



Criminal Justice Research Report

Andrew M. Cuomo
Governor

Michael C. Green
Executive Deputy Commissioner

October 2012

Hate Crime in New York State 2011 Annual Report

by Andrew Wheeler, Graduate Research Assistant

Introduction

This report meets the statutory reporting requirements of the Hate Crimes Act of 2000 and details the findings of a statistical analysis of hate crime incidents, arrests and dispositions reported in New York State for 2011, as of June 2012.

The report is organized into three sections. The first describes hate crime incidents reported by law enforcement in 2011. Hate crime incidents are analyzed by offense, bias motivation and demographic characteristics of known offenders. The second section details arrests made in 2011 for hate crime offenses and the disposition of those arrests through June 21, 2012. The third section is an appendix comprised of a series of tables comparing hate crime incident data from 2009 through 2011.

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

Additional information about hate crime reporting and efforts to improve data quality may be accessed at the following link: <http://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/hatecrimedataquality.htm>.

This project was supported in part by a grant from the U.S. Department of Justice, Bureau of Justice Statistics, Office of Justice Programs, Award No. 2009-BJ-CX-K013.

Major Findings

- ◆ A total of 554 hate crime incidents were reported in 2011 in New York State, a 21.2% decrease from 703 in 2010.
- ◆ New York City reported 242 hate crime incidents (down 30.9% from 2010) and 161 hate crime arrests. The Rest of the State reported 281 incidents (down 17.6%) and 125 arrests.
- ◆ Hate crimes against persons (278) decreased by 40.1% in 2011 while hate crimes against property (276) increased 15.5%.
- ◆ The most frequently reported bias motivations for hate crimes against persons in 2011 were anti-male homosexual (25.2%), anti-Black (24.5%), and anti-Jewish (17.6%). In 2010 the most frequent bias motivation was anti-Jewish.
- ◆ Most hate crime incidents involved criminal mischief (45.8%) or simple assault (43.5%).
- ◆ Of the 122 offenders convicted from a hate crime arrest as of June 21, 2012, 38.5% received a jail or prison sentence, and 11.5% were sentenced to probation.

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

For further information please contact us:
stats@dcjs.ny.gov

Reported Hate Crime Incidents

Hate crimes can be perpetrated against an individual, a group of individuals, or against public or private property. A person or group of persons, for instance, may be assaulted because of their race or religion, or a synagogue could be defaced in a bias-motivated incident of property damage. Table 1 shows reported hate crime incidents in 2011 by the type of offense.

Table 1. Hate Crime Incidents by Offense Type, 2011

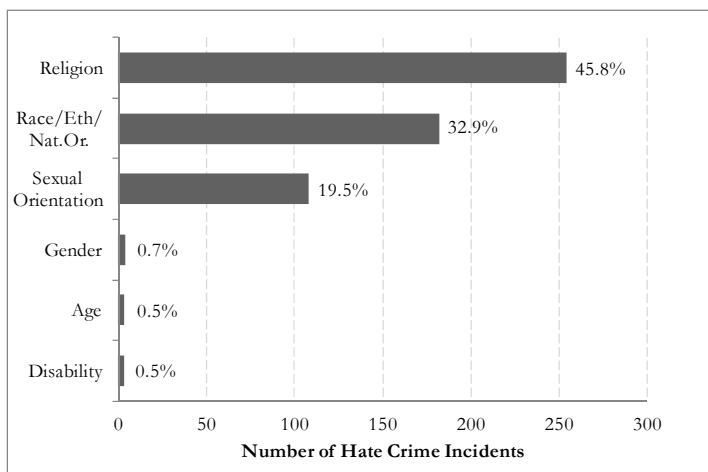
Offense Type	Number	Percent
TOTAL	554	100.0%
Crimes Against Persons	278	50.2%
Murder or Manslaughter	2	0.4%
Robbery ¹	8	1.4%
Aggravated Assault	26	4.7%
Simple Assault	241	43.5%
Other Sex Offense	1	0.2%
Property Crimes	276	49.8%
Arson	3	0.5%
Burglary	9	1.6%
Larceny-Theft	10	1.8%
Criminal Mischief	254	45.8%

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

- Of the 554 total hate crime incidents reported in 2011, 278 (50.2%) involved crimes against persons and 276 (49.8%) were property crimes.
- Simple assault (241) accounted for 86.7% of crimes against persons and 43.5% of all hate crime incidents.
- Criminal mischief (254) accounted for 92.0% of crimes against property and 45.8% of all hate crime incidents.
- The 554 offenses reported as hate crimes in 2011 represent a tiny fraction of all crimes reported to the police in New York State. In 2011, 445,131 Index crimes – murder & non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft – were reported. Also reported were thousands of lesser offenses, known as Part II crimes, such as harassment and vandalism.

