



**STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES**

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TO: UCR Crime Reporting Agencies
FROM: Adam Dean, Crime Reporting Unit
DATE: 10/15/2009
SUBJECT: Hate Crime Reporting

**REPORTING ALERT:
REPORTING HATE CRIME INCIDENTS**

DCJS is required by statute to prepare an annual report on hate crime incidents and arrests. The 2008 report was recently issued and is published on the DCJS website at

<http://www.criminaljustice.state.ny.us/pio/annualreport/hatecrimereport2008.pdf>.

Incidents reported by each agency for the years 2004 through 2008 are also posted on the DCJS website. These documents can be accessed at

<http://www.criminaljustice.state.ny.us/crimnet/ojsa/stats.htm>.

In addition, Hate crime incidents submitted through the crime reporting program are also reported to the FBI for inclusion in their annual *Hate Crime Statistics* report published on on-line at

<http://www.fbi.gov/ucr/ucr.htm>.

DCJS has recently modified the hate crime reporting forms and procedures to improve data quality. Please note the following changes.

New Hate Crime Report Form and Instructions

The Hate Crime Incident Report is a monthly supplemental report that is submitted to DCJS as part of the crime reporting program. In March 2009, the NYS Hate Crime Reporting form and instructions were revised to more accurately capture information on each incident. The new form will ensure more meaningful information is captured on the victim and location of the reported offense, and that data sent to the FBI is more accurate. The new form, which is attached to this memo, can also be found at:

<http://www.criminaljustice.state.ny.us/crimnet/ojsa/crimereporting/ucr.htm#ucrforms>.

When completing the form please ensure **all available information** is entered for the listed data fields, including victim and offender demographics. **This form must be submitted to DCJS each month.** If no hate crime incident was reported during the month, reporting agencies are instructed to check the "Nothing to Report (NTR)" box.

Data Quality

DCJS has instituted the following data quality procedures to ensure hate crime incidents submitted to DCJS are accurate and complete.

- **Comprehensive Follow-up When Reports are Not Submitted.** DCJS crime reporting staff will now follow-up with all reporting agencies to ensure that a hate crime report is submitted each month. When agencies have no hate crimes to report, they will be asked to submit the hate crime report form with the NTR box checked, indicating that no hate crimes were reported for that particular month.
- **Ongoing Data Quality Review.** DCJS crime reporting staff is now reviewing every hate crime incident report upon receipt. Forms are reviewed for accuracy, and police agencies are contacted to confirm or correct any information that is not clear or not entered properly. Staff is also contacting agencies when forms are incomplete.

We appreciate your assistance and cooperation in collecting this important information. If you have any questions or need assistance please call 1-800-262-3257 or email Crimereporting@dcjs.state.ny.us.

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.state.ny.us, by fax at (518) 485-8039, or by mail to NYS DCJS, Crime Reporting Unit, 4 Tower Place, 8th Floor, Albany, NY 12203**. 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. Up to three types may be recorded for a single incident.

Incident Information

Location of Hate Crime For each incident, enter a location code that best describes where the bias crime occurred. If "Other Location" is selected, describe in circumstance column.

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. If Structured Group, describe type in circumstance column.

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.

Circumstances Give a brief summary of the incident, including any information pertaining to the victim/offender relationship, injuries sustained, property damage and approximate value, and description of any weapons used. If the offender is suspected to be affiliated with some recognized hate group, e.g., the Ku Klux Klan, American Nazi Party, etc., this should be noted.

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

