

The Rising Tide of Anti-Asian Hate & Violence: Where Are We Now?

AABANY Fall Conference: Uniting for Justice and Equity

October 23, 2021

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Program Schedule

Program Title: **The Rising Tide of Anti-Asian Hate & Violence: Where Are We Now?**

Program Date: **October 23, 2021**

Program Location: **New York**

12:30–12:35 PM: Introductions by Moderator

12:35–1:00 PM: Where Are We Now? Data & Trends

- Stop AAPI Hate data and findings regarding reports of anti-Asian bias incidents
- Data regarding prosecutions of anti-Asian hate crimes in Manhattan
- Impact of under-reporting
- Advocacy with government officials and level of attention and resources given to anti-Asian violence and harassment
- Commentary on representing victims of anti-Asian violence

1:00–1:40 PM: Initiatives & Challenges / What Lawyers Can Do

- Hate prevention strategies and impact of local elections and new initiatives
- Process by which reports of anti-Asian bias and violence are investigated and prosecuted
- Challenges and takeaways from counseling victims of anti-Asian violence and advice for other lawyers
- Allyship and working with other lawyer groups toward a common goal of eradicating hate
- AABANY's Hate Eradication Active Response Team (HEART)

1:40–2:00 PM: Q&A

Speaker Bios

MODERATOR



Karen King is a partner at Morvillo Abramowitz Grand Iason & Anello LLP. She serves as Co-Chair of the AABANY Pro Bono and Community Service Committee, and was Co-Executive Editor of AABANY's paper: *A Rising Tide of Hate and Violence Against Asian Americans in New York During COVID-19 – Impact, Causes, Solutions*. Karen received the Federal Bar Council's Pro Bono Award in 2019, as well as the National Asian Pacific American Bar Association's pro bono award the same year.

Karen has more than 20 years of experience as a skilled trial attorney and advocate, representing clients in federal and state courts across the country, and before U.S. regulators. Her areas of focus include complex commercial litigation, compliance and enforcement matters, securities litigation and regulation, internal investigations, and strategic advice. Karen received her J.D. from Harvard Law School and her B.A. from Yale University.

PANELISTS



Hannah Yu, Chief of the Hate Crimes Unit at the Manhattan District Attorney's Office, is a graduate of Barnard College and St. John's University School of Law. She worked as a litigation associate at Stroock & Stroock & Lavan LLP for about four years and clerked for the Honorable Brian M. Cogan in the Eastern District of New York before joining the New York County District Attorney's Office in 2014. As a homicide assistant and a member of the Sex Crimes Unit, Hannah has prosecuted numerous violent street crimes, including shootings, robberies, and homicides, as well as intimate partner violence and sexual assault cases. She is a member of the Legal Hiring Board and

has previously served as Criminal Court Supervisor and the Attorney-in-Charge of the Summer Law Fellowship Program at the Manhattan DA's Office. In August of this year, Hannah was appointed Chief of the Hate Crimes Unit where she supervises the prosecution of the Office's hate crime cases. Hannah is a member of the Korean Prosecutors Association (KPA) and AABANY.



Professor of Asian American Studies at San Francisco State University, Dr. **Russell Jeung** is an author of books and articles on race and religion. He's written *Family Sacrifices: The Worldviews and Ethics of Chinese Americans* (Oxford U Press, 2019); *Mountain Movers: Student Activism and the Emergence of Asian American Studies* (UCLA AAS Center, 2019); and *At Home in Exile: Finding Jesus Among My Ancestors and Refugee Neighbors* (Zondervan, 2016).

In March 2020, Dr. Jeung co-founded Stop AAPI Hate with Chinese for Affirmative Action and the Asian Pacific Policy and Planning Council. It tracks incidents of COVID-19 discrimination to develop policy interventions and long-term solutions to racism.

Stop AAPI Hate was awarded the 2021 Webby Award for "Social Movement of the Year." TIME magazine named its co-founders, including Dr. Jeung, as among the top 100 Influential Persons of 2021.



Hassan Naveed has a decade of experience working on criminal justice issues impacting vulnerable communities. He previously served as Director of Outreach at the New York City Department of Investigation's Office of Inspector General for the NYPD (OIG-NYPD). Prior to OIG-NYPD, Hassan led community efforts in Washington, D.C., that worked to improve hate crime response and prevention by the local police department involving LGBTQ, Muslim, immigrant, and other communities. Hassan earned his Bachelor of Arts in Political Science from the University of California, Santa Barbara and his Master of Public Administration from New York University.



Jennifer H. Wu is a partner in the Litigation Department at Paul, Weiss, Rifkind, Wharton & Garrison LLP. She focuses her practice on patent litigation matters. Jennifer frequently tries cases in federal district courts and the International Trade Commission. She also argues appeals in the U.S. Court of Appeals for the Federal Circuit, and represents clients in the U.S. Supreme Court. Jennifer clerked for Judge Alan D. Lourie at the U.S. Court of Appeals for the Federal Circuit. She received an A.B. in Biochemical Sciences from Harvard University in 1999, and her J.D. in 2004 from NYU School of Law where she received the Vanderbilt Medal for Service to the Law School Community and the President's Service Award for Leadership at New York University. She is an Advisory Board member of the NYU Law Alumni of Color Association.

Jennifer has been widely recognized within the legal industry and the patent litigation bar for her achievements. In 2019, Jennifer was named to *Benchmark Litigation's* "40 & Under Hot List – Northeast." In 2018, she was selected by *The New York Law Journal* as a "Rising Star," an award that recognizes top attorneys under the age 40. In 2017, Jennifer was a recipient of the "Best Under 40" award from the National Asian Pacific American Bar Association (NAPABA). She is also a co-chair of the Women's Committee of the Asian American Bar Association of New York (AABANY).



Chris Kwok is a Mediator, Adjunct Professor and community organizer who has been active in speaking about anti-Asian violence and harassment. He teaches Asian American studies at CUNY Hunter. Chris is the co-Executive Editor of a report authored by AABANY and Paul Weiss: *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions*.

He received his B.A from Cornell University with a major in Government and a minor in Asian American studies, and his J.D from UCLA Law School, where he served on the staff of the Asian American Pacific Islander Law Journal. Formerly, he was the Alternative Dispute Resolution (ADR) Coordinator at the U.S. Equal Employment Commission in the New York District office.

* *Reproduced and excerpted from:*

Stop AAPI Hate National Report: 3/19/20 – 6/30/21,
<https://stopaapihate.org/wp-content/uploads/2021/08/Stop-AAPI-Hate-Report-National-v2-210830.pdf>.

Stop AAPI Hate National Report

3/19/20 – 6/30/21

This national report covers the 9,081 incident reports to Stop AAPI Hate from March 19, 2020 to June 30, 2021. The number of hate incidents reported to our center increased from 6,603 to 9,081 during April–June 2021. Of all incident reports, 4,548 hate incidents occurred in 2020 and 4,533 of hate incidents occurred in 2021.

CONTRIBUTORS

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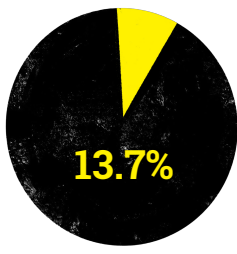
Layla Schweng

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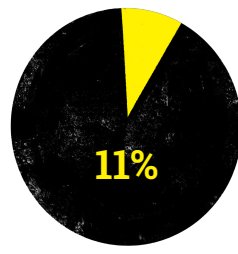
**STOP
AAPI
HATE**

Types of Discrimination

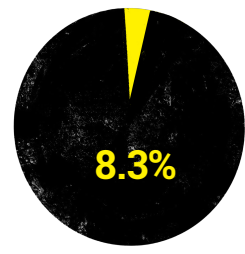
Verbal harassment (63.7%) and shunning (16.5%)—the deliberate avoidance of Asian Americans and Pacific Islanders — continue to make up the two largest proportions of the total incidents reported. A majority of incidents are traumatic and harmful, but not hate crimes.



Physical assault (13.7%) comprises the third largest category of total reported incidents, followed by being coughed at or spat on (8.5%).



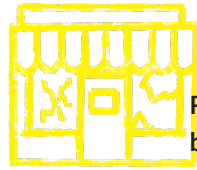
Civil rights violations e.g., workplace discrimination, refusal of service and being barred from transportation — account for 11.0% of the total incidents.



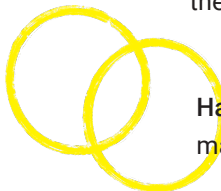
Online harassment makes up 8.3% of total incidents.

National Trends

A majority of incidents reported take place outside of the home and in spaces often open to the public.



Public streets (31.6% of incidents) and **businesses** (30.1% of incidents) remain as the top sites where anti-AAPI hate occurs.



Hate incidents reported by women make up 63.3% of all reports.

Of all hate incidents, **48.1%** included at least one hateful statement regarding **anti-China** and/or **anti-immigrant rhetoric**.



Youth (0 to 17 years old) report 9.8% of incidents and **seniors** (60 years old and older) report 6.9% of the total incidents.



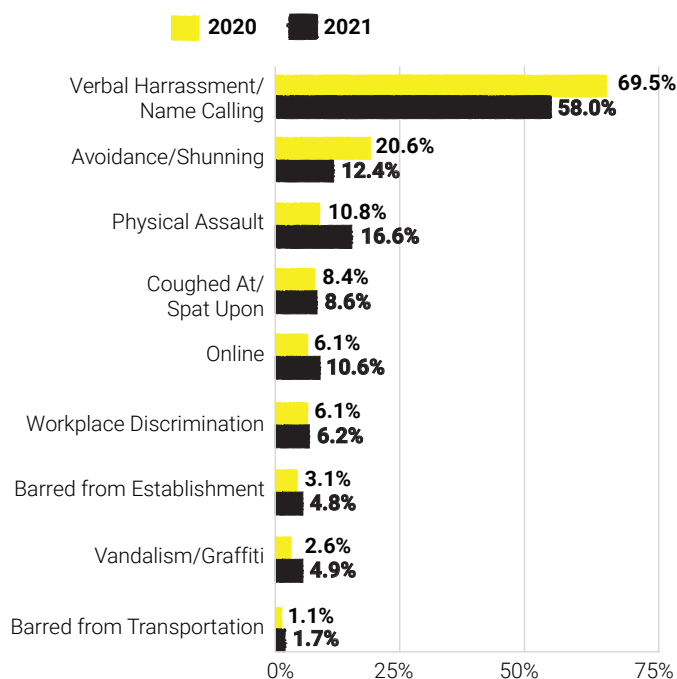
Chinese have reported more hate incidents (43.5%) than all ethnic groups, followed by Koreans (16.8%), Filipinx (9.1%), Japanese (8.6%) and Vietnamese (8.2%).



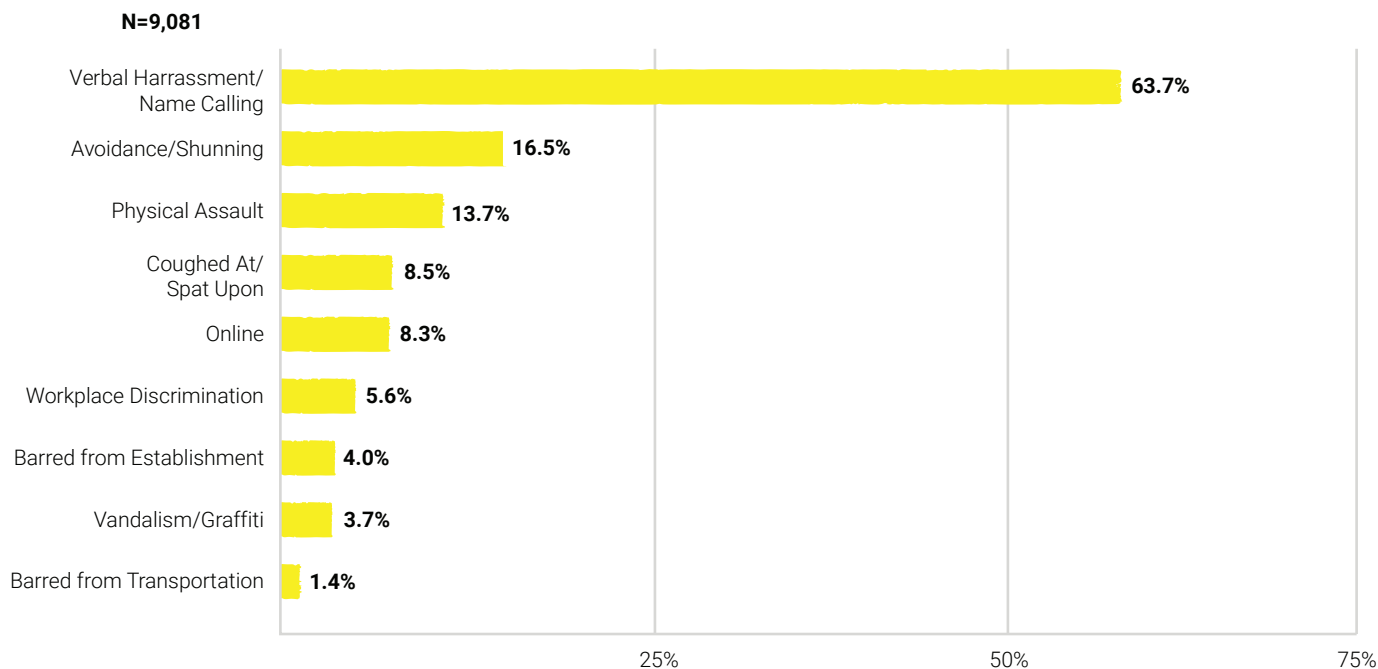
Comparison of 2020 and 2021

- Verbal harassment and shunning decreased from 69.5% and 20.6% in 2020 to 58.0% and 12.4% in 2021, respectively.
- Physical assaults increased from 10.8% of the total hate incidents in 2020 to 16.6% in 2021. Vandalism increased from 2.6% in 2020 to 4.9% in 2021.
- Online hate incidents increased from 6.1% in 2020 to 10.6% in 2021.
- More incidents occurred in public streets (36.6% in 2021 vs. 26.7% in 2020), public transit (8.8% in 2021 vs. 8.2% in 2020), and private residences (10.0% in 2021 vs. 8.9% in 2020).
- More seniors (60 years old and older) reported hate incidents in 2021, increasing from 6.5% in 2020 to 7.2% in 2021.