Bias motivations for hate crime incidents are identified by the investigating officer. Figure 1 shows the number of hate crime incidents reported in 2011 by major bias type, and details the percentage of all hate crimes that fall within that category.

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



- In 2011, the most commonly reported types of bias motivations in hate crime incidents were: 45.8% religion, 32.9% race/ethnicity/national origin, and 19.5% sexual orientation.
- There were 254 hate crime incidents involving religion, an 8.0% decrease from 2010 (276).
- Incidents with a race/ethnicity/national origin bias decreased 35.9%, from 284 in 2010 to 182 in 2011.
- Incidents with a sexual orientation bias decreased 21.7%, from 138 in 2010 to 108 in 2011.
- Additional details on the comparisons between 2009, 2010 and 2011 can be found in Appendix Table 1.

Table 2 shows detailed bias motivation for crimes against persons and property crimes among the 554 total hate crime incidents reported in 2011.

- Anti-Jewish hate crimes accounted for 77.6%, 197 of 254 religious bias incident reports.
- Bias against blacks represented 65.9%, 120 of 182 reported anti race/ethnicity/national origin hate crimes.
- Of the 107 anti-sexual orientation hate crimes, 79.4%, 85 targeted male homosexuals.
- These percentages are consistent with prior years.

Crimes Against Persons

- The number of hate crime incidents against persons decreased 40.1%, from 464 incidents in 2010 to 278 incidents in 2011.
- Bias against race/ethnicity/national origin was the motivating factor reported in 41.0% of crimes against persons (114 of 278), sexual orientation bias in 31.7% (88), and religious bias in 24.1% (67).
- Anti-male homosexual (70), anti-black (68) and anti-Jewish (49) crimes were the most frequently reported.
- Within the anti-religion category, Jewish bias accounted for 73.1% (49 out of 67 incidents). In 2011, incidents motivated by Islamic bias decreased to 14, down eight from the previous year.¹
- Within the anti-race/ethnicity/national origin category, black bias accounted for 59.6% (68 of 114) of reported hate crime incidents.
- Within the anti-sexual orientation category, male homosexual bias accounted for 79.5% (70 out of 88 incidents).

¹ A table comparing 2009, 2010 and 2011 can be found in Appendix Table 1.

Table 2. Bias Motivation by Offense Type, 2011

Bias Motivation	Crimes Against Persons		Property Crimes		Total Crimes	
	#	%	#	%	#	%
TOTAL	278	100.0%	276	100.0%	554	100.0%
Anti-Gender	4	1.4%	0	-	4	0.7%
Gender Identity Expression	4	1.4%	0	-	4	0.7%
Anti-Religion	67	24.1%	187	67.8%	254	45.8%
Jewish	49	17.6%	148	53.6%	197	35.6%
Catholic	0	-	24	8.7%	24	4.3%
Islamic (Muslim)	14	5.0%	5	1.8%	19	3.4%
Other Religion	4	1.4%	9	3.3%	13	2.3%
Protestant	0	0.0%	1	0.4%	1	0.2%
Anti-Race/Ethnicity/National Origin	114	41.0%	68	24.6%	182	32.9%
Black	68	24.5%	52	18.8%	120	21.7%
Hispanic	11	4.0%	3	1.1%	14	2.5%
Other Ethnicity/National Origin	9	3.2%	4	1.4%	13	2.3%
White	12	4.3%	0	-	12	2.2%
Arab	8	2.9%	1	0.4%	9	1.6%
Multi-Racial Groups	2	0.7%	6	2.2%	8	1.4%
Asian/Pacific Islander	4	1.4%	1	0.4%	5	0.9%
American Indian/Alaskan Native	0	0.0%	1	0.4%	1	0.2%
Anti-Sexual Orientation	88	31.7%	20	7.2%	108	19.5%
Male Homosexual	70	25.2%	15	5.4%	85	15.3%
Female Homosexual	12	4.3%	3	1.1%	15	2.7%
Homosexual (Male and Female)	6	2.2%	2	0.7%	8	1.4%
Anti-Disability	3	1.1%	0	-	3	0.5%
Mental Disability	2	0.7%	0	-	2	0.4%
Physical Disability	1	0.4%	0	-	1	0.2%
Anti-Age	2	0.7%	1	0.4%	3	0.5%

Note: Totals may not equal 100% due to rounding.

