



Criminal Justice Research Report

David A. Paterson
Governor

Denise E. O'Donnell
Deputy Secretary for Public Safety/
DCJS Commissioner

August 2009

Hate Crime in New York State 2008 Annual Report

Prepared by Matthew Fetzer and Adriana Fernandez-Lanier

New York State enacted the Hate Crimes Act of 2000 to address crimes committed against individuals because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

The Act requires the compilation of specific information, including:

- The number of hate crimes reported by police.
- The number of persons arrested for committing such crimes, the offense charged and the county of arrest.
- The disposition, including dismissal and acquittal.
- The offense to which the defendant plead guilty, or was convicted of after trial, and the sentence imposed.

In 2008, 596 hate crime incidents were reported to the Division of Criminal Justice Services (DCJS) by law enforcement agencies in New York State. Among these incidents:

- 610 hate crime victims were identified.
- Dispositions were reported in 98 cases which resulted in 64 convictions and 34 cases where the disposition was not a conviction.
- Of the 64 convictions, only 10 were convicted of a hate crime charge.
- Less than one-third (28%) of those convicted following a hate crime arrest received a sentence of prison or jail.

Major Findings

- ♦ Reported hate crimes were most frequently motivated by anti-Jewish (36%), anti-black (25%), anti-gay male (11%) and anti-Hispanic (4%) bias.
- ♦ Hate crime victims were predominantly male and under the age of 30.
- ♦ Hate crime perpetrators were predominantly white, male, and under the age of 25.
- ♦ New York City reported 259 hate crime incidents and 49 hate crime arrests; the rest of the state reported 337 incidents and 110 arrests.
- ♦ Of the 64 individuals who were convicted following a hate crime arrest, 10 were convicted of a hate crime.
- ♦ One individual convicted following a hate crime arrest was found guilty at trial; the other 63 pleaded guilty.
- ♦ A total of 28% of those convicted in bias-related prosecutions were sentenced to prison or jail.

Office of Justice Research and Performance
Deputy Commissioner Theresa E. Salo
www.criminaljustice.state.ny.us

For further information please email us:
crimestat@dcjs.state.ny.us

Reported Hate Crime Incidents

A hate crime can be perpetrated against an individual, a group of individuals, or a piece of property. For example, a person may be assaulted because of his or her race or religion. Or, a property, such as a synagogue, could be defaced in a bias-motivated incident. Table 1 shows reported hate crime incidents by type of offense. In 2008:

- Of the 596 hate crimes reported, 67% involved a violent crime against a person and 33% were property crimes.
- Departments reported 397 hate crimes against persons. Approximately half involved physical attacks such as murder and assault, and half involved intimidation (mostly, Aggravated Harassment 2nd).
- Of the 199 crimes against property, 179 (90%) involved property destruction, damage or vandalism.

Table 1. Hate Crime Incidents by Offense Type

Offense Type	Number	Percent
Total	596	100.0%
Crimes Against Persons:	397	66.6%
Murder & Non-Negligent Manslaughter	2	0.3%
Robbery ¹	11	1.8%
Aggravated Assault	23	3.9%
Simple Assault	166	27.9%
Intimidation	195	32.7%
Property Crimes:	199	33.4%
Arson	1	0.2%
Burglary	9	1.5%
Larceny-Theft	10	1.7%
Destruction/Damage/Vandalism	179	30.0%

¹UCR considers robbery to be a property crime but for this purpose it is categorized as a crime against persons.

Reported Hate Crime Victims

Table 2 shows that in 2008, there were 610 victims of hate crime reported to police. Of these, 411 were victims of crimes against persons and 199 were victims of property crimes. Of the 411 reported victims of crimes against persons, 43% involved a race/ethnicity bias motivation and 37% involved a religious bias. Anti-black bias predominated complaints of race/ethnicity-based hate crimes and anti-Jewish bias predominated complaints of religion-based hate crimes.