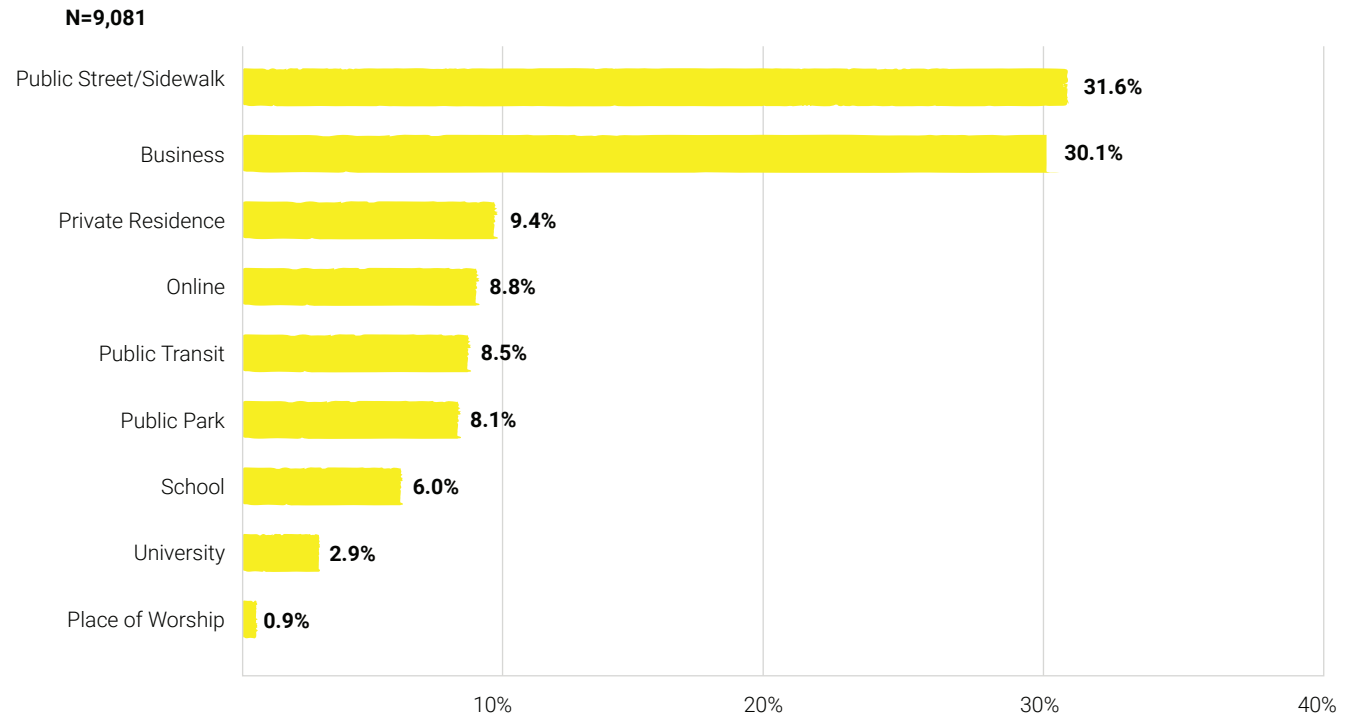
Types of Discrimination in 2020 vs. 2021



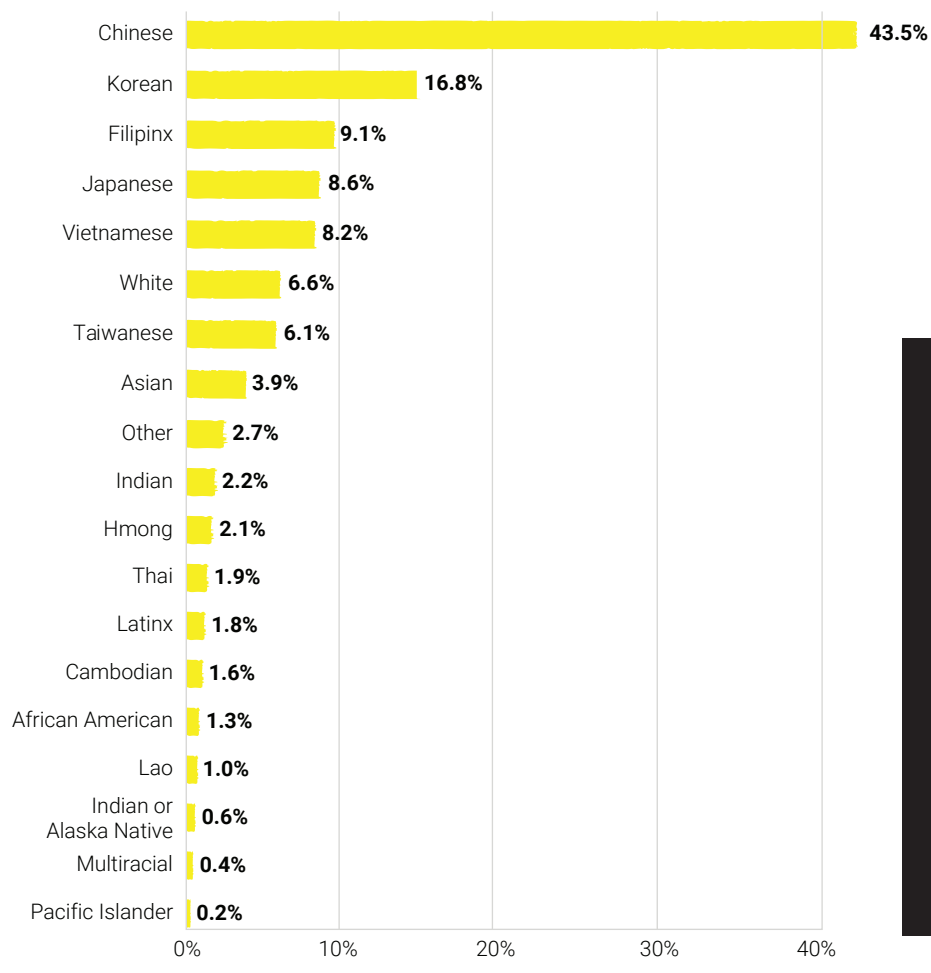
Types of Discrimination



Sites of Discrimination



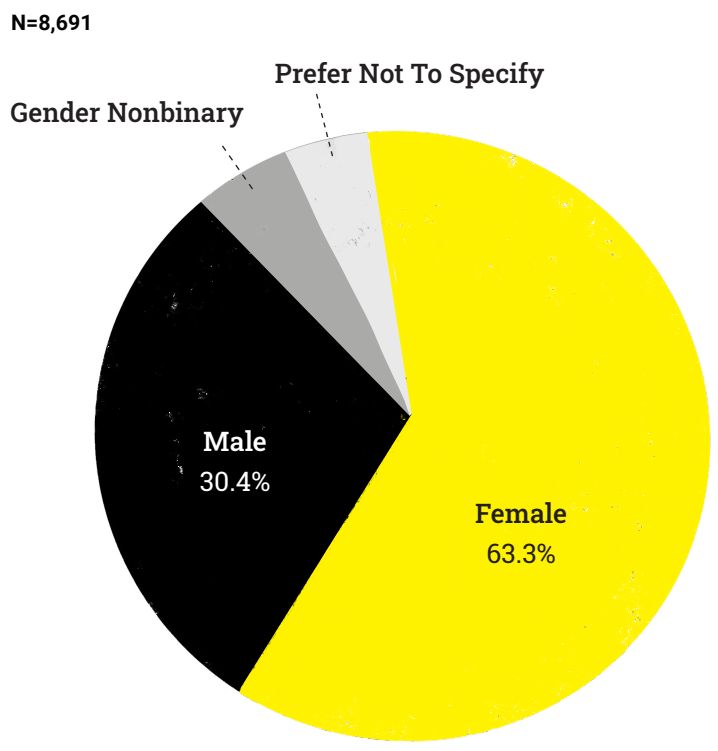
Ethnicity of Respondents



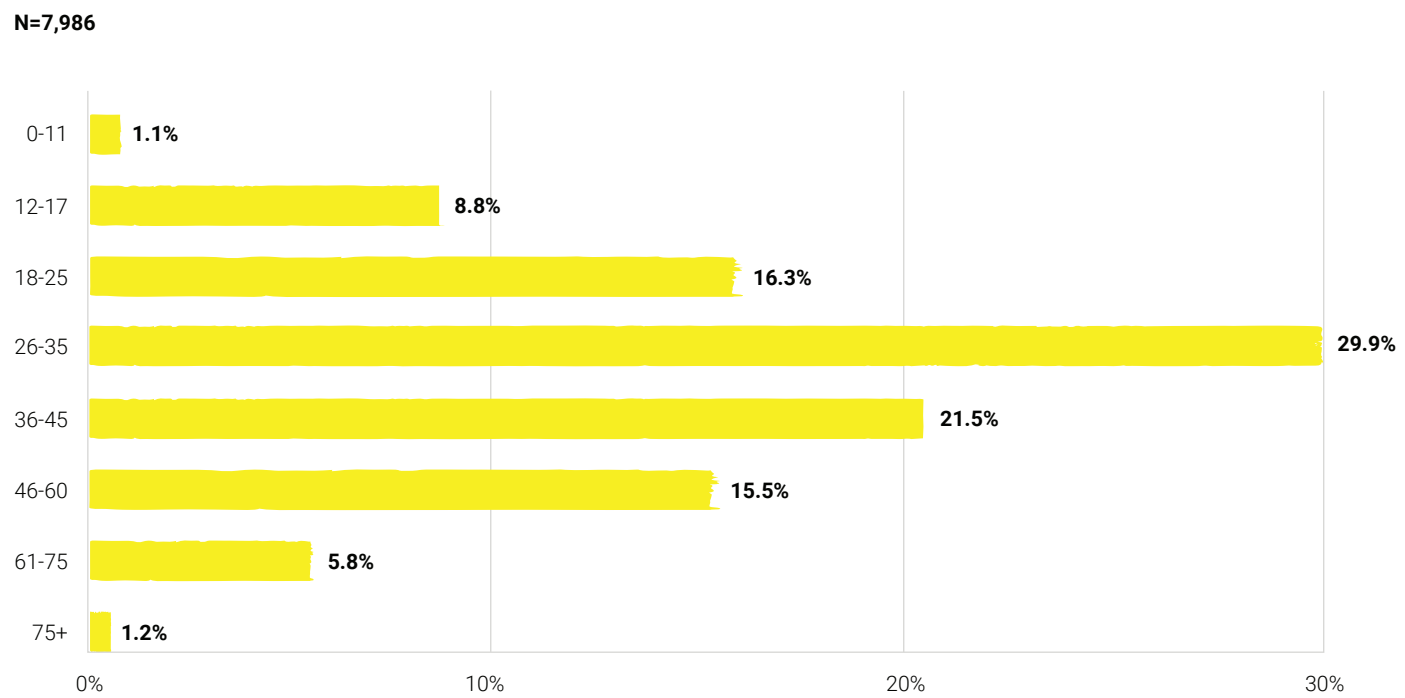
Note: Individuals who reported to Stop AAPI Hate could select multiple racial and ethnic categories. The numbers above indicate the exact categories individuals used to self-identify. Some respondents selected the category "Asian" instead of selecting a specific Asian ethnicity. Some people chose the "Multiracial" category, while others selected two or more categories to convey their multiracial heritage (e.g., "Chinese" and "White.") The presence of non-AAPI race/ethnicity is due to reports from multiracial AAPI persons as well as non-AAPI persons reporting on behalf of others or after witnessing an incident.