Property Crimes

- Property hate crime incidents increased 15.5%, from 239 in 2010 to 276 in 2011.
- Of the 276 reported hate crime incidents involving property crimes, 67.8% (187) were motivated by a bias against religion, up 19.9% from 156 incidents in 2010.
- Anti-Jewish bias accounted for 79.1% (148 of 187) reported property hate crimes against religion. Property crimes involving bias against Catholics increased four-fold, from 6 in 2010 to 24 in 2011.
- Anti-Black bias accounted for 18.8% (52) of property hate crime incidents reported in 2011.

Offenders as Reported by Their Victims

Offender demographic characteristics were reported either by the victim or another party, and were often not available or only partially reported. Offender demographic information was most likely to be missing in crimes that did not involve direct contact between victim and perpetrator, which includes most property crimes.

Table 3 presents the gender, age and race/ethnicity as reported by the victim or other party for the 235 incidents in 2011 in which at least one attribute of offender demographic information was available. A total of 344 offenders were reported; a single incident could have multiple offenders.

Table 3. Gender, Age, and Race/Ethnicity of Known Offenders

	Number	Percent
TOTAL	344	100.0%
Gender		
Male	301	87.5%
Female	43	12.5%
Age¹		
15 & under	38	11.0%
16 to 19	49	14.2%
20 to 24	60	17.4%
25 to 29	41	11.9%
30 to 34	28	8.1%
35 to 39	11	3.2%
40 to 44	23	6.7%
45 to 49	0	-
50 to 54	0	-
55 to 59	0	-
60 to 64	0	-
65 & older	3	0.9%
Unknown	91	26.5%
Race/Ethnicity²		
White	154	44.8%
Black	111	32.3%
Hispanic	60	17.4%
Asian/Pacific Islander	6	1.7%
Other	1	0.3%
Unknown	12	3.5%

¹ Age was reported for 253 of the 344 offenders.

² Race/ethnicity was reported for 332 of the 344 offenders.

- Males comprised 87.5% (301) of the 344 known offenders.
- Age was reported for 253 offenders. Among offenders whose age was known, 58.1% (147) were less than 25 years old.
- Among known offenders, 154 were white, 111 were black, and 60 were Hispanic.

For incidents in which the offender(s) were known, the majority of incidents (77.9%) involved only one offender. Table 4 presents the number of offenders involved in 2011 hate crime incidents.

Table 4. Number of Offenders per Incident

# Offenders Involved	Incidents		Total Offenders	
	Number	Percent	Number	Percent
TOTAL	235	100.0%	344	100.0%
One	183	77.9%	183	53.2%
Two	23	9.8%	46	13.4%
Three	13	5.5%	39	11.3%
Four	9	3.8%	36	10.5%
Five	5	2.1%	25	7.3%
Six	0	-	0	-
Seven	1	0.4%	7	2.0%
Eight	1	0.4%	8	2.3%

- Lone offenders accounted for 53.2% (183) of the 344 offenders for whom demographic information was available.
- Two or more offenders were reported in 22.1% (52) incidents, involving a total of 161 offenders. Of these, one incident involved seven offenders and another involved eight offenders.
- Of the 554 total hate crime incidents, 319 involved unknown offenders. Of these incidents, 231 were criminal mischief, 67 were simple assault and 9 were larceny.
- Among incidents with unknown offenders, 50.4% (161) were motivated by anti-Jewish bias.

County of Reported Hate Crime Incidents and Arrests, 2011

Table 5 shows the number of hate crime incidents and arrests in 2011 for 49 of the 62 counties in New York in which incidents were reported and/or arrests for a hate crime offense were made. The remaining 13 counties are excluded from the table.¹

Table 5. Hate Crime Incidents and Arrests by County

County	Incidents	Arrests	County	Incidents	Arrests	County	Incidents	Arrests
TOTAL	554	286	Onondaga	2	2	Jefferson	0	3
Non-New York City	281	125	Schenectady	2	2	Allegany	0	2
Nassau	62	6	Orleans	2	1	Delaware	0	2
Westchester	41	21	Broome	2	0	Warren	0	2
Suffolk	39	4	Ontario	2	0	Chenango	0	1
Erie	34	18	Sullivan	2	0	Franklin	0	1
Dutchess	12	2	Oneida	1	2	Fulton	0	1
Rockland	10	6	Cattaraugus	1	1	Genesee	0	1
Albany	10	4	Chautauqua	1	1	Greene	0	1
Monroe	9	10	Chemung	1	1	Wyoming	0	1
Niagara	8	5	Columbia	1	1	New York City	242	161
Otsego	7	2	Oswego	1	1	Kings	106	52
Ulster	6	5	Schuyler	1	1	New York	60	39
Clinton	5	3	Cortland	1	0	Queens	50	38
Orange	4	5	Essex	1	0	Bronx	18	30
Madison	4	3	Rensselaer	1	0	Richmond	8	2
Saratoga	3	2	St. Lawrence	1	0	Multiple Counties*	31	0
Livingston	3	1	Wayne	1	0	MTA	31	0

*The Metropolitan Transportation Authority (MTA) Police Department covers multiple counties.