Crimes Against Persons

- Within the religion category, anti-Jewish bias accounted for 129 out of 153 (84%) victims.
- Hate crimes motivated by bias against a person's sexual orientation was the third most frequently reported among victims, with bias against gay males the most common.
- Intimidation offenses accounted for the majority of hate crimes against black persons, while assaults account for the majority of offenses against Jewish persons and gay males.

Property Crimes

- More than half (54%) of property crimes involved a religious bias motivation. Within this category, anti-Jewish bias motivation accounted for the majority (92 out of 108) of property victims.
- More than one-third (38%) of property crime victims involved a race/ethnicity bias motivation.
- Most property-related crimes against black and Jewish individuals (85%) involved the destruction or vandalism of property.

Table 2. Offense Type by Bias Motivation for Victims

Bias Motivation	Crimes Against Persons		Property Crimes	
	Number	Percent	Number	Percent
Total	411	100.0%	199	100.0%
Gender:	7	1.7%	1	0.5%
Anti-Gender Identity Expression	4	1.0%	1	0.5%
Anti-Female	3	0.7%	0	0.0%
Religion:	153	37.2%	108	54.3%
Anti-Jewish	129	31.4%	92	46.2%
Anti-Catholic	7	1.7%	4	2.0%
Anti-Islamic (Muslim)	6	1.5%	2	1.0%
Anti-Other Religion	5	1.2%	8	4.0%
Anti-Multi-Religious Groups	3	0.7%	0	0.0%
Anti-Religious Practice Generally	2	0.5%	1	0.5%
Anti-Protestant	1	0.2%	1	0.5%
Race/Ethnicity/National Origin:	178	43.3%	75	37.7%
Anti-Black	102	24.8%	48	24.1%
Anti-Hispanic	19	4.6%	6	3.0%
Anti-White	19	4.6%	2	1.0%
Anti-Other Ethnicity/National Origin	16	3.9%	2	1.0%
Anti-Asian/Pacific Islander	11	2.7%	1	0.5%
Anti-Multi-Racial Groups	6	1.5%	14	7.0%
Anti-Arab	4	1.0%	1	0.5%
Anti-American Indian/Alaskan Native	1	0.2%	1	0.5%
Sexual Orientation:	73	17.8%	14	7.0%
Anti-Male Homosexual	60	14.6%	9	4.5%
Anti-Homosexual (Male & Female)	7	1.7%	1	0.5%
Anti-Female Homosexual	6	1.5%	2	1.0%
Anti-Bisexual	0	0.0%	2	1.0%
Disability:	0	0.0%	1	0.5%
Anti-Physical	0	0.0%	1	0.5%

NOTE: Victims include individuals, groups, organizations, businesses, or institutions.

Reported Hate Crime Victims by Gender and Age

In order to understand and work to prevent hate crime, it is essential to be able to assess and quantify the type of individuals who are being victimized. Table 3 shows victim gender and age among the most commonly reported bias motivation categories. It shows that men were more likely than women to report being the victim of a hate crime. Victims tended to be under 30 years of age, although victims of anti-Jewish hate crimes were distributed over all age categories.

- All but one of the 20 reported victims of anti-Hispanic bias were males.
- There was only one reported victim of an anti-Hispanic hate crime who was over the age of 50.
- A total of 30 victims of the reported anti-Jewish incidents were over the age of 50 (32%).
- Of the 67 reported victims of gay male bias, 28 were between the ages of 20 and 29 (42%).
- Bias against black individuals largely involved victims under the age of 30 (51 out of 106, or 48%). However, 14 of the reported victims (13%) were between the ages of 45 and 49.

