolk County Police Department has significantly improved their mechanisms for reporting Hate Crime and has taken important steps to increase outreach initiatives to the community to build trust. Communication barriers, which can act as an obstacles for reporting Hate Crime, have been have been directly addressed and virtually eliminated with the installation and use of Language Line translation services and the hiring of additional Spanish speaking 911 Call Center Operators. Further, in an attempt to increase the number of Spanish speaking officers, the police department is offering the police exam in Spanish.

Posters, in both English and Spanish reiterating that the police department does not ask crime victims, witnesses or persons requesting help about their immigration status are posted in all precincts, in schools, libraries and businesses which serve a Spanish speaking clientele. New outreach and Hate Crime presentations are made to students throughout schools in Suffolk County, including ESL classes in High Schools educating attendees about reporting Hate Crimes and police policies. Police reiterate that the police department does not ask crime victims, witnesses or persons requesting help about their immigration status. New public service announcements are aired in English and Spanish which encourage reporting of crimes and reiterate that the police department does not ask crime victims, witnesses or persons requesting help about their immigration status. Existing annual volleyball games with the LGBT which build trust between officers and participants were expanded to include Latino community members. The existing Swim for Survival Program encourages youngsters to learn swimming skills while developing trusting relationships with law enforcement. Posters advertising the Swim Program are down posted in both English and Spanish.

The relationship between the community and the police department becomes stronger when there are obstacle free mechanisms in place for obtaining written copies of policies/protocols and for making complaints against police personnel. The police department has their formal Hate Crimes response protocol available online for the public to access and they developed barrier free mechanisms for filing a complaint. The police department recently established a new 24 hour Compliment/Complaint hotline and developed an anonymous self-submit form which is now available in all public police facilities and public libraries. The public does not have to ask for a form in the precincts, they are available in a bin on the wall. Forms can be mailed or faxed in. Additionally, for self-monitoring purposes, the police department mails between 100-150 "Satisfaction Surveys" to the public who have made police reports. Surveys are mailed in both English and Spanish. Surveys are also distributed in person at the Suffolk County Crime Victims Center in both English and Spanish. Surveys which contain negative feedback are processed as follows:

- If survey is returned with positive feedback, a conference with their supervisor is held and letter from Police Commissioner is mailed to their home thanking them and encouraging them to continue to provide exemplary service.
- If dissatisfaction reported is not an allegation of misconduct the complaint is addressed by a supervisor and utilized as a training tool.
- If survey alleges misconduct then it is addressed as a “complaint”. That complaint may become a formal complaint which may then be investigated by Internal Affairs.

Recommendations –

- See Section 3 recommendation to establish a Police Commissioners’ Special Task Force on Hate Crimes to comprehensively analyze Hate and Bias Crime demographics and make ongoing recommendations for outreach, increased reporting and prevention initiatives.
- If police are contacted and a Hate Crime victim or representative of that victim is afraid or reluctant to report a Hate Crime, the officer, operator, or representative of the police department should provide a referral to the Suffolk County Crime Victims Center Hate Crime Advocate. The police department should remind the victim that the advocate is not a police officer and this contact is not for emergency purposes.
- If police are contacted and a victim of any crime is unable to communicate because of a language barrier, police must locate an officer who speaks the victim’s language or utilize language line interpretation services to take the initial report and any subsequent statements. A copy of the field report must be provided to the victim, parent or guardian or survivor of the victim. A copy of the incident should be provided when completed if it does not compromise the investigative process.
- See Section 4 law enforcement recommendation # 2 to provide each law enforcement officer a memo book insert which would include the definition of a Hate Crime, factors to be considered by responding officers, strategies for effective investigations and the CVC Hate Crime Victim Advocate 24 Hour Hotline number for referrals in cases where immediate victim advocacy is needed. Officers should be required to provide a referral to the Hate Crime Advocate in cases where the crime victim expresses fear and reluctance to report the crime. The officer should remind the victim that the advocate is not a police officer and this contact is not for emergency purposes
- Allow crime victims to report Hate Crime online with a fill-able form. Make all fields a required entry to avoid anonymous non-verifiable reports. Offer the reporting victim an opportunity to have a police officer contact them and/or a Crime Victim Center advocate. The police department should remind the victim that the advocate is not a police officer and this contact is not for emergency purposes.

- Coordinate with Crime Stoppers to include Hate Crimes in their cell phone texting program to allow students to report Hate Crime Tips. This would encourage students to report Hate Crimes and they could potentially benefit by receiving a reward.
- Provide the compliment/complaint form online, and in English and Spanish.
- Conduct annual outreach to target middle and high school students to all school superintendents, youth agencies and houses of worship to make them aware of the myriad of programs the police department offers, including but not limited to the Police Smart “Anti-Hate/Anti-Bias” Program, Police Explorers Program, Police Athletic League, Swim for Survival Program and other programs aimed at activities for juveniles.