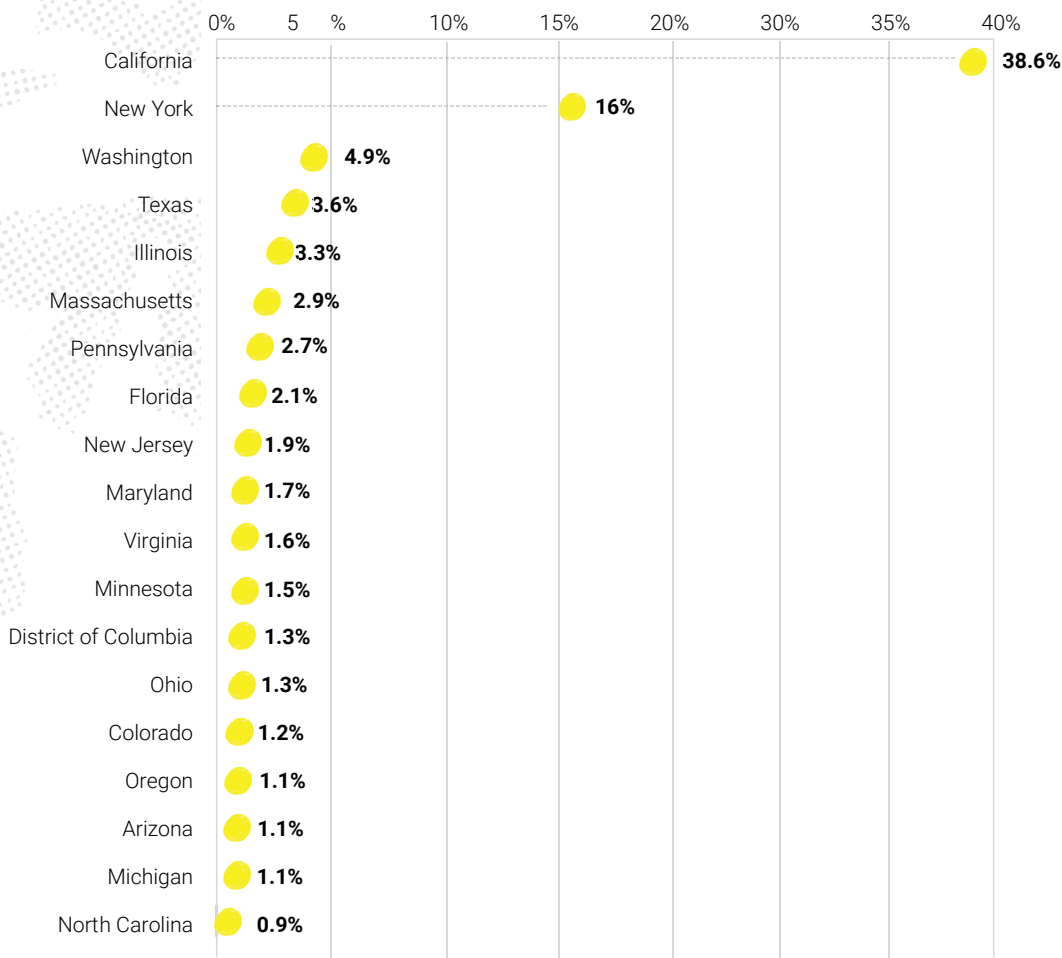
Gender of Respondents



Age of Respondents



20 States with Largest Number of Hate Incident Reports



Hateful Languages Were Included in Nearly Half of All Incident Reports

Of 9,081 hate incident reports included in this report, 48.1% included at least one hateful statement regarding anti-China and/or anti-immigrant rhetoric. The U.S.—China relations can have implications for the treatment of Asians in the United States as reflected by the use of anti-China statements. Please see the APPENDIX for more information on the Racial Impacts of the U.S.—China Relations on Asian Americans.

Content analysis of hateful languages from the reports revealed five different themes. These themes are not mutually exclusive (one report can include more than one type of statements):

- **Scapegoating of China:** Scapegoating involves blaming Chinese people/China for the coronavirus, deaths, etc.
- **Racial Slurs:** Racial slurs reference derogatory Asian labels, such as “chink” or “gook.”
- **Anti-Immigrant Nativism:** Anti-immigrant nativist comments express that Asians are perpetual foreigners who do not belong here and can include claims in which the victim is told to “go home” or “go back to China.”
- **Orientalist Depictions:** Orientalist depictions include statements about Asians’ perceived cultural exoticism, such as their dietary habits (e.g. dog or bat eating) or comments about dirtiness, etc.
- **Red-Baiting:** Red-baiting comments associate the victim with communism or socialism.



Appendix

The Racial Impact of U.S.–China Relations on Asian Americans

The U.S./Asian international relations clearly connect to the treatment of Asians in the United States. The incarceration of Japanese Americans during World War II and the Islamophobia faced by South Asians after 9/11 are historic examples of how other Americans – due to their racism and xenophobia – scapegoat and discriminate against Asian Americans.

Similarly, U.S.–China relations have shaped the racial experiences of Chinese Americans. By invoking the Yellow Peril stereotype, that Chinese are outside threats to the U.S. and perpetual foreigners, policy-makers have both exacerbated antagonisms between the two nations and inflamed anti-Chinese hate. The following timeline of U.S.–China relations illustrates this complex relationship.

1950s: Korean War and the Red Scare in Chinatowns

China's fall to Communism and its involvement in the Korean War heightened political emotions around the 1950s Red Scare of communism infiltration. Senator Joe McCarthy and other politicians exploited this fear as the House Un-American Activities Committee and the FBI investigated suspects. The government also targeted and surveilled the Chinese American community, especially through the "Chinese Confession Program."

This program encouraged Chinese who came as unauthorized "paper sons" to confess in return for possible citizenship, but also at the risk of implicating other family members. While many did gain citizenship, others were deported or lost citizenship papers. The Red Scare had a chilling effect in Chinatowns – families couldn't send remittances to China, families became divided over politics, and community members could not speak out about China. [1-2]

1960s: Vietnam War, Gookism, and Sexism

The U.S. and China were again on opposing sides in the Vietnam War, with China supporting North Vietnam. The racial slur "gook," initially used against Filipino "natives" during the Philippine-American War before reappearing as a general anti-Asian epithet during the Korean War, re-emerged as a derogatory term for the Vietnamese.

However, Asian Americans recognized that "gookism" made no distinction between Asians in Vietnam and those in America, as the face of America's enemy was Asian. Asian American veterans especially felt "this military culture of fear and hatred firsthand."

At the same time, this military culture dehumanized Vietnamese women not only as gooks but as sexual objects as well. The stereotype of China dolls and bar prostitutes became a popular representation of Asian women, especially in Hollywood, leading to their hypersexualization and fetishization. [3]

1990s: Military Tensions, the DNC Scandal, and the Arrest of Wen Ho Lee

In the early 1990s, China tested miniature nuclear weapons, concerning American intelligence about their sudden technological advances. In 1996, the People's Liberation Army conducted military exercises in the Taiwan Strait to intimidate Taiwan, and the U.S. dispatched two aircraft carrier battle groups in response. Later, in 1999, the U.S. mistakenly bombed the Chinese embassy in Belgrade, which led to massive anti-U.S. demonstrations in China.

In this geopolitical context, the People's Republic of China was accused of influencing the Democratic National Party with improper campaign donations. The Justice Department and Congress held investigations and the DNC conducted its own



audit, investigating any Asian surname on their donor rolls. This racial profiling of Asian Americans re-established the perpetual foreigner stereotype of them employing illegal, political interference.

Three years later in 1999, the U.S. government discovered that nuclear secrets were stolen from Los Alamos National Laboratory. The classified Cox Report, leaked by the NY Times, identified Chinese spies within the labs as the thieves. The FBI arrested Wen Ho Lee, a Taiwanese American, on 59 counts of espionage and put him in solitary confinement for nine months. He, too, was unfairly racial profiled and later was released with an apology from President Clinton. [4-5]

2021: The China/Chinese Threat: Unfair Trade, Scientific Espionage, and National Security

“The discourses of Chinese unfair trade competition, scientific espionage, and technological surveillance frame the reception of the pandemic. One may argue that President Trump’s insistence on blaming China for the spread of the deadly virus is yet another tactic in his administration’s sustained attempt to quell China’s economic power at the same time that it provides a foil to distract from – and a scapegoat to blame for – the economic and public health crisis in which we find ourselves” (p. 424) [5].

Such political rhetoric re-invoke the Yellow Peril, which today “represents heightened Western anxieties around China’s combined forces of population size, global economic growth, and rapid technological-scientific innovation” (p. 425) [5].

Consequently, this “techno and fiscal Orientalism” – anxieties about Asian’s technical and economic domination – have led to trade sanctions against China, removal of Chinese scientists from universities, and the proposed banning of WeChat, a Chinese social media company. Expressed also in President Trump’s insistence on the term, “Chinese virus,” such rhetoric racializes the disease as Chinese. [6-8]

References

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- [2] Del Visco, S. (2019) *Yellow peril, red scare: race and communism in National Review, Ethnic and Racial Studies*, 42:4, 626-644.
- [3] Densho Blog. (2017). *In the Belly of the Monster: Asian American Opposition to the Vietnam War*. <https://densho.org/asian-american-opposition-vietnam-war/>
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- [5] Kurashige, Lon. (2016) *Two Faces of Exclusion: The Untold History of Anti-Asian Racism in the United States*. University of North Carolina: University of North Carolina Press.
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- [7] Yang, F. (2016). *Fiscal Orientalism: China Panic, the Indebted Citizen, and the Spectacle of National Debt*. *Journal of Asian American Studies* 19(3), 375-396.
- [8] Yang, M. M. (2016). *At War with the Chinese Economic Yellow Peril: Mitt Romney’s 2012 Presidential Campaign Rhetoric*. *Journal of Intercultural Communication Research*, 45(1), 45–69.



STOP AAPI HATE

Stop AAPI Hate is a national coalition addressing anti-Asian racism across the U.S. The coalition was founded by the Asian Pacific Policy and Planning Council (A3PCON), Chinese for Affirmative Action (CAA) and San Francisco State University's Asian American Studies Department. Between March 19, 2020 and June 30, 2021, Stop AAPI Hate received 9,081 reported incidents of racism and discrimination targeting Asian Americans and Pacific Islanders across the U.S.

stopaapihate.org



The Asian Pacific Policy and Planning Council (A3PCON) is a coalition of more than forty community-based organizations that serve and represent the 1.5 million Asian Americans and Pacific Islanders in the greater Los Angeles area, with a particular focus on low-income, immigrant, refugee and other vulnerable populations.




Chinese for Affirmative Action (CAA) was founded in 1969 to protect the civil and political rights of Chinese Americans and to advance multiracial democracy in the United States. Today, CAA is a progressive voice in and on behalf of the broader Asian American and Pacific Islander community. We advocate for systemic change that protects immigrant rights, promotes language diversity, and remedies racial and social injustice.



**SAN FRANCISCO
STATE UNIVERSITY**

SF State Asian American Studies (AAS) is the oldest and largest such academic program in the nation. Founded after the 1968-69 Black Student Union and Third World Liberation Front student strike, it maintains the strike's values of student activism, social justice, and community self-determination.