Table 3. Victim's Gender and Age by Common Bias Motivation Categories

	Anti-Black		Anti-Jewish		Anti-Hispanic		Anti-Male Homosexual		All Other Bias	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	106	100.0%	93	100.0%	20	100.0%	67	100.0%	106	100.0%
Gender:										
Male	65	61.3%	70	75.3%	19	95.0%	66	98.5%	62	58.5%
Female	40	37.7%	22	23.7%	1	5.0%	1 ^a	1.5%	43	40.6%
Not Reported	1	0.9%	1	1.1%	0	0.0%	0	0.0%	1	0.9%
Age:										
15 & under	13	12.3%	10	10.8%	2	10.0%	1	1.5%	3	2.8%
16 to 19	14	13.2%	7	7.5%	3	15.0%	9	13.4%	10	9.4%
20 to 24	14	13.2%	4	4.3%	3	15.0%	14	20.9%	19	17.9%
25 to 29	10	9.4%	11	11.8%	1	5.0%	14	20.9%	9	8.5%
30 to 34	5	4.7%	6	6.5%	2	10.0%	4	6.0%	12	11.3%
35 to 39	10	9.4%	4	4.3%	4	20.0%	4	6.0%	9	8.5%
40 to 44	6	5.7%	6	6.5%	2	10.0%	6	9.0%	6	5.7%
45 to 49	14	13.2%	6	6.5%	2	10.0%	7	10.4%	10	9.4%
50 to 54	9	8.5%	14	15.1%	1	5.0%	2	3.0%	9	8.5%
55 to 59	4	3.8%	7	7.5%	0	0.0%	1	1.5%	4	3.8%
60 to 64	0	0.0%	6	6.5%	0	0.0%	1	1.5%	3	2.8%
65 & older	2	1.9%	3	3.2%	0	0.0%	0	0.0%	4	3.8%
Not Reported	5	4.7%	9	9.7%	0	0.0%	4	6.0%	8	7.5%

NOTE: This table includes demographic characteristics for individuals who were victims of crimes against persons as well as individuals who were victims of crimes against property. No demographic characteristics were included if the victim was a group, organization, business, or institution.

^aThe one female victim of an anti-male homosexual hate crime was a bystander who was victimized in the incident.

Offenders as Reported by Their Victims

NOTE: On March 23, 2010 Tables 4 and 5 were updated to adjust for a data error, in which any incident with more than one offender was double counting the second offender. This adjustment reduced the number of offenders in 2008 from 285 to 253—a difference of 32. Major findings from the original report remain the same, with the exception of minor changes in the percentage distributions in Tables 4 and 5.

For the purposes of this section, offenders are persons for whom one or more demographic characteristics (gender, race, age) were reported by the victim or another party. It does not mean that the identity of the offender is known or that an arrest was made. For example, the victim may not know who the assailant was, but was able to identify the offender's gender or race.

Table 4 shows that 253 offenders — suspects for whom one or more demographic characteristics were reported— were identified for 189 of the 596 reported hate crime incidents.

- Of the 189 incidents with offenders, 154 involved only one offender. Multiple offenders were involved in 35 incidents.

Table 4. Number of Offenders per Incident

Offenders Involved	Incidents		Total Offenders	
	Number	Percent	Number	Percent
Total	189	100.0%	253	100.0%
1 Offender	154	81.5%	154	60.9%
2 Offenders	18	9.5%	36	14.2%
3 Offenders	9	4.8%	27	10.7%
4 Offenders	6	3.2%	24	9.5%
5 Offenders	1	0.5%	5	2.0%
7 Offenders	1	0.5%	7	2.8%

Table 5 shows the gender, age, and race of offenders as reported by their victims.

Table 5. Gender, Age, and Race of Offenders

	Number	Percent
Total	253	100.0%
Gender:		
Male	223	88.1%
Female	30	11.9%
Age¹:		
15 & under	34	18.0%
16 to 19	50	26.5%
20 to 24	28	14.8%
25 to 29	11	5.8%
30 to 34	13	6.9%
35 to 39	20	10.6%
40 to 44	13	6.9%
45 to 49	9	4.8%
50 to 54	2	1.1%
55 to 59	2	1.1%
60 to 64	4	2.1%
65 & older	3	1.6%
Race²:		
White	147	64.2%
Black	78	34.1%
Other	4	1.7%

NOTE: Percentages are based upon number of offenders with information on one or more demographic characteristics.