- The Suffolk County Police Department should post Hate Crime statistics on their website:
 - Crime statistics, even when technically accurate, can be misleading if not interpreted correctly. Interpretation requires a comprehensive understanding of certain factors and variables that affect the final data reported. The Suffolk County Police Department should post annual and quarterly updates of Hate Crime and Bias Incidents and arrests, broken down by type of crime, physical contact or property crime.
 - Total Hate Crimes Reported to DCJS
 - Number of Hate Crime cases cleared by arrest
 - Number of persons arrested for Hate Crime
 - Number of Hate Crime cases exceptionally cleared
 - Number of Hate Crime cases pending
 - Number of Hate Crime cases cleared, other

 - Total Hate Crime Incidents Investigated
 - Total cases cleared by arrest (cases that did not result in a Hate Crime charge but there was an arrest for another crime)
 - Number of persons arrested
 - Number of Bias Crime cases exceptionally cleared
 - Number of Bias Crime cases pending
 - Number of Bias Crime cases cleared, other

 - Hate Crime Incidences (including bias incidences) should be mapped and displayed on online

- The Hate Crimes Unit in the SCPD should keep arrest and case disposition statistics on all bias related incidences and Hate Crimes throughout the entire police department, not just for their unit.
- The public traditionally does not have a comprehensive understanding of Uniform Crime Reporting (UCR) requirements and what types of crime supply the two major crime reporting categories of Violent Crime and Property Crime. For that reason statistics are often misinterpreted and misinformation is perpetuated, leading to misunderstanding and mistrust. For UCR (Uniform Crime Reporting) purposes, violent crime does not include all physical contact crime, therefore SCPD statistics should present crime statistics simply within two categories; physical contact crime and property crime. On the website there should be a link to a document which lists all of the crimes which are included in the physical contact and property crime categories. National crime clearance rates indicate that law enforcement will have a significantly lower overall case clearance rate for property crimes because there is no confrontation with a victim and there are usually no witnesses. Since property crime incidences traditionally have lower arrest rates, it would be misleading to the public if physical contact crime and property crime statistics were combined – in this case possibly leading the public to believe that law enforcement were not being proactive in making arrests. It would be significant to know and understand; how many of those crimes were physical contact crimes; how many were property crimes; and how many of the Hate Crimes reported were cleared by arrest or cleared for other reasons. One Hate Crime case could potentially result in multiple arrests and conversely a single offender could perpetrate multiple Hate Crime offenses. This information is crucial for prevention and outreach planning and for law enforcement crime trend analysis. Further, law enforcement should report how other cases under investigated were cleared, or closed. For example, a case being investigated can be closed without an arrest for a variety of standardized reasons, ie., the alleged victim or a witness recanted. If statistics are to be posted publically, law enforcement must provide detailed explanations of the information they are presenting to prevent misunderstandings and build trust. Conversely, the public must be committed to taking the time to correctly interpret the statistics being presented.

Section 6. Legislative Recommendations

It is common knowledge to police officers, prosecutors, and victim service providers that documentation status does not preclude a victim of a violent crime minors, the elderly, or disabled victims of property crime from accessing victim services or possible state reimbursement for certain approved expenses related to a crime, however, most community members are unaware of this fact.

1. Pass a local law that sets forth the County's policy encouraging all victims of violent crime, including minors, the elderly or disabled victims of property crime to utilize crime victim services and to cooperate with law enforcement authorities without regard to documentation status.
2. State licensed professionals such as teachers and medical providers, and human service agencies that contract with the government must be required to report suspicions of the occurrence of a hate crime to law enforcement.
3. Pass a Suffolk County memorializing resolution supporting recommendations made by the New York State Division of Human Rights²², that curricula on Hate Crimes must be developed for students and school staff. The resolution should support the Governor's office working with the State Education Department and the New York State United Teachers to link trainers with schools and provide appropriate curricula to teachers and administrators. The memorializing resolution should encourage the state to require that Hate Crime Prevention curricula be immediately incorporated for all student grades K-12 students and that the curriculum should be a requirement for teacher and school administrators for state certification.
4. Pass a Suffolk County local law or policy requiring the Department of Probation to mandate Bias crime or Hate Crime offenders to attend the StopBias program.
5. With concurrence of the Police Department, pass a Suffolk County memorializing resolution to amend New York State Penal Law §485.05 (3) to include Gang Assault 120.07 1st degree and Gang Assault 120.06 2nd degree as specified offenses that can be charged as Hate Crimes.

²² New York State Division of Human Rights Task Force Recommendations, July 29, 2009, pages 2-3. Available online at http://criminaljustice.state.ny.us/pio/annualreport/hate_crimes_task_force_report.pdf

6. With concurrence of the Police Department, pass a Suffolk County memorializing resolution supporting recommendations made by the New York State Division of Human Rights to make the following amendments to the penal code²³:
 - a. Penal Law § 485.05(1) should be amended to add a new subdivision (c) to address property damage crimes committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person or entity associated with that property. This will clarify the law and make it easier to prove Hate Crimes committed, for example, against a building owned by a religious institution.
 - b. Penal Law § 485.05(1) be amended to permit a finding that the perpetrator committed the specified offense because of a belief or perception regarding “one or more of the enumerated protected classes.” This addresses the situation where members of the jury, although agreeing that a Hate Crime occurred, may be inclined to rely on different protected attributes of the victim in reaching its verdict (i.e., religion and religious practice; race and color; gender and sexual orientation).

Updated April 2011

²³ Ibid. page 7.