- Ten counties reported hate crime arrests in 2011 but no incidents that year. Arrests can occur in a different year than the associated incident.²
- During 2011, incidents involving hate crimes resulted in 286 arrests across 49 counties in New York.
- The five counties that comprise New York City — Bronx, Kings, New York, Queens, and Richmond — accounted for 43.7% of all reported hate crime incidents (242 of 554) and 56.3% of all hate crime arrests (161 of 286) in 2011.
- Outside of New York City, 34 counties reported 281 hate crime incidents and 36 counties reported 125 arrests in 2011. The Metropolitan Transportation Agency (MTA), which cover multiple counties, reported 31 hate crime incidents in 2011.
- Four counties — Nassau, Westchester, Suffolk and Erie — accounted for 62.6% of hate crime incidents and 39.2% of arrests outside of New York City.
- Of the 286 hate crime arrests in 2011, 267 were for incidents occurring that year, while 16 arrests were for crimes that occurred in 2010. The three other incidents occurred in 2005, 2008 and 2009.

¹The following 13 counties reported no hate crime incidents or arrests in 2011: Cayuga, Hamilton, Herkimer, Lewis, Montgomery, Putnam, Schoharie, Seneca, Steuben, Tioga, Tompkins, Washington, and Yates.

²The following 10 counties reported hate crime arrests for 2011 but no incidents: Allegany, Chenango, Delaware, Franklin, Fulton, Genesee, Greene, Jefferson, Warren, and Wyoming.

Hate Crime Arrests

Table 6 shows the most serious Penal Law offense charged for the 286 arrests made in 2011 that included a hate crime offense. Offenses designated as hate crimes are detailed in New York State Penal Law §485.05. In 2011, felony arrests accounted for 71.3% (204) of all arrests for hate crime offenses, and misdemeanors 28.7% (82). A hate crime offense was the most serious charge in 89.5% (256) of these arrests.

Table 6. Arrests for Hate Crime by NYS Penal Law

New York State Penal Law	Number	Percent	New York State Penal Law	Number	Percent
TOTAL	286	100.0%	Larceny		
Robbery			Grand Larceny-2nd	1	0.3%
Robbery-1st	3	1.0%	Grand Larceny-3rd	5	1.7%
Robbery-2nd	3	1.0%	Grand Larceny-4th	3	1.0%
Robbery-3rd	1	0.3%	Petit Larceny	3	1.0%
Assault & Related Offenses			Burglary		
Assault-1st	9	3.1%	Burglary-1st	1	0.3%
Assault-2nd	46	16.1%	Burglary-2nd	1	0.3%
Assault-3rd	38	13.3%	Burglary-3rd	6	2.1%
Menacing-2nd	6	2.1%	Criminal Trespass-3rd	4	1.4%
Menacing-3rd	6	2.1%	Criminal Mischief		
Reckless Endangerment-1st	2	0.7%	Criminal Mischief-2nd	5	1.7%
Reckless Endangerment-2nd	1	0.3%	Criminal Mischief-3rd	8	2.8%
Strangulation 1st ¹	1	0.3%	Criminal Mischief-4th	7	2.4%
Unlawful Imprisonment-2nd	1	0.3%	Offenses Against Public Order		
Kidnapping 2nd	1	0.3%	Harassment-1st	10	3.5%
Other Violent Offenses			Aggravated Harassment-1st	20	7.0%
Conspiracy 2nd ²	2	0.7%	Aggravated Harassment-2nd	89	31.1%
Manslaughter 1st	1	0.3%			
Murder 2nd	1	0.3%			
Arson 3rd	1	0.3%			

¹Three strangulation offenses were added to the Penal Law effective November 11, 2010.¹

²The two arrests for conspiracy in the second degree also involved charges of criminal possession of a weapon in the second degree.

- The most frequent top penal law hate crime arrest charges were Aggravated Harassment-2nd (89); Assault-2nd (46), a felony; and Assault-3rd (38), a misdemeanor.