¹ Age was reported for 189 of the 253 offenders.

² Race was reported for 229 of the 253 offenders.

- The overwhelming majority of offenders (88%) were male.
- The majority of offenders (59%) were under the age of 25, and almost one in every five offenders was reported to be 15 or younger.
- Almost two-thirds of offenders (64%) were white, and 34% were black.

County Where Hate Crime Incidents and Arrests Were Reported

Table 6 shows the number of hate crimes reported by police, the number of persons arrested for committing hate crimes, and the county within which an arrest was made for hate crimes. Of the 62 counties in New York State, 41 reported at least one hate crime incident in 2008. The five counties that comprise New York City — Bronx, Kings, New York, Queens, and Richmond — accounted for 43% of all reported hate crimes in 2008.

- In 2008, 596 incidents of hate crime were reported to police in New York State.
- In 2008, there were 159 arrests for incidents involving hate crimes.
- Arrests for hate crime incidents were reported in 35 of the 62 counties in New York.
- The number of arrests can exceed the number of incidents reported due to the apprehension of more than one offender per incident (e.g., Sullivan), for arrests occurring outside of the county where the hate crime occurred (e.g., Allegany), or for arrests occurring in 2008 for offenses committed in 2007.
- Counties outside of New York City reported 69% of the hate crime arrests in 2008; the five New York City counties reported 31% of the arrests.

Table 6. Hate Crime Incidents & Arrests by County¹

	Incidents	Arrests
Total	596	159
Non-New York City	335	110
Albany	13	3
Allegany	0	2
Broome	4	0
Cattaraugus	3	3
Chautauqua	4	1
Chemung	2	1
Clinton	5	1
Cortland	1	1
Delaware	1	0
Dutchess	6	1
Erie	33	15
Greene	1	0
Jefferson	2	2
Livingston	1	0
Monroe	25	16
Nassau	100	16
Niagara	2	1
Oneida	2	2
Onondaga	5	1
Ontario	1	1
Orange	8	6
Orleans	4	3
Oswego	2	2
Rensselaer	2	0
Rockland	4	2
Saint Lawrence	3	1
Saratoga	9	2
Schenectady	5	2
Suffolk	61	6
Sullivan	2	4
Tioga	1	1
Tompkins	2	0
Ulster	1	0
Warren	1	1
Washington	2	2
Wayne	1	1
Westchester	16	10
New York City	259	49
Bronx	17	9
Kings	117	13
New York	66	9
Queens	40	11
Richmond	19	7
MTA²	2	0

¹ Counties with no incidents or arrests are not listed.

² The Metropolitan Transit Authority (MTA) Police Department covers multiple counties.

Reported Hate Crime Arrests and Dispositions

Arrests

Table 7 shows the most serious Penal Law crime that was charged for the 159 reported hate crime arrests. The majority of arrests (77%) involved either aggravated harassment (74) or assault (49).

Table 7. Arrests for Hate Crime by NYS Penal Law

New York State Penal Law	Frequency	Percent
Total	159	100.0%
Homicide:		
Manslaughter-1st	1	0.6%
Robbery:		
Robbery-1st	1	0.6%
Robbery-2nd	5	3.1%
Robbery-3rd	1	0.6%
Assault & Related Offenses:		
Assault-2nd	25	15.7%
Assault-3rd	24	15.1%
Menacing-2nd	5	3.1%
Menacing-3rd	9	5.7%
Larceny:		
Grand Larceny-4th	1	0.6%
Criminal Mischief:		
Criminal Mischief-1st	1	0.6%
Criminal Mischief-3rd	4	2.5%
Criminal Mischief-4th	8	5.0%
Offenses Against Public Order:		
Aggravated Harassment-1st	6	3.8%
Aggravated Harassment-2nd	68	42.8%