STOP AAPI HATE

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Penal Law (Refs & Annos)
Chapter 40. Of the Consolidated Laws (Refs & Annos)
Part Four. Administrative Provisions
Title Y. Hate Crimes Act of 2000
Article 485. Hate Crimes (Refs & Annos)

McKinney's Penal Law § 485.05

§ 485.05 Hate crimes

Effective: November 1, 2020

[Currentness](#)

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: [section 120.00](#) (assault in the third degree); [section 120.05](#) (assault in the second degree); [section 120.10](#) (assault in the first degree); [section 120.12](#) (aggravated assault upon a person less than eleven years old); [section 120.13](#) (menacing in the first degree); [section 120.14](#) (menacing in the second degree); [section 120.15](#) (menacing in the third degree); [section 120.20](#) (reckless endangerment in the second degree); [section 120.25](#) (reckless endangerment in the first degree); [section 121.12](#) (strangulation in the second degree); [section 121.13](#) (strangulation in the first degree); [subdivision one of section 125.15](#) (manslaughter in the second degree); [subdivision one, two or four of section 125.20](#) (manslaughter in the first degree); [section 125.25](#) (murder in the second degree); [section 120.45](#) (stalking in the fourth degree); [section 120.50](#) (stalking in the third degree); [section 120.55](#) (stalking in the second degree); [section 120.60](#) (stalking in the first degree); [subdivision one of section 130.35](#) (rape in the first degree); [subdivision one of section 130.50](#) (criminal sexual act in the first degree); [subdivision one of section 130.65](#) (sexual abuse in the first degree); [paragraph \(a\) of subdivision one of section 130.67](#) (aggravated sexual abuse in the second degree); [paragraph \(a\) of subdivision one of section 130.70](#) (aggravated sexual abuse in the first degree); [section 135.05](#) (unlawful imprisonment in the second degree);

section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

(a) the term “age” means sixty years old or more;

(b) the term “disability” means a physical or mental impairment that substantially limits a major life activity;

(c) the term “gender identity or expression” means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

Credits

(Added L.2000, c. 107, § 2, eff. Oct. 8, 2000. Amended L.2003, c. 264, § 34, eff. Nov. 1, 2003; L.2010, c. 405, § 13, eff. Nov. 11, 2010; L.2018, c. 55, pt. NN, § 9, eff. Nov. 1, 2018; L.2019, c. 8, § 20, eff. Nov. 1, 2019; L.2020, c. 55, pt. R, § 3, eff. Nov. 1, 2020.)

Editors' Notes

SUPPLEMENTARY PRACTICE COMMENTARIES

by William C. Donnino

Legislative Findings and Specified Offenses

In 2020 (c. 55), the “Legislative findings” in [Penal Law § 485.00](#) and the “specified offenses” defined in [Penal Law § 485.05\(3\)](#) were amended, and those amendments are discussed in the commentary to [Penal Law § 490.27](#).

House of Worship Hate Crime

In *People v. Assi*, 14 N.Y.3d 335, 341, 902 N.Y.S.2d 6, 928 N.E.2d 388 (2010), the Court made it clear that an “attempted arson of a house of worship that is motivated by religious animus” is a hate crime [[Penal Law § 485.05\(1\)\(b\)](#)].

Disability Underlying Medical Cannabis Use

As part of the legislation providing for “medical cannabis” ([Cannabis Law art. 3](#)), formerly “medical marijuana” ([L. 2014, c. 90](#)), [Cannabis Law § 42\(2\)](#) provides that “[b]eing a certified patient [for medical cannabis] shall be deemed to be having a ‘disability’ ” within the meaning of certain laws designed to prevent discrimination against those with a “disability,” including the instant [Penal Law § 485.05](#) (hate crime).

Gender Identity or Expression

In 2019, the Legislature determined that:

“many residents of this state have encountered prejudice on account of their gender identity or expression, and that this prejudice has severely limited or actually prevented access to employment, housing and other basic necessities of life, leading to deprivation and suffering. The legislature further recognizes that this prejudice has fostered a general climate of hostility and distrust, leading in some instances to physical violence against those perceived to live in a gender identity or expression which is different from that traditionally associated with the sex assigned to that person at birth.” [L. 2019, c. 8](#).

The Legislature accordingly enacted a series of civil laws designed to prohibit discrimination based on gender identity or expression [*see* [Executive Law §§ 291, 292, 295, 296, 296-a, 296-b](#); [Civil Rights Law § 40-c](#); and [Education Law § 313](#)] and enacted criminal laws [[Penal Law §§ 240.00 240.30](#); [240.31](#); [485.00](#), [495.05](#); and [CPL 200.50](#)] designed to penalize harassment or commission of a hate crime based on gender identity or expression.

Those laws defined “gender identity or expression” to mean:

“a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.” [Executive Law § 292\(35\)](#); [Penal Law §§ 240.00\(7\)](#); [485.05\(4\)\(c\)](#).

With respect to “hate crimes,” the definition of “gender identity or expression” was set forth in [Penal Law § 485.05\(4\)](#), and the definition of “hate crimes” was amended to add that term to the applicable list of those covered by the provisions the statute. [Penal Law 485.05\(1\)\(a\)](#) and [\(b\)](#), and [\(2\)](#).

PRACTICE COMMENTARY

by William C. Donnino

In 2000, New York enacted the instant “Hate Crimes Act” [L.2000, c. 107], noting that “[i]n a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them.” [Penal Law § 485.00](#).

In drafting its statute, New York was apparently guided by both a Wisconsin statute whose constitutionality had been sustained [*Wisconsin v. Mitchell*, 508 U.S. 476, 113 S.Ct. 2194, 124 L.Ed.2d 436 (1993)] and a model statute published by the Anti-Defamation League (ADL). See Legislative Memorandum.

The Wisconsin statute required that the actor “commits a crime” that is specified in the statute, and:

“Intentionally selects the person against whom the [the specified offense] is committed or selects the property which is damaged or otherwise affected by [the specified offense] because of the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property.” *Id.* at 481, n.1.

The ADL model statute stated:

“A person commits a Bias-Motivated Crime if, by reason of the actual or perceived race, color, religion, national origin, sexual orientation or gender of another individual or group of individuals, he violates [a specified criminal statute].” See http://www.adl.org/99hatecrime/text_legis.asp

New York's “hate crimes” statute is divided into two subdivisions. Both subdivisions require as a predicate that the actor commit a “specified offense,” listed in Penal Law § 485.05(3). In broad terms, the specified offenses include offenses against a person involving physical injury, stalking, sexual conduct, restraint and intimidation, offenses involving damage to and intrusion upon property, offenses involving theft, offenses involving harassment, and any attempt or conspiracy to commit such offenses.

Upon the commission of the predicate crime, a simultaneous violation of the “hate crimes” statute takes place in one of two ways.

The first “hate crimes” provision [Penal Law § 485.05(1)] is aimed at a perpetrator who, in committing the predicate crime, targets an individual “because of a belief or perception regarding” a specified attribute of a person; namely, race, color, national origin, ancestry, gender, religion, religious practice, sexual orientation, age of 60 or more, or disability, (*i.e.*, a physical or mental impairment that substantially limits a major life activity). The mens rea is “intentionally” [defined in [Penal Law § 15.05\(1\)](#)]. Thus, the perpetrator's conscious objective or purpose must be to target an individual “in whole or in substantial part” “because of” a “belief or perception” regarding a specified attribute of a person. See *People v. Marino*, 35 A.D.3d 292, 293, 826 N.Y.S.2d 68 (1st Dept., 2006). (“Defendant's guilt of menacing as a hate crime was established by evidence that he approached two African-American men for no apparent reason and brandished a box cutter, after his friend had been using racial epithets toward these men, which defendant personally repeated. This evidence supported the inference that defendant had selected the victims based, in whole or in substantial part, on their race”); *People v. Diaz*, 188 Misc.2d 341, 727 N.Y.S.2d 298 (Supreme Court, N.Y. County, 2001) (the “hate crimes” statute was not unconstitutionally vague as applied to a defendant accused of assaulting an individual because of his belief that the victim was gay).

The phrase “because of” a belief or perception regarding a specified attribute of a person sets forth the required discriminatory motive of the actor. It is irrelevant whether the “belief or perception” about the attribute is correct [Penal Law § 485.05(1)]. Thus, a belief that the intended victim has the particular attribute that is motivating the crime is sufficient, even if the victim does not in fact have that attribute. For example, a perpetrator who, professing hatred against a particular religion, kills a person because of the perpetrator's belief that the victim adheres to that religion is guilty of a “hate crime,” irrespective of whether the victim actually is a member of that religion.

Also, the crime may be committed where the victim is selected not because of his or her attribute but because of the perpetrator's belief or perception of another person's attribute. See *People v. B.C.*, 176 Ill.2d 536, 680 N.E.2d 1355 (1997). As written, the statute refers to the “belief or perception” concerning “a” person, not necessarily the person who ends up being the victim of the crime. An example would be the perpetrator who, professing hatred against a particular race, physically assaults a person whom the perpetrator does not believe or perceive to be a member of that race because that person is engaged in a demonstration on behalf of that race.

The second “hate crimes” provision [Penal Law § 485.05(2)] is aimed at a perpetrator who does not intentionally select an individual, but who intentionally commits the predicate crime because of a belief or perception regarding a specified attribute of “a” person. An example would be a perpetrator who, professing hatred against a particular religion, sets off a bomb in that religion's place of worship.

The class of persons to which the defendant and the victim belong may be proven at trial and the contrast between the two may be a factor, along with other evidence, in deciding whether the defendant has violated the “hate crimes” statute. But the legislation makes it clear that such proof, by itself, does not constitute legally sufficient evidence of the commission of a “hate crime.” Penal Law § 485.05(2). Thus, for example, in the commission of a first-degree assault, that the defendant and the victim are of different races is not, alone, sufficient to prove a “hate crime”; but, that fact plus the defendant's words during the assault to the effect that the assault is taking place because of the victim's race would constitute evidence of a “hate crime.”

A “hate crime” is classified indirectly by reference to the predicate “specified offense” of which the defendant is convicted. If the specified offense is a class A-I felony or a class B felony, then the “hate crime” will have the same classification. (Class A-II crimes do not constitute a “specified offense.”)

If the specified offense is any other crime, then the “hate crime” will be classified one category higher than the specified offense. And if the specified offense is also classified as a violent felony offense, the “hate crime” will be so classified. Of course, elevating the classification of the crime one category has the effect of enhancing the sentence for the “hate crime.”

For a class A-I felony and a class B felony, a specific enhanced sentence is provided. For the A-I felony, the minimum period of imprisonment must be 20 years instead of 15. Ironically, the authorized sentence for the *hate crime* may be less than the authorized sentence for the specified class A-I felony the conviction is based upon.

For a class B felony, the enhanced sentences are as follows:

First violent felony offender:	Determinate sentence must be at least 8 years instead of 5.
Other first felony offender:	Maximum term of the indeterminate sentence must be at least 6 years instead of 3.
Second violent felony offender:	Determinate sentence must be at least 12 years instead of 10.
Second felony offender who stands convicted of a violent felony offense:	Determinate sentence must be at least 10 years instead of 8.
Other second felony offender:	Maximum term of the indeterminate sentence must be at least 10 years instead of 9.

An enhanced sentence for a “juvenile offender” convicted of a “hate crime” was included by providing that the maximum term of a person sentenced pursuant to [Penal Law § 70.05](#) [Sentence of imprisonment for juvenile offender] must be at least 4 years instead of 3. However, the statute which makes a juvenile liable for an offense [[Penal Law § 30.00\(2\)](#)] was not expressly amended to provide liability for “hate crimes.”

There was no enhanced sentence provided for a class B persistent violent felony offender [[Penal Law § 70.08](#)]; nor was there an enhanced sentence provided for a class B persistent felony offender [[Penal Law § 70.10](#)].

Finally, it should be noted that two existing statutes which have afforded limited protection to certain classes have been amended in two respects to conform to certain aspects of the instant statute. Both “aggravated harassment in the second degree” [[Penal Law § 240.30\(3\)](#)] and “aggravated harassment in the first degree” [[Penal Law § 240.31](#)] have been amended not only to expand the class of protected persons to match those protected by the instant statute, but also to insert the “belief or perception” language of the instant statute.

Notes of Decisions (30)

McKinney's Penal Law § 485.05, NY PENAL § 485.05

Current through L.2021, chapters 1 to 440. Some statute sections may be more current, see credits for details.

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 KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Held Unconstitutional by [Barboza v. D'Agata](#), 2nd Cir.(N.Y.), Jan. 18, 2017

 KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

McKinney's Consolidated Laws of New York Annotated
Penal Law (Refs & Annos)
Chapter 40. Of the Consolidated Laws (Refs & Annos)
Part Three. Specific Offenses
Title N. Offenses Against Public Order, Public Sensibilities and the Right to Privacy
Article 240. Offenses Against Public Order (Refs & Annos)

McKinney's Penal Law § 240.30

§ 240.30 Aggravated harassment in the second degree

Effective: November 1, 2019

[Currentness](#)

A person is guilty of aggravated harassment in the second degree when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person's same family or household as defined in [subdivision one of section 530.11 of the criminal procedure law](#), and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, a member of such person's same family or household as defined in [subdivision one of section 530.11 of the criminal procedure law](#), and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

2. With intent to harass or threaten another person, he or she makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such

person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to a family or household member of such person as defined in [section 530.11 of the criminal procedure law](#); or

5. He or she commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by [section 240.25](#) of this article within the preceding ten years.

Aggravated harassment in the second degree is a class A misdemeanor.