Hate Crime Dispositions

Dispositions

As of June 21, 2012, a final disposition had been reported to DCJS for 67.8% (194) of the 286 hate crime arrests reported during 2011. Dispositions were not available for the remaining 32.2% (92) of hate crime arrests. Dispositions for those 194 cases are presented in Table 7.

- Of the 194 reported dispositions, a conviction was the outcome in 122 cases, with guilty pleas taken in 119.
- Of 72 cases with no conviction, 53 were dismissals; in 11, prosecution was declined; and 5 were covered by another case.

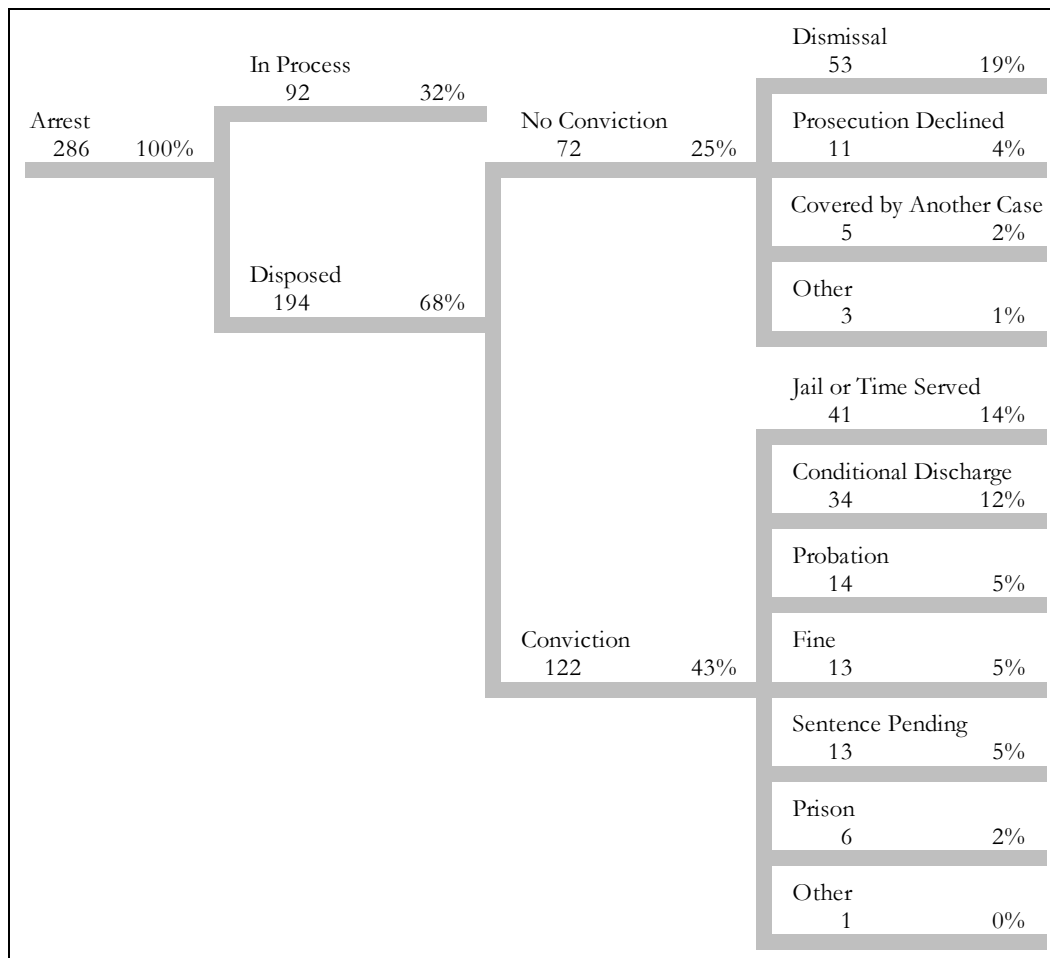
Table 7. Adjudication Outcomes of Hate Crime Arrests in 2011 with dispositions reported as of June 21, 2012.

Disposition	Number	Percent
Total	194	—
Conviction (61% of total)	122	100.0%
Conviction by Plea ¹	119	97.5%
Conviction by Verdict	2	1.6%
Conviction, Unknown Type	1	0.8%
No Conviction (39% of total)	72	100.0%
Dismissal	53	73.6%
Covered by Another Case	5	6.9%
Prosecution Declined	11	15.3%
Acquittal	1	1.4%
No True Bill	1	1.4%
Other	1	1.4%

¹ Also includes 10 Youthful Offender adjudications by plea.

Figure 2 below depicts the criminal justice processing status of 286 total arrests made in 2011 for hate crime offenses. As of June 21, 2012, nearly one-third (32.2%) of these arrests were still in process and the median time to disposition for the resolved cases was 141 days.