Dispositions

Table 8 shows the 98 final dispositions which had been reported to the Division of Criminal Justice Services by the courts of New York as of July 2009. (A total of 38% of the 2008 hate crime arrests have not yet been disposed of. These dispositions will be updated in the 2009 annual report.) The 98 dispositions represent 62% of the 2008 arrests. Of the 98 reported dispositions:

- A total of 64 were convictions—one by verdict and 63 by plea.
- There was one acquittal and 24 instances where the charge(s) were dismissed.
- Thirty-four cases (35%) did not result in a conviction.
- A conviction was reported for 65% of the disposed 2008 arrests.

Table 8. Adjudications for Hate Crime Arrests

	Number	Percent
Total Dispositions to Date	98	100.0%
Conviction		
Conviction by Plea ²	63	64.3%
Conviction by Verdict	1	1.0%
No Conviction		
Dismissal	24	24.5%
Covered by Another Case	2	2.0%
Prosecution Declined	6	6.1%
Acquittal	1	1.0%
No True Bill	1	1.0%

¹ Conviction by plea includes YO adjudication by plea.

Reported Hate Crime Convictions and Sentences

Convictions

Table 9 shows the top disposition charge for the 64 convictions that had been reported as of July 2009. Only two of the reported 2008 hate crime prosecutions resulted in a trial: one resulted in a conviction to Harassment 2nd; the other resulted in an acquittal.

- Sixty-three of the 64 convictions were obtained through a guilty plea.
- Of those convicted, 10 (16%) cases resulted in a conviction for a hate crime offense. Six were for Aggravated Harassment 2nd, three were for Aggravated Harassment 3rd, and one was for Assault 3rd.
- The remaining convictions (84%) did not reflect the hate crime designation.

Table 9. Convictions from Hate Crime Arrests

	Number	Percent
Total Convictions	64	100.0%
Conviction After Guilty Plea		
Robbery-2nd	1	1.6%
Assault-2nd	2	3.1%
Assault-3rd	9	14.1%
Assault-3rd /As Hate Crime	1	1.6%
Menacing-3rd	1	1.6%
Criminal Possession Weapon-3rd	1	1.6%
Criminal Mischief-4th	4	6.3%
Harassment-2nd	10	15.6%
Aggravated Harassment-2nd	1	1.6%
Aggravated Harassment-2nd / As Hate Crime	6	9.4%
Aggravated Harassment-3rd / As Hate Crime	3	4.7%
Disorderly Conduct	19	29.7%
Endangering Welfare of Child	1	1.6%
Resisting Arrest	2	3.1%
Criminal Contempt-2nd	1	1.6%
General Violation of Local Law	1	1.6%
Conviction After Trial		
Harassment-2nd	1	1.6%

Sentences

The sentences reported for convictions from hate crime arrests are shown in Table 10. The majority of the sentences did not result in a prison or jail sentence, but rather probation, a fine, or a conditional discharge.

- Eighteen of the 64 convictions received prison, jail, or a split sentence, representing 28% of the total.
- Overall, the most common sentence was a conditional discharge (38%). The 24 conditional discharge cases reported generally involved alternative punishments such as community service.

Table 10. Sentences from Hate Crime Arrests

Sentence	Number	Percent
Total	64	100.0%
Prison	1	1.6%
Jail	13	20.3%
Jail & Probation	4	6.3%
Probation	11	17.2%
Fine	9	14.1%
Conditional Discharge	24	37.5%
Convicted - Sentence Pending	2	3.1%

Note: Accurate and reliable data is key in making informed policy and resource decisions that can help prevent future victimizations. In 2008, the Division of Criminal Justice Services (DCJS) reviewed the process for reporting hate crimes in New York after an internal quality review of hate crime data. In an effort to increase the quality of hate crime reporting, DCJS conducted a validation study of 2008 hate crime data, the most recent year for which complete data was available. As a result of that review, changes were implemented to substantially increase the quality of hate crime data.