Credits

(L.1965, c. 1030. Amended L.1969, c. 290, § 1; L.1982, c. 191, § 1; L.1992, c. 345, § 5; L.2000, c. 107, § 3, eff. Oct. 8, 2000; L.2001, c. 385, § 1, eff. Nov. 1, 2001; L.2008, c. 510, § 1, eff. Dec. 3, 2008; L.2012, c. 491, pt. D, § 4, eff. Dec. 24, 2012; L.2014, c. 188, § 1, eff. July 23, 2014; L.2019, c. 8, § 21, eff. Nov. 1, 2019.)

Editors' Notes

SUPPLEMENTARY PRACTICE COMMENTARIES

by William C. Donnino

See Supplementary Practice Commentary to [Penal Law § 240.31](#).

PRACTICE COMMENTARIES

by William C. Donnino

“Aggravated harassment in the second degree” [Penal Law § 240.30] is presently comprised of five subdivisions.

Subdivision one. In 2014, the Legislature substantially reworked the “aggravated harassment in the second degree” statute and, in particular, subdivision one. L.2014, c. 188. For a history of subdivision one prior to 2014, see Practice Commentary to McKinney's Penal Law § 240.30, pp. 87-91 (2008). The impetus for the 2014 legislation was the Court of Appeals decision in *People v. Golb*, 23 N.Y.3d 455, 991 N.Y.S.2d 792, 15 N.E.3d 805 (2014). *Golb* declared “aggravated harassment in the second degree,” as defined in former subdivision (1)(a) [and by implication subdivision (1)(b)] of Penal Law § 240.30, unconstitutionally “vague and overbroad.” That former subdivision (1)(a) read:

“A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she:

“1. ... (a) communicates with a person, anonymously or otherwise, by telephone, by telegraph, or by mail, or by transmitting or delivering any other form of written communication, in a manner likely to cause annoyance or alarm.”

In declaring that statute unconstitutional, *Golb* explained that “ ‘any proscription of pure speech must be sharply limited to words which, by their utterance alone, inflict injury or tend naturally to evoke immediate violence’ ” *Id.* at 467, quoting *People v. Dietze*, 75 N.Y.2d 47, 52, 550 N.Y.S.2d 595, 549 N.E.2d 1166 (1989).

Thereafter, the Legislature revised subdivision one, claiming that the revision “would cure the constitutional defect.” Legislative Memorandum. Whether that goal has been achieved remains to be determined.

Under former subdivision (1)(a), the mens rea was an intent to “harass, annoy, threaten or alarm another person.” Under the revised subdivision, the mens rea has been limited to an “intent to harass another person.” The Random House Webster's Unabridged Dictionary (1999) defines “harass” to mean: “1. to disturb persistently; torment, as with troubles or cares; bother continually; pester; persecute. 2. to trouble by repeated attacks, incursions, etc. ...”

With that mens rea, the actor must communicate by one or more of the methods specified. However, the revised catchall phrase, “communicates ... by transmitting or delivering any other form of communication,” eliminated the word “written” as a modifier of “communication,” and thereby expresses a legislative intent to cover a communication transmitted or delivered in any manner or form. Underscoring their intent, the Legislature repealed subdivision six, which had set forth a definition of what a “form of written communication” would include. As to that element, the 2014 legislation may have the effect of overruling *People v. Viau*, 50 N.Y.2d 1052, 1053, 431 N.Y.S.2d 702, 409 N.E.2d 1376 (1980) to the extent it held that a former incarnation of the statute did not apply to a citizens' band radio, given, inter alia, it was not a “form of written communication.”

The means of communication was also amended to expressly include: “by computer or any other electronic means.”

The communication must be a “threat to cause physical harm to, or unlawful harm to the property of, such person” (i.e., the person the actor intends to harass), or “members of the same family or household,” as that term is defined in CPL 530.11(1). Albeit that actus reus includes a “threat,” the legislation eliminated an “intent to threaten,” as an alternative to the mens rea of an “intent to harass.” (*Compare* the subdivision two mens rea which is an “intent to harass or threaten”). The requirement of a “threat ...” is in lieu of the former language found wanting in *Golb*, which was: a communication “likely to cause annoyance or alarm.” In addition to the threat, the actor must know or “reasonably” should know that the communication “will” cause “such person” to “reasonably” fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household. The use of the “reasonably fear” language, by analogy to a similarly worded anti-stalking statute [Penal Law § 120.45(1)], “eliminate[s] the concern that a particular course of conduct will be deemed criminal based merely on the subjective fear or sensibilities of the alleged victim.” *People v. Stuart*, 100 N.Y.2d 412, 427-28, 765 N.Y.S.2d 1, 797 N.E.2d 28 (2003). *Golb* emphasized that the uttered words must “inflict injury or tend naturally to evoke immediate violence.”

Subdivision (1)(b) was similarly amended, given that it only differs from subdivision (a) in that the actor “causes a communication to be initiated,” rather than communicating same himself or herself.

Subdivision two. The 2014 legislation [c. 188] amended the culpable mental state of the crime, from “intent to harass, annoy, threaten or alarm” to “intent to harass or threaten,” and otherwise the subdivision reads as it did when first enacted. When enacted this subdivision was primarily aimed at two types of harassing telephone conduct: (1) driving a person to distraction by repeatedly dialing his number, and (2) tying up business lines by repeated calls. Staff Notes of the Commission on Revision of the Penal Law. Proposed New York Penal Law. McKinney's Spec. Pamphlet (1964), p. 390. Subdivision two is a “continuing crime,” and does not violate the constitutional right to free speech, nor does it does suffer from vagueness. *People v. Shack*, 86 N.Y.2d 529, 634 N.Y.S.2d 660, 658 N.E.2d 706 (1995). Shack made 185 phone calls in a slightly more than five-month period and during the calls uttered various threats.

Subdivision three. This subdivision was added in 1982, along with the addition of the crime of “aggravated harassment in the first degree” [Penal Law § 240.31]. L.1982, c. 191, in response to the harassment of people because of their race, color, religion or national origin. *See* Practice Commentary to Penal Law § 240.31, especially subdivision two.

Subdivision four. In 2012, on recommendation of the Governor, the Legislature enacted a series of laws intended to “enhance protections for victims of domestic violence.” Governor's Legislative Memorandum for the Laws of 2012, c. 491. The criminal law provisions included the addition of two crimes (“aggravated family offense” [Penal Law § 240.75(1)] and an added subdivision four of the instant crime of “aggravated harassment in the second degree,” as well as amendments to CPL 510.30 to detail what a court may consider in setting bail when the defendant is charged with a crime against a member of the “same family or household” [defined in CPL 530.11].

Subdivision four borrows some language from the statute defining a form of “harassment in the second degree,” a violation [Penal Law § 240.26(1)]. Thus, a person is liable for “aggravated harassment in the second degree,” a class A misdemeanor [Penal Law § 240.30(4)] when, acting with the requisite culpable mental state, he or she “strikes, shoves, kicks or otherwise subjects another person to physical contact” and thereby causes physical injury “to such person” or “to a family or household member of such person” [as defined in CPL 530.11].

CPL 530.11(1) defines “members of the same family or household” to mean: “(a) persons related by consanguinity or affinity; (b) persons legally married to one another; (c) persons formerly married to one another regardless of whether they still reside in the same household; (d) persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and (e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time ...”

While the subdivision four crime sounds in “assault,” it is distinguishable. Its culpable mental state is not an intent to cause physical injury; it is an intent “to harass, annoy, threaten or alarm another person.” Thus, while “physical injury” must be the consequence, it need not have been intended.

The assaultive conduct must subject “another person” to physical contact, thereby causing physical injury to “such person” “or” to a “family or household member” of “such person.” Under that formulation, the person who suffers the physical injury need not be a “family or household member” of the offender. To that extent, the crime is of general application to any person who suffers physical injury as a consequence of the assaultive conduct engaged in with the requisite intent.

In any event, at least one possible application of the statute may arise when the subject of the physical contact is not injured, but, as a consequence of the assaultive conduct a “family or household member” of the offender suffers physical injury. An illustrative scenario is the offender who with the requisite intent shoves his wife who does not suffer physical injury, but as a consequence of her being shoved she falls into their child, and the child suffers physical injury.

Subdivision five (formerly subdivision four until L.2012, c. 491). This subdivision was added in 1992 [c. 345]. It penalizes a person who repeats the conduct embraced by harassment in the first degree [see Practice Commentary to Penal Law § 240.30] after having been convicted of that offense within the preceding ten years. The effect is to increase the authorized penalty for that repetition of the proscribed conduct. There is no tolling of the 10-year period for time spent in confinement.

McKinney's Penal Law § 240.30, NY PENAL § 240.30

Current through L.2021, chapters 1 to 440. Some statute sections may be more current, see credits for details.

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Criminal Justice Research Report

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Governor

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September 2021

Hate Crime in New York State 2020 Annual Report

Hate crime incidents reported to police departments and sheriffs' offices in New York State decreased 21.7 percent in 2020. While the 488 incidents were the fewest reported statewide since 2010, anti-Black and anti-Asian hate crimes increased. Agencies reported 128 anti-Black crimes, which were the most reported in the past five years, and 31 anti-Asian crimes, the highest number reported during the past 10 years.

There was a significant difference in hate crimes reported by region. In New York City, reports of these crimes declined 35.2 percent, with 272 reported. In the counties outside of the five boroughs, there was a 16.1 percent increase, with 202 incidents reported. The MTA and New York State Park Police, each of which have jurisdiction in multiple counties, reported a total of 14 incidents, the fewest since 2016.

The total number of hate crime incidents reported to police statewide in 2020 was a fraction of all reported crime, which remained near historically low levels. There were 341,908 index crimes reported, a 1.5 percent increase when compared to 2019, when reported crimes reached an all-time low. Hate crimes, however, target individuals, groups of individuals or property based on a perception or belief about race, ethnicity, sex, sexual orientation, religion or other characteristic as defined by state law. This can result in these crimes adversely affecting entire communities, not just their intended target.

DCJS is required by law to annually publish a report analyzing hate crime incidents and arrests reported to the agency by police departments and sheriffs' offices. Hate crime data included in this report were reported by those agencies to DCJS as of June 21, 2021.

Hate crime incidents and arrests are reported to DCJS by police departments and sheriffs' offices and dispositions of arrests are reported by the courts. This report includes:

- Hate crime incidents by offense, bias motivation and demographics, such as age and sex of known offenders.

- Arrests made for offenses charged as a hate crime in 2020.
- Hate crime arrests that resulted in a criminal conviction or youthful offender adjudication for the five-year period from 2016 through 2020.
- Hate crime incidents reported annually from 2016 through 2020. These trends are detailed in the appendices to this report.

Major Findings

- ◆ More than half (54.3%) of the 488 reported hate crimes targeted property and 45.7 percent targeted people.
- ◆ While hate crimes against property (265) decreased significantly (35.8%), crimes against individuals (223) increased 6.2 percent.
- ◆ Consistent with prior years, the most frequently reported bias motivations for hate crimes against property were anti-Jewish (50.6%) and anti-Black (26.4%).
- ◆ The most frequently reported bias motivations for hate crimes against individuals were anti-Black (26.0%), anti-Jewish (21.5%), anti-Gay Male (11.2%), and anti-Asian (10.3%).
- ◆ Most hate crime incidents involved criminal mischief (49.8%) and simple assault (36.9%).
- ◆ The most common hate crime arrest charges were aggravated harassment (51.9%) and assault (18.7%).
- ◆ During the five-year period from 2016 through 2020, there were 320 convictions and Youthful Offender adjudications that resulted from hate crime arrests.

Visit [criminaljustice.ny.gov](https://www.criminaljustice.ny.gov) (click [Statistics](#)) for additional hate crime data.

Reported Hate Crime Incidents

Under New York's Hate Crime Law (Penal Law Article 485) a person commits a hate crime when a designated offense is committed when a victim is targeted because of a perception or belief about their race, color, national origin, ancestry, sex, religion, religious practice, age, disability or sexual orientation, or when such an act is committed as a result of that perception or belief. These crimes can target an individual, a group of individuals or public or private property.

Table 1 details hate crime incidents reported by Uniform Crime Reporting (UCR) categories that are used by the FBI to allow for uniform reporting across all 50 states. Appendix 4 details the New York State Penal Law crimes that correspond to the FBI's UCR categories.

Investigating officers are responsible for identifying an offense as a hate crime and specifying the bias motivation when reporting the incident.