Figure 2. Processing Status of Hate Crime Arrests in 2011 (as of June 21, 2012)



Reported Hate Crime Convictions and Sentences

Convictions

Table 8 shows the most serious disposition charge for 122 convictions that were reported as of June 21, 2012.

Table 8. Convictions from Hate Crime Arrests

Top Disposition Charge	Number	Percent
TOTAL	122	100.0%
Conviction by Verdict		
Assault-3rd	1	0.8%
Top Charge Missing	1	0.8%
Conviction After Guilty Plea		
Disorderly Conduct	21	17.2%
Harassment-2nd	20	16.4%
Aggravated Harassment-2nd	15	12.3%
Aggravated Harassment-2nd / As Hate Crime	1	0.8%
Assault-2nd	7	5.7%
Assault-2nd / As Hate Crime	2	1.6%
Assault-3rd	7	5.7%
Assault-3rd / As Hate Crime	3	2.5%
Aggravated Harassment-1st	5	4.1%
Resisting Arrest	5	4.1%
Criminal Mischief-3rd	1	0.8%
Criminal Mischief-4th	4	3.3%
Petit Larceny	3	2.5%
Menacing-2nd	2	1.6%
Menacing-2nd / As Hate Crime	1	0.8%
Criminal Possession of Weapon-4th	2	1.6%
Scheme to Defraud-1st	2	1.6%
Grand Larceny-4th	3	2.5%
Arson-5th	2	1.6%
Endangering Welfare of Child	2	1.6%
Unlawful Possession of Marijuana	1	0.8%
Criminal Possession of Controlled Substance	1	0.8%
Criminal Sale Controlled Substance	1	0.8%
Obstructing Governmental Administration	1	0.8%
Possession Forged Instrument-2nd	1	0.8%
Robbery-2nd	1	0.8%
Burglary-3rd	1	0.8%
Criminal Trespass-3rd	1	0.8%
Menacing-3rd	1	0.8%
Operating a Motor Vehicle with Alcohol or Drugs	1	0.8%
Local Law	1	0.8%
Conviction, Unknown Type		
Assault-3rd	1	0.8%

Note: Shading indicates conviction for a hate crime offense as defined in the penal law.

- Offenders were convicted of a designated hate crime offense in seven of 122 cases (shaded in Table 8).
- A felony conviction was obtained in 26 cases. There were 52 misdemeanor convictions, 42 convictions to a violation, and one for an infraction. One had a missing disposition category, so the outcome is unknown.

Sentences

Sentences reported for convictions from hate crime arrests are shown in Table 9. Jail or time served was the most common sentence imposed upon conviction (41), followed by conditional discharge (34), probation (14), fine (13), sentence pending (13), and prison (6). In 13 cases, the sentence was pending as of June 2012.

Table 9. Sentences from Hate Crime Arrests

Sentence	Number	Percent
Total	122	100.0%
Jail or Time Served	41	33.6%
Conditional Discharge	34	27.9%
Probation	14	11.5%
Fine	13	10.7%
Sentence Pending	13	10.7%
Prison	6	4.9%
Other	1	0.8%

- Of the 122 convictions, 47 resulted in a sentence to prison (6) or jail (41), representing 38.5% of the total.
- A conditional discharge was the second most common sentence (34), representing 27.9% of the total.
- Among the 26 felony convictions, nine received sentences of jail or time served, six were sentenced to prison, four received probation, one was conditionally discharged and six are pending sentence.

Appendix Table 1: Bias Motivation for Hate Crime Incidents for 2009 - 2011

Appendix Table 1 shows the number of reported hate crime incidents by bias motivation category and specific bias type for 2009, 2010 and 2011¹. The table further breaks down the number of hate crimes by crime against persons and crimes against property.

Bias Motivation	Crimes Against Persons			Property Crimes			Total Crimes		
	2009	2010	2011	2009	2010	2011	2009	2010	2011
TOTAL	360	464	278	324	239	276	684	703	554
Anti-Gender	5	1	4	4	1	0	9	2	4
Gender Identity Expression	3	0	4	2	1	0	5	1	4
Female	2	0	0	1	0	0	3	0	0
Male	0	1	0	1	0	0	1	1	0
Anti-Religion	87	120	67	207	156	187	294	276	254
Jewish	72	90	49	179	130	148	251	220	197
Catholic	1	2	0	5	6	24	6	8	24
Islamic (Muslim)	8	22	14	3	7	5	11	29	19
Other Religion	4	4	4	9	10	9	13	14	13
Protestant	0	0	0	2	2	1	2	2	1
Multi-Religious Groups	2	2	0	9	1	0	11	3	0
Anti-Race/Ethnicity/National Origin	165	221	114	91	65	68	256	286	182
Black	83	97	68	61	43	52	144	140	120
Hispanic	35	55	11	9	3	3	44	58	14
Other Ethnicity/National Origin	3	14	9	6	3	4	9	17	13
White	25	28	12	4	4	0	29	32	12
Arab	9	6	8	1	0	1	10	6	9
Multi-Racial Groups	4	5	2	7	8	6	11	13	8
Asian/Pacific Islander	5	16	4	3	4	1	8	20	5
American Indian/Alaskan Native	1	0	0	0	0	1	1	0	1
Anti-Sexual Orientation	98	121	88	21	17	20	119	138	108
Male Homosexual	71	105	70	11	9	15	82	114	85
Female Homosexual	19	11	12	6	2	3	25	13	15
Homosexual (Male and Female)	8	5	6	2	6	2	10	11	8
Bisexual	0	0	0	2	0	0	2	0	0
Anti-Disability	3	1	3	0	0	0	3	1	3
Mental Disability	2	1	2	0	0	0	2	1	2
Physical Disability	1	0	1	0	0	0	1	0	1
Anti-Age	2	0	2	1	0	1	3	0	3

¹ Totals for 2009 and 2010 have been adjusted because updated information has been obtained since the release of annual reports for those years.

Appendix Table 2: Hate Crime Incidents by County for 2009 - 2011

Appendix Table 2 shows the number of reported hate crime incidents by county for 2009, 2010 and 2011. There were 53 counties that reported a hate crime incident between 2009 and 2011, and 9 counties reported no incidents in any of these three years¹.

County	2009	2010	2011	County	2009	2010	2011
Non-New York City	395	341	281	Otsego	6	2	7
Albany	10	15	10	Putnam	1	0	0
Allegany	1	0	0	Rensselaer	2	2	1
Broome	11	2	2	Rockland	17	24	10
Cattaraugus	1	0	1	St. Lawrence	3	2	1
Cayuga	5	1	0	Saratoga	4	5	3
Chautauqua	0	1	1	Schenectady	5	4	2
Chemung	1	1	1	Schuyler	0	0	1
Chenango	1	3	0	Seneca	0	2	0
Clinton	8	6	5	Steuben	0	2	0
Columbia	1	2	1	Suffolk	80	51	39
Cortland	2	4	1	Sullivan	4	3	2
Dutchess	8	12	12	Tioga	0	1	0
Eric	47	51	34	Tompkins	10	5	0
Essex	1	1	1	Ulster	5	5	6
Franklin	0	1	0	Warren	1	0	0
Greene	3	0	0	Washington	3	1	0
Herkimer	0	1	0	Wayne	0	3	1
Livingston	0	0	3	Westchester	23	25	41
Madison	1	0	4	New York City	275	350	242
Monroe	16	14	9	Bronx	33	28	18
Montgomery	1	0	0	Kings	92	135	106
Nassau	82	62	62	New York	70	94	60
Niagara	7	2	8	Queens	61	51	50
Oneida	5	0	1	Richmond	19	42	8
Onondaga	2	3	2	Multiple County²	14	12	31
Ontario	1	1	2	MTA	14	11	31
Orange	9	11	4	Finger Lakes (NYS Parks)	0	1	0
Orleans	0	1	2				
Oswego	7	9	1	TOTAL	684	703	554

1 The following nine counties did not report hate crime incidents in either 2009, 2010 or 2011: Delaware, Fulton, Genesee, Hamilton, Jefferson, Lewis, Schoharie, Wyoming, and Yates.

2 The Metropolitan Transportation Authority (MTA) Police Department and the Finger Lakes (NYS Parks) cover multiple counties.

Appendix Table 3: Hate Crime Incidents by Penal Law Offense for 2009 — 2011

Appendix Table 3 lists all Penal Law offenses that can be prosecuted as a hate crime in New York State and shows the number of offenses reported for 2009 through 2011. Hate crime offenses totaled 684 in 2009, 703 in 2010 and 554 in 2011.