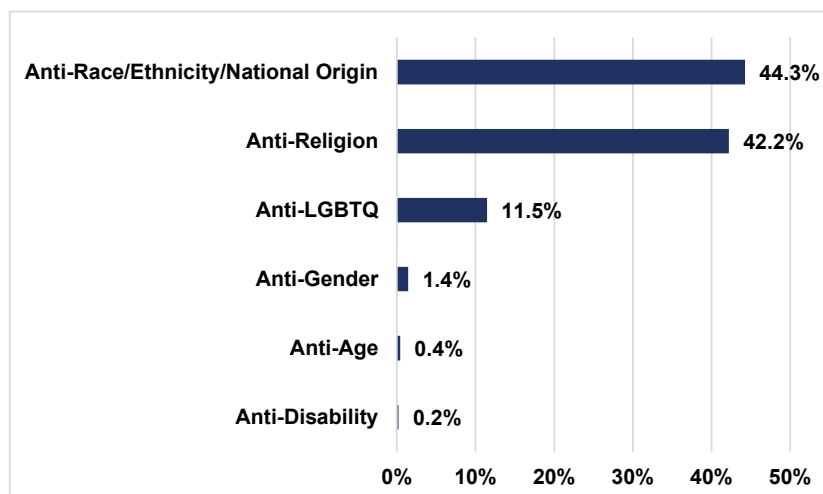
- Of the 488 hate crimes reported statewide, 223 (45.7%) targeted individuals and 265 (54.3%) targeted property.
- Criminal mischief (243) accounted for nearly half (49.8%) of all hate crimes and 91.7 percent of property crimes.
- Simple assault (180) accounted for more than a third (36.9%) of all hate crimes and 80.7 percent of crimes against individuals.

Table 1. Hate Crime Incidents by Offense Type 2020

UCR Offense Category	Number	Percent
Total	488	100.0%
Crimes Against Persons	223	45.7%
Murder	1	0.2%
Robbery	7	1.4%
Aggravated Assault	35	7.2%
Simple Assault	180	36.9%
Property Crimes	265	54.3%
Burglary	9	1.8%
Larceny	12	2.5%
Criminal Mischief	243	49.8%
All Other Offenses	1	0.2%

Figure 1 shows the percentage of hate crime incidents reported by major bias type.

Figure 1. Percentage of Hate Crime Incidents by Major Bias Type 2020



- Race/ethnicity/national origin was the most common bias motivation reported: 216 incidents (44.3%).
- Anti-religious bias was reported in 206 incidents (42.2%).
- Anti-LGBTQ bias was reported in 56 incidents (11.5%).
- Appendix 1 details five-year trends for all hate crime bias motivation types.

Table 2. Bias Motivation by Offense Type 2020

Table 2 shows bias motivation for all hate crimes reported to police in 2020, and the bias motivation for crimes against individuals and property crimes.

- The most common bias motivation for all hate crimes was anti-race/ethnicity/national origin, with 216 reported.
- Anti-Black bias accounted for 59.2 percent (128 of 216) of the incidents involving anti-race/ethnicity/national origin bias and 26.2 percent (128 of 488) of all reported hate crimes.
- In the anti-religion bias category, anti-Jewish crimes accounted for the overwhelming majority of incidents: 88.3 percent (182 of 206).
- Anti-Jewish crimes accounted for 37.3 percent (182 of 488) of all hate crime incidents.
- Anti-LGBTQ bias accounted for 11.5 percent of all reported hate crimes (56 of 488).

Bias Motivation	Crimes Against Persons		Property Crimes		Total Crimes	
	#	%	#	%	#	%
Total	223	100.0%	265	100.0%	488	100.0%
Anti-Race/Ethnicity/National Origin	118	52.9%	98	37.0%	216	44.3%
Black	58	26.0%	70	26.4%	128	26.2%
Asian	23	10.3%	8	3.0%	31	6.4%
White	15	6.7%	5	1.9%	20	4.1%
Other Ethnicity/National Origin	8	3.6%	9	3.4%	17	3.5%
Hispanic	7	3.1%	3	1.1%	10	2.0%
Multi-Racial Groups	6	2.7%	3	1.1%	9	1.8%
Arab	1	0.4%	0	0.0%	1	0.2%
Anti-Religion	54	24.2%	152	57.4%	206	42.2%
Jewish	48	21.5%	134	50.6%	182	37.3%
Catholic	0	0.0%	12	4.5%	12	2.5%
Islamic (Muslim)	5	2.2%	3	1.1%	8	1.6%
Hindu	1	0.4%	1	0.4%	2	0.4%
Jehovahs Witness	0	0.0%	1	0.4%	1	0.2%
Religious Practice Generally	0	0.0%	1	0.4%	1	0.2%
Anti-LGBTQ	43	19.3%	13	4.9%	56	11.5%
Gay Male	25	11.2%	6	2.3%	31	6.4%
Transgender	12	5.4%	1	0.4%	13	2.7%
Gay (Male and Female)	2	0.9%	3	1.1%	5	1.0%
Gay Female	3	1.3%	2	0.8%	5	1.0%
Gender Non-Conforming	1	0.4%	1	0.4%	2	0.4%
Anti-Gender	7	3.1%	0	0.0%	7	1.4%
Male	6	2.7%	0	0.0%	6	1.2%
Female	1	0.4%	0	0.0%	1	0.2%
Disability	1	0.4%	0	0.0%	1	0.2%
Age	0	0.0%	2	0.8%	2	0.4%

Crimes Against Persons

- Bias against race/ethnicity/national origin was the most common bias type in crimes against persons, with 118 incidents (52.9%) reported. This was followed by anti-religion, 54 incidents (24.2%), and anti-LGBTQ, 43 incidents (19.3%).
- Black individuals were the most commonly targeted group (58 of 223), followed by Jewish individuals (48), gay men (25), and Asian individuals (23).
- Within the anti-religion category, anti-Jewish bias accounted for 48 of 54 incidents (88.9%).

Property Crimes

- Of the 265 reported hate crimes targeting property, 57.4 percent (152) were motivated by an anti-religious bias.
- Bias against race/ethnicity/national origin accounted for 37 percent (98) of reported property crimes.
- Anti-Jewish bias was the most commonly reported bias in incidents that targeted property: 50.6 percent (134 of 265 incidents).
- The second most common bias type was anti-Black: 26.4 percent (70 of 265 incidents).
- Appendix 1 details five-year trends in bias motivation by offense type.

Offenders as Reported to Police

Reporting of offender demographic characteristics by the victim or another party is often incomplete, partly due to the fact that some hate crimes involving property do not involve direct contact between the target and perpetrator.

At least one type of offender demographic — sex, age or race/ethnicity — was reported in 195 incidents. Those incidents involved a total of 218 offenders (a single incident can involve multiple offenders).

Table 3 presents the sex, age and race/ethnicity of offenders in those 195 incidents as reported by a victim or other party. Note: The percentages represent the percentage of total offenders reported.

Table 3. Sex, Age, and Race/Ethnicity of Known Offenders 2020

	Number	Percent
Total	218	100.0%
Sex		
Male	170	78.0%
Female	43	19.7%
Age		
15 & Under	24	11.0%
16 to 19	19	8.7%
20 to 24	14	6.4%
25 to 29	27	12.4%
30 to 34	19	8.7%
35 to 39	27	12.4%
40 to 44	16	7.3%
45 to 49	10	4.6%
50 to 54	11	5.0%
55 to 59	10	4.6%
60 to 64	3	1.4%
65 & older	8	3.7%
Race/Ethnicity		
White	104	47.7%
Black	61	28.0%
Hispanic	34	15.6%
Asian/Pacific Islander	5	2.3%

- The sex of 213 offenders was reported. The majority were male: 170 of 213 (79.8%).
- Age was reported for 188 offenders: 130 individuals (69.1%) were 39 years old or younger. The most common age range was 25 to 29 and 35 to 39 (27 offenders in each range).

- Race/ethnicity of 204 offenders was reported: 104 were White; 61, Black; and 34, Hispanic.

Table 4 presents the number of offenders involved in the 195 hate crime incidents.

Table 4. Number of Offenders per Incident 2020

# Offenders Involved	Incidents		Total Offenders	
	Number	Percent	Number	Percent
Total	195	100.0%	218	100.0%
One	179	91.8%	179	82.1%
Two	10	5.1%	20	9.2%
Three	5	2.6%	15	6.9%
Four	1	0.5%	4	1.8%

* Percentages may not add to 100 due to rounding.

- The vast majority of the 195 incidents (91.8%) involved one offender.
- Two or more offenders were reported in 16 incidents (8.2%):
 - Of those 16 incidents, 10 involved two offenders; five involved three offenders; and one involved four offenders, the most reported for any one incident.
- The most common offenses involving known offenders were simple assault (131 or 61%) and criminal mischief (40 or 18.3%).

Unknown Offenders

- No offender information was reported in 293 of the 488 reported hate crimes.
- Of those 293 incidents, 225 (76.8%) involved crimes against property.
- The majority of incidents with unknown offenders were criminal mischief (209 or 71.3%).
- Of the incidents with unknown offenders, 48.8 percent (143) were motivated by anti-Jewish bias.

Reported Hate Crime Incidents and Arrests by County

Hate crime incidents and/or arrests were reported by police departments and sheriffs' offices in 49 of the state's 62 counties. Agencies reported no incidents or arrests in the remaining 13 counties; those counties are excluded from Table 5.¹

Arrests represent a hate crime charge being brought at the time of the arrest, as reported to DCJS by the arresting agency. The number of reported hate crime incidents and arrests in a given year should not be compared: not all hate crime incidents in a given year result in an arrest; arrests can occur in a different year than the associated crime; and one incident can involve multiple arrests.

Table 5. Hate Crime Incidents and Arrests by County and Region 2020

County	Incidents	Arrests	County	Incidents	Arrests	County	Incidents	Arrests
Total	488	187	Ulster	3	0	Tioga	1	0
Non-NYC	202	88	Chautauqua	2	4	Wayne	1	0
Westchester	40	6	Niagara	2	4	Onondaga	0	2
Nassau	28	8	Madison	2	1	Fulton	0	1
Monroe	16	5	Otsego	2	1	Genesee	0	1
Erie	12	8	Schoharie	2	1	Hamilton	0	1
Clinton	9	4	Cattaraugus	2	0	Schenectady	0	1
Columbia	8	3	Franklin	2	0	Seneca	0	1
Suffolk	8	3	Jefferson	2	0			
Broome	8	2	Oswego	2	0	New York City	272	99
Dutchess	8	0	Tompkins	2	0	Kings	103	34
Saratoga	7	3	Steuben	1	3	New York	82	23
Orange	5	6	Delaware	1	2	Queens	47	18
Albany	4	6	Herkimer	1	2	Bronx	22	17
Rockland	4	1	Chemung	1	1	Richmond	18	7
Essex	3	2	Greene	1	1			
Oneida	3	1	St. Lawrence	1	1	Multiple Counties	14	0
Ontario	3	1	Warren	1	1	MTA	12	0
Cayuga	3	0	Putnam	1	0	NYS Park Police	2	0

- Law enforcement agencies in New York City (Bronx, Kings, New York, Queens and Richmond counties) reported 55.7 percent of all hate crime incidents in the state and made 52.9 percent of all hate crime arrests.
- In the counties outside New York City, 52 percent of incidents were reported by law enforcement agencies from five counties: Westchester (40), Nassau (28), Monroe (16), Erie (12), and Clinton (9).
- Police departments or sheriffs' offices in six counties made one or more hate crime arrest, but reported no incidents: Onondaga (2) and Fulton, Genesee, Hamilton, Schenectady, and Seneca (1 each).

¹ The following 13 counties reported no hate crime incidents or arrests in 2020: Allegany, Chenango, Cortland, Lewis, Livingston, Montgomery, Orleans, Rensselaer, Schuyler, Sullivan, Washington, Wyoming and Yates

Note: The MTA (Metropolitan Transportation Authority) Police Department and New York State Park Police serve multiple counties.

Hate Crime Arrests

New York State Penal Law Article 485 specifies the Penal Law offenses that can be charged as hate crimes. In addition, first-degree aggravated harassment (PL 240.31) is a hate crime based on the elements of the crime.

Table 6 shows the most serious Penal Law offense charged as a hate crime for the 187 arrests made in 2020. Of those, 55.6 percent were offenses against public order and 27.3 percent were assault and related offenses.

The most common hate crime arrest charges were second-degree aggravated harassment (69), a misdemeanor; first-degree aggravated harassment (28), a felony; and second-degree assault (18), a felony.

This table also groups arrest charges by the corresponding Uniform Crime Reporting (UCR) category. As noted on Page 2, the FBI defines these categories.