PL	Description	2009	2010	2011	PL	Description	2009	2010	2011
120.00	Assault 3rd	52	79	60	140.25	Burglary 2nd	5	4	0
120.05	Assault 2nd	28	39	22	140.30	Burglary 1st	0	1	0
120.10	Assault 1st	1	8	1	145.00	Criminal Mischief 4th	177	127	153
120.12	Aggravated Assault Person <11	0	0	0	145.05	Criminal Mischief 3rd	24	23	25
120.13	Menacing 1st	2	9	8	145.10	Criminal Mischief 2nd	7	0	3
120.14	Menacing 2nd	13	9	4	145.12	Criminal Mischief 1st	0	0	0
120.15	Menacing 3rd	5	1	2	150.05	Arson 4th	3	1	3
120.20	Reckless Endangerment 2nd	4	3	1	150.10	Arson 3rd	1	1	0
120.25	Reckless Endangerment 1st	2	0	1	150.15	Arson 2nd	0	0	0
120.45	Stalking 4th	5	0	0	150.20	Arson 1st	0	0	0
120.50	Stalking 3rd	0	0	0	155.25	Petit Larceny	6	5	9
120.55	Stalking 2nd	0	0	0	155.30	Grand Larceny 4th	2	2	0
120.60	Stalking 1st	0	0	0	155.35	Grand Larceny 3rd	0	0	0
121.11	Criminal Obstruction of Breathing or Circulation	0	0	0	155.40	Grand Larceny 2nd	1	0	1
121.12	Strangulation 2nd	0	0	0	155.42	Grand Larceny 1st	0	0	0
121.13	Strangulation 1st	0	0	0	160.05	Robbery 3rd	6	8	3
125.15	Manslaughter 2nd*	0	0	0	160.10	Robbery 2nd	9	23	4
125.20	Manslaughter 1st*	0	0	0	160.15	Robbery 1st	2	3	1
125.25	Murder 2nd	0	0	0	240.25	Harassment 1st	12	24	13
130.35	Rape 1st*	0	0	0	240.30	Aggravated Harassment 2nd	217	257	156
130.50	Criminal Sexual Act 1st*	0	0	0	Sub 00	Unspecified	43	27	8
130.65	Sexual Abuse 1st*	0	0	1	Sub 01	Communicate in Manner Likely to Cause Alarm	88	117	70
130.67	Aggravated Sexual Abuse 2nd*	0	0	0	Sub 02	Telephone w/o Legitimate Communication	3	5	3
130.70	Aggravated Sexual Abuse 1st*	0	0	0	Sub 03	Physical Contact Due to Race, Religion, etc.	83	106	73
135.05	Unlawful Imprisonment 2nd	0	0	0	Sub 04	Commit Harassment 1st w/ Prior Conviction	0	2	2
135.10	Unlawful Imprisonment 1st	0	1	0	240.31	Aggravated Harassment 1st	96	71	73
135.20	Kidnapping 2nd	0	0	0	Sub 00	Unspecified	1	1	0
135.25	Kidnapping 1st	0	0	0	Sub 01	Damage Religious Premises > \$50	50	18	11
135.60	Coercion 2nd	0	0	0	Sub 02	Commit Agg. Harass. 2nd w/ Prior Conv.	1	0	0
135.65	Coercion 1st	0	0	0	Sub 03	Place a Swastika on Property	39	50	58
140.10	Criminal Trespass 3rd	1	0	0	Sub 04	Set Cross on Fire in Public View	0	0	0
140.15	Criminal Trespass 2nd	0	0	0	Sub 05	Display a Noose on Property	5	2	4
140.17	Criminal Trespass 1st	0	0	0					
140.20	Burglary 3rd	3	4	5	TOTAL		684	703	554

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

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

Appendix Table 4: Hate Crime Incidents by Offense Type for 2009 - 2011

Appendix Table 4 presents the number of hate crime incidents reported in 2009, 2010 and 2011 by offense type and offense. Overall, reported hate crimes decreased by 21.2% between 2010 and 2011; crimes against persons decreased 40.1% while crimes against property increased 15.5%.

Offense Type	2009	2010	2011	Difference from 10-11	Difference from 09-11
TOTAL	684	703	554	-149	-130
Crimes Against Persons	359	464	278	-186	-81
Murder or Manslaughter	0	0	2	2	2
Robbery ¹	17	34	8	-26	-9
Kidnapping	0	1	0	-1	0
Aggravated Assault	32	48	26	-22	-6
Simple Assault	310	381	241	-140	-69
Other Sex Offense	0	0	1	1	1
Property Crimes	325	239	276	37	-49
Arson	4	2	3	1	-1
Burglary	8	9	9	0	1
Larceny-Theft	9	7	10	3	1
Criminal Mischief	303	221	254	33	-49
Other Property Offense	1	0	0	0	-1

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

Acknowledgements:

This report was prepared by Andrew Wheeler, graduate research assistant in the DCJS Office of Justice Research and Performance. This project was supported in part by Grant No. 2011-BJ-CX-K042 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.