Table 6. Arrests for Hate Crime by UCR Offense Category 2020*

PL	UCR Offense Category	Number	Percent	PL	UCR Offense Category	Number	Percent
Total		187	100%	Other Violent Offenses		1	0.5%
				121.12	Strangulation 2nd	1	0.5%
Sex Offenses		1	0.5%	Larceny		4	2.1%
130.65	Sexual Abuse 1st	1	0.5%	155.40	Grand Larceny 2nd	2	1.1%
Robbery		2	1.1%	155.30	Grand Larceny 4th	2	1.1%
160.15	Robbery 1st	2	1.1%	Burglary		4	2.1%
Assault & Related Offenses		51	27.3%	140.25	Burglary 2nd	1	0.5%
120.45	Stalking 4th	1	0.5%	140.20	Burglary 3rd	3	1.6%
120.25	Reckless Endangerment 1st	1	0.5%	Criminal Mischief		20	10.7%
120.20	Reckless Endangerment 2nd	2	1.1%	145.10	Criminal Mischief 2nd	2	1.1%
120.15	Menacing 3rd	3	1.6%	145.05	Criminal Mischief 3rd	9	4.8%
120.14	Menacing 2nd	8	4.3%	145.00	Criminal Mischief 4th	9	4.8%
120.13	Menacing 1st	1	0.5%	Offenses Against Public Order		104	55.6%
120.10	Assault 1st	2	1.1%	240.31	Aggravated Harassment 1st	28	15.0%
120.05	Assault 2nd	18	9.6%	240.30	Aggravated Harassment 2nd	69	36.9%
120.00	Assault 3rd	15	8.0%	240.25	Harassment 1st	7	3.7%

*Offense categories include attempted offenses in addition to completed offenses.

Hate Crime Arrests Resulting in Convictions/Adjudications

The processing of cases in criminal court often takes several months to complete and can result in a range of dispositions.

This section details hate crime arrests that resulted in either a criminal conviction or youthful offender adjudication² for the five-year period from 2016 through 2020. The term adjudication is used in cases involving youthful offenders because the case is sealed and details of the case are not permitted to be disclosed, except under limited circumstances defined in state law.

Courts reported 320 convictions and youthful offender adjudications to DCJS between 2016 and 2020.

Table 7 details crime type (felony or misdemeanor) and notes whether the conviction or youthful offender adjudication was for a hate crime or another crime.

Table 7. Disposed Hate Crime Arrests Resulting in a Conviction or Adjudication 2016-2020

Disposition	Disposition Charge Type		Grand Total
	Hate Crime	Not Hate Crime	
Conviction - Felony	40	58	98
Conviction - Misdemeanor	55	143	198
YO adjudication	6	18	24
Total	101	219	320

- There were 320 dispositions reported: 101 (31.6%) resulted in convictions and youthful offender adjudications to hate crime offenses. The remaining 219 convictions and YO adjudications were to offenses not designated as hate crimes.
- 61.8 percent (198) of dispositions involved misdemeanor convictions; 30.6 percent (98) involved felony convictions; and 7.5 percent (24) involved a YO adjudication.
- Of the 101 dispositions to a hate crime charge, 54.4 percent were misdemeanor convictions.
- Of the 219 dispositions that didn't involve a hate crime charge, 65.3 percent were misdemeanor convictions.

Conviction/Adjudication Charges

Table 8 shows the most serious charge for the 320 convictions and youthful offender adjudications, as reported for the five-year period from 2016 through 2020.

These charges are grouped by FBI UCR categories.

Table 8. Criminal Convictions and YO Adjudications for Hate Crime Arrests by UCR Offense Category 2016-2020

UCR Offense Category	Disposition Charge Type		Grand Total	
	Hate Crime	Not Hate Crime	Total	Percent
Total	101	219	320	100.0%
Crimes Against Persons	75	131	206	64.4%
Murder	0	2	2	0.6%
Robbery	0	8	8	2.5%
Aggravated Assault	10	25	35	10.9%
Simple Assault	65	95	160	50.0%
Sex Offense	0	1	1	0.3%
Property Crimes	24	59	83	25.9%
Arson	1	1	2	0.6%
Burglary	3	9	12	3.8%
Larceny - Theft	4	9	13	4.1%
Criminal Mischief	16	39	55	17.2%
Fraud	0	1	1	0.3%
Crimes Against Society	0	5	5	1.6%
Controlled Substance Possession	0	2	2	0.6%
Dangerous Weapons	0	3	3	0.9%
Other Offenses	2	24	26	8.1%
Other Fingerprintable Offenses	2	21	23	7.2%
All Other Offenses	0	3	3	0.9%

- Of all dispositions, 64.4 percent involved crimes against individuals (206). The majority of these convictions were categorized either as simple assault (160) or aggravated assault (35).
- Property crime offenses were involved in 25.9 percent of dispositions. The most common property crime dispositions were categorized as criminal mischief (55), larceny (13), and burglary (12).
- Appendix 5 details disposition charges by New York State Penal Law offense.

² Offenders who are 16 through 18 at the time of their crime may be adjudicated as youthful offenders by a judge (Criminal Procedure Law 720.10). A youthful offender (YO) adjudication broadens sentencing options and seals the criminal record.

Sentences for Convictions and Youthful Offender Adjudications

Table 9 presents the type of sentence imposed by judges in connection with the 320 convictions and youthful offender adjudications for hate crime arrests reported from 2016 through 2020. While youthful offender adjudications are sealed, individuals can serve any of the sentence types noted.

Table 9. Sentences from Hate Crime Arrests 2016-2020

Sentence	Disposition Charge Type		Grand Total	
	Hate Crime	Not Hate Crime	Total	Percent
Total	101	219	320	100.0%
Prison	13	34	47	14.7%
Jail	41	64	105	32.8%
Time Served	4	16	20	6.3%
Probation	17	40	57	17.8%
Conditional Discharge	19	49	68	21.3%
Fine	5	14	19	5.9%
Other	2	2	4	1.3%

The most common sentence imposed by the court was jail, with nearly one-third (32.8% or 105) of the sentences reported. Of the remaining sentences:

- 68 (21.3%) were conditional discharges,
- 57 (17.8%) were to local probation, and
- 47 (14.7%) were to state prison.

Appendix 1: Bias Motivation for Hate Crime Incidents 2016 - 2020

Appendix 1 shows the number of reported hate crime incidents by bias motivation category and specific bias type for 2016 through 2020.

The table shows the total number of crimes, the number of crimes against individuals and those against property.

Hate Crime in New York State Annual Reports dating back to 2014 are available here:

www.criminaljustice.ny.gov/crimnet/pubs.htm.

Hate crime incidents by law enforcement agency and county annually from 2016 through 2020 are available here:

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

Hate Crimes by County and Bias Type annually since 2010 are available through New York's Open Data Portal:

<https://data.ny.gov>

	Crimes Against Persons					Property Crimes					Total				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
Total	280	235	218	210	223	319	325	309	413	265	599	560	527	623	488
Anti-Gender	1	0	1	0	7	0	0	0	0	0	1	0	1	0	7
Anti-Female	1	0	1	0	6	0	0	0	0	0	1	0	1	0	6
Anti-Male	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Anti-Religion	83	51	60	74	54	229	237	228	293	152	312	288	288	367	206
Anti-Jewish	49	33	43	61	48	193	208	210	273	134	242	241	253	334	182
Anti-Islamic (Muslim)	29	16	12	12	5	12	10	6	4	3	41	26	18	16	8
Anti-Catholic	2	1	0	0	0	13	7	6	8	12	15	8	6	8	12
Anti-Other Christian	0	0	2	0	0	5	5	2	2	0	5	5	4	2	0
Anti-Multi-Religious Groups	1	0	0	0	0	2	5	2	2	0	3	5	2	2	0
Anti-Other Religion	1	0	1	0	0	0	0	2	2	0	1	0	3	2	0
Anti-Religious Practice Generally	1	0	1	0	0	2	1	0	0	1	3	1	1	0	1
Anti-Hindu	0	1	0	0	1	1	1	0	0	1	1	2	0	0	2
Anti-Jehovahs Witness	0	0	0	1	0	0	0	0	0	1	0	0	0	1	1
Anti-Buddhist	0	0	0	0	0	0	0	0	2	0	0	0	0	2	0
Anti-Mormon	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0
Anti-Protestant	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0
Anti-Race/Ethnicity/National Origin	88	112	97	79	118	65	79	57	87	98	153	191	154	166	216
Anti-Black	32	53	50	26	58	43	49	41	62	70	75	102	91	88	128
Anti-White	16	16	22	31	15	8	3	3	6	5	24	19	25	37	20
Anti-Other Ethnicity/National Origin	24	10	8	3	8	6	7	5	7	9	30	17	13	10	17
Anti-Asian	10	6	6	4	23	1	5	2	1	8	11	11	8	5	31
Anti-Hispanic	6	12	9	9	7	3	1	4	7	3	9	13	13	16	10
Anti-Arab	0	15	2	4	1	1	6	0	3	0	1	21	2	7	1
Anti-Multi-Racial Groups	0	0	0	1	6	3	8	2	1	3	3	8	2	2	9
Anti-American Indian/Alaskan Native	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Anti-LGBTQ	107	71	59	57	43	20	8	24	32	13	127	79	83	89	56
Anti-Gay Male	73	48	41	36	25	13	7	13	22	6	86	55	54	58	31
Anti-Transgender	17	14	7	14	12	1	0	3	2	1	18	14	10	16	13
Anti-Gay Female	16	6	6	4	3	2	1	1	1	2	18	7	7	5	5
Anti-Gay (Male and Female)	0	3	1	3	2	0	0	7	7	3	0	3	8	10	5
Anti-Gender Non-Conforming	1	0	4	0	1	4	0	0	0	1	5	0	4	0	2
Anti-Disability	1	1	1	0	1	0	0	0	1	0	1	1	1	1	1
Anti-Physical Disability	1	1	1	0	0	0	0	0	1	0	1	1	1	1	0
Anti-Mental Disability	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Anti-Age	0	0	0	0	0	5	1	0	0	2	5	1	0	0	2
Anti-Age	0	0	0	0	0	5	1	0	0	2	5	1	0	0	2

Source: DCJS, Uniform Crime Reporting system (as of 6/21/2021).

Appendix 2: Hate Crime Incidents by County 2016 - 2020

Appendix 2 shows the number of reported hate crime incidents by county for 2016 through 2020.

Law enforcement agencies in 56 counties reported at least one hate crime incident during that five-year period.

Six counties reported no incidents in these five years and are excluded from the table: Fulton, Orleans, Schuyler, Washington, Wyoming and Yates.

County	2016	2017	2018	2019	2020	County	2016	2017	2018	2019	2020
Statewide	599	560	527	623	488	Ontario	0	0	1	5	3
Non-NYC	206	209	147	174	202	Orange	6	6	3	10	5
Albany	6	6	15	12	4	Oswego	2	3	2	1	2
Allegany	1	0	1	0	0	Otsego	1	0	0	0	2
Broome	3	1	4	0	8	Putnam	0	3	1	0	1
Cattaraugus	0	1	0	1	2	Rensselaer	0	2	1	0	0
Cayuga	1	1	1	0	3	Rockland	8	7	3	9	4
Chautauqua	0	0	0	0	2	St. Lawrence	1	0	1	2	1
Chemung	2	0	0	0	1	Saratoga	2	1	1	4	7
Chenango	2	1	0	0	0	Schenectady	1	1	0	1	0
Clinton	2	8	2	3	9	Schoharie	2	1	2	1	2
Columbia	0	3	0	0	8	Seneca	0	0	1	0	0
Cortland	0	0	0	2	0	Steuben	0	1	0	0	1
Delaware	0	1	0	0	1	Suffolk	43	39	28	20	8
Dutchess	1	6	4	10	8	Sullivan	0	4	0	3	0
Erie	20	10	12	8	12	Tioga	0	1	0	1	1
Essex	1	0	0	0	3	Tompkins	2	3	2	0	2
Franklin	1	1	0	0	2	Ulster	3	6	5	4	3
Genesee	0	1	0	0	0	Warren	0	1	0	0	1
Greene	0	1	0	0	1	Wayne	1	2	3	1	1
Hamilton	0	1	0	0	0	Westchester	19	28	21	23	40
Herkimer	0	1	2	1	1						
Jefferson	2	0	0	0	2	New York City	370	323	352	420	272
Lewis	0	1	0	0	0	Bronx	22	32	23	28	22
Livingston	3	2	1	1	0	Kings	139	115	124	182	103
Madison	6	5	0	1	2	New York	127	107	144	132	82
Monroe	6	5	5	9	16	Queens	70	53	47	68	47
Montgomery	1	0	0	1	0	Richmond	12	16	14	10	18
Nassau	52	38	20	34	28						
Niagara	4	3	1	1	2	Multiple County*	23	28	28	29	14
Oneida	1	2	1	3	3	MTA	22	28	26	26	12
Onondaga	0	1	3	2	0	NYS Park Police	1	0	2	3	2

Source: DCJS, Uniform Crime Reporting system (as of 6/21/2021).

* The MTA (Metropolitan Transportation Authority) Police Department and New York State Park Police serve multiple counties.

Appendix 3: Hate Crime Incidents by Offense Type 2016 - 2020

Appendix 3 details hate crime incidents reported from 2016 to 2020 by UCR offense type.

Reported hate crimes decreased by 21.7 percent when comparing 2020 to 2019. A five-year high of 623 incidents was reported in 2019.

Crimes against individuals increased by 6.2 percent and crimes against property decreased 35.8 percent, when comparing 2020 to 2019.

The 265 incidents reported against property in 2020 was the lowest during the five-year period due to a 38.2 percent decrease in incidents involving criminal mischief.

Offense Type	2016	2017	2018	2019	2020	% Change 19 v 20
Total	599	560	527	623	488	-21.7%
Crimes Against Persons	280	235	218	210	223	6.2%
Murder or Manslaughter	0	1	0	1	1	N/A
Rape	1	0	0	1	0	N/A
Robbery	13	7	16	7	7	N/A
Aggravated Assault	59	54	41	35	35	0.0%
Kidnapping	0	2	0	0	0	N/A
Simple Assault	207	171	161	166	180	8.4%
Property Crimes	319	325	309	413	265	-35.8%
Burglary	12	9	2	10	9	N/A
Larceny-Theft	11	8	13	9	12	N/A
Arson	8	1	4	1	0	N/A
Criminal Mischief	288	307	290	393	243	-38.2%
All Other Offenses	0	0	0	0	1	N/A

Source: DCJS, Uniform Crime Reporting system (as of 6/21/2021).

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

Note: Percent change is not calculated when counts are fewer than 10.

Appendix 4: Hate Crime Incidents by Penal Law Offense 2016 - 2020

Appendix 4 on Page 13 details the number of offenses reported by law enforcement agencies annually from 2016 through 2020. These statistics are detailed for each year by UCR category and New York State Penal Law offense.³

Note:

The New York City Police Department did not specify any subsection information when reporting first-degree aggravated harassment (PL 240.31) offenses and second-degree aggravated harassment (PL 240.30) offenses that occurred in 2020. The NYPD reported the 60 incidents in the "Unspecified" category under PL 240.31 and 38 of the 50 incidents in that category under PL 240.30. As a result of this change in reporting, caution should be used when comparing 2020 data reported as "Unspecified" to prior years' data in that category.

Appendix 5: Hate Crime Convictions and Adjudications by Penal Law Offense 2016 - 2020

Appendix 5 on Page 14 details the number of criminal convictions or youthful offender adjudications resulting from hate crime arrests. These dispositions are detailed by UCR category and New York State Penal Law offense.⁴

³Source: DCJS, Uniform Crime Reporting system (as of 6/21/2021).

⁴Source: DCJS, Computerized Criminal History system (as of 6/18/2021).

Appendix 4: Hate Crime Incidents by Penal Law Offense 2016 - 2020

PL	UCR Offense Category	2016	2017	2018	2019	2020
Total		599	560	527	623	488
Murder & Manslaughter		0	1	0	1	1
125.25	Murder 2nd	0	1	0	1	1
Sex Offenses		1	0	0	1	0
130.35	Rape 1st	1	0	0	1	0
Robbery		13	7	16	7	7
160.05	Robbery 3rd	2	0	2	0	3
160.10	Robbery 2nd	8	7	12	4	2
160.15	Robbery 1st	3	0	2	3	2
Assault & Related Offenses		143	114	110	101	86
120.00	Assault 3rd	71	53	56	57	34
120.05	Assault 2nd	41	37	33	29	23
120.10	Assault 1st	1	0	3	1	3
120.13	Menacing 1st	1	0	1	0	1
120.14	Menacing 2nd	18	17	11	10	12
120.15	Menacing 3rd	2	5	0	1	5
120.20	Reckless Endangerment 2nd	4	1	3	1	1
120.25	Reckless Endangerment 1st	2	1	0	1	0
120.45	Stalking 4th	1	0	3	0	7
120.50	Stalking 3rd	2	0	0	1	0
Other Violent Offenses		1	2	0	0	1
121.12	Strangulation 2nd	1	0	0	0	1
135.05	Unlawful Imprisonment 2nd	0	1	0	0	0
135.10	Unlawful Imprisonment 1st	0	1	0	0	0
Arson		8	1	4	1	0
150.05	Arson 4th	1	1	3	0	0
150.10	Arson 3rd	0	0	0	1	0
150.15	Arson 2nd	6	0	1	0	0
150.20	Arson 1st	1	0	0	0	0
Larceny - Theft		11	8	13	9	12
155.25	Petit Larceny	6	4	11	4	3
155.30	Grand Larceny 4th	5	4	2	5	7
155.35	Grand Larceny 3rd	0	0	0	0	1
155.40	Grand Larceny 2nd	0	0	0	0	1
Burglary		12	9	2	10	10
140.10	Criminal Trespass 3rd	0	0	1	7	1
140.15	Criminal Trespass 2nd	0	0	0	0	1
140.20	Burglary 3rd	3	5	0	2	6
140.25	Burglary 2nd	9	4	1	1	2
Criminal Mischief		203	251	205	254	152
145.00	Criminal Mischief 4th	166	219	166	201	130
145.05	Criminal Mischief 3rd	15	30	24	40	14
145.10	Criminal Mischief 2nd	22	2	15	13	7
145.12	Criminal Mischief 1st	0	0	0	0	1
Offenses Against Public Order		207	167	177	239	219
240.31 Aggravated Harassment 1st		85	56	85	139	91
Sub 00	Unspecified	0	0	0	0	60
Sub 01	Damage Religious Premises > \$50	1	0	9	9	2
Sub 03	Place a Swastika on Property	80	52	76	125	26
Sub 05	Display a Noose on Property	4	4	0	5	3
240.30 Aggravated Harassment 2nd		116	105	85	94	115
Sub 00	Unspecified	6	6	4	5	50
Sub 01	Communicate in Manner Likely to Cause Alarm	35	25	45	24	25
Sub 02	Telephone w/o Legitimate Communication	0	3	2	3	2
Sub 03	Physical Contact Due to Race, Religion, etc.	75	70	33	61	36
Sub 04	Commit Harassment 1st w/ Prior Conviction	0	1	1	1	2
240.25 Harassment 1st		6	6	7	6	13

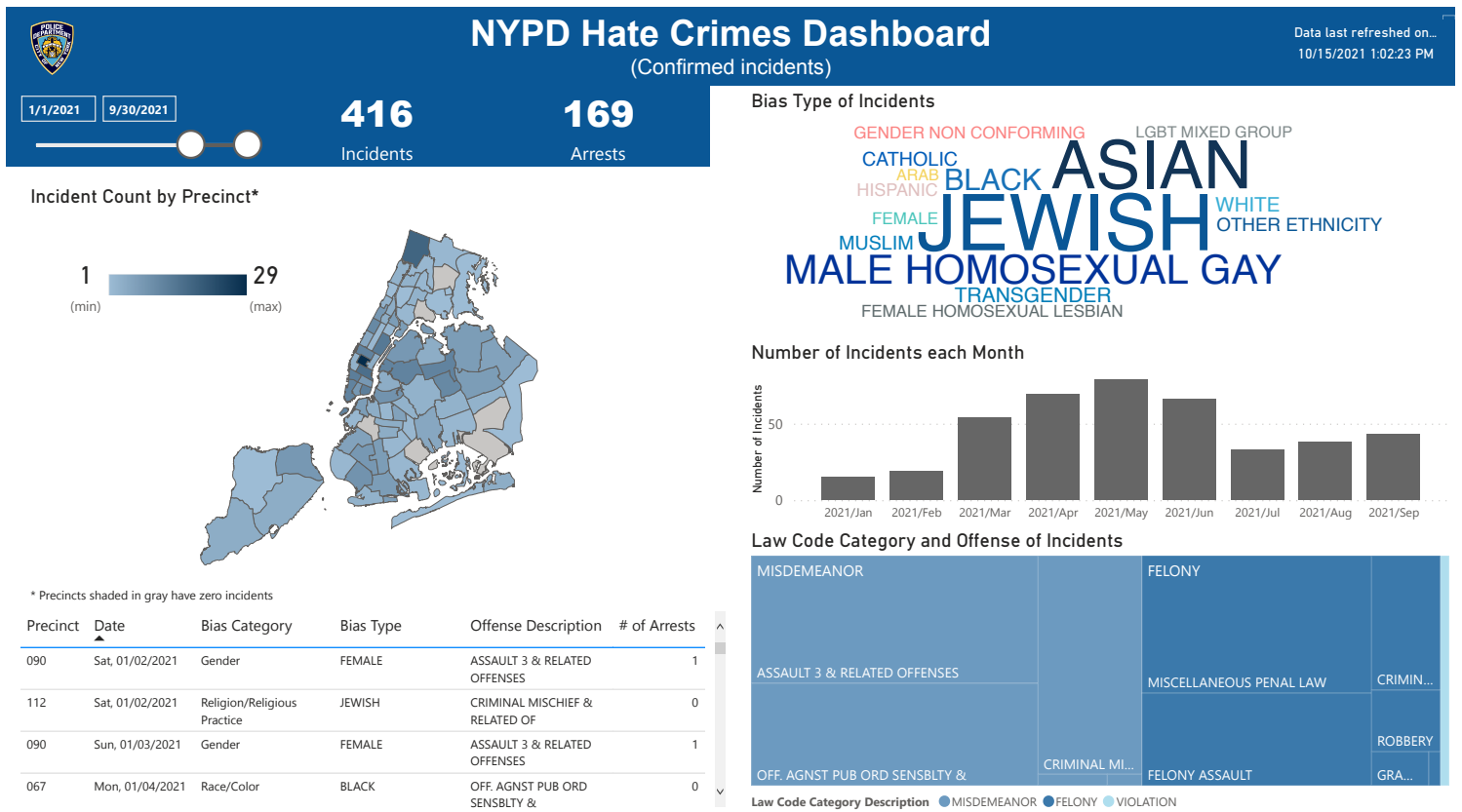
Appendix 5: Hate Crime Convictions and Adjudications by Penal Law Offense 2016 - 2020*

PL	UCR Offense Category	Disposition Charge Type		Grand Total	
		Hate Crime	Not Hate Crime	Total	Percent
Total		101	219	320	100.0%
Murder & Manslaughter		0	2	2	0.6%
125.25	Murder 2nd	0	2	2	0.6%
Sex Offenses		0	1	1	0.3%
130.60	Sexual Abuse 2nd	0	1	1	0.3%
Robbery		0	8	8	2.5%
160.05	Robbery 3rd	0	4	4	1.3%
160.10	Robbery 2nd	0	4	4	1.3%
Assault & Related Offenses		30	97	127	39.7%
120.00	Assault 3rd	16	57	73	22.8%
120.05	Assault 2nd	6	16	22	6.9%
120.06	Gang Assault 2nd	0	2	2	0.6%
120.07	Gang Assault 1st	0	2	2	0.6%
120.10	Assault 1st	2	3	5	1.6%
120.14	Menacing 2nd	1	11	12	3.8%
120.15	Menacing 3rd	5	2	7	2.2%
120.20	Reckless Endangerment 2nd	0	2	2	0.6%
120.25	Reckless Endangerment 1st	0	1	1	0.3%
120.50	Stalking 3rd	0	1	1	0.3%
Other Violent Offenses		0	2	2	0.6%
121.11	Criminal Obstruction of Breathing	0	1	1	0.3%
135.65	Coercion 1st	0	1	1	0.3%
Arson		1	1	2	0.6%
150.15	Arson 2nd	1	1	2	0.6%
Larceny - Theft		4	12	16	5.0%
155.25	Petit Larceny	0	7	7	2.2%
155.30	Grand Larceny 4th	2	2	4	1.3%
155.35	Grand Larceny 3rd	1	1	2	0.6%
155.40	Grand Larceny 2nd	1	0	1	0.3%
165.15	Theft of Services	0	1	1	0.3%
165.45	Criminal Possession of Stolen Property 4th	0	1	1	0.3%
Burglary		4	11	15	4.7%
140.15	Criminal Trespass 2nd	1	2	3	0.9%
140.20	Burglary 3rd	3	3	6	1.9%
140.25	Burglary 2nd	0	6	6	1.9%
Criminal Mischief		9	39	48	15.0%
145.00	Criminal Mischief 4th	5	29	34	10.6%
145.05	Criminal Mischief 3rd	1	3	4	1.3%
145.10	Criminal Mischief 2nd	3	1	4	1.3%
145.60	Making Graffiti	0	6	6	1.9%
Offenses Against Public Order		52	19	71	22.2%
240.50	Falsely Reporting an Incident 3rd	0	2	2	0.6%
240.55	Falsely Reporting an Incident 2nd	0	1	1	0.3%
240.75	Aggravated Family Offense	0	1	1	0.3%
240.31 Aggravated Harassment 1st		7	0	7	2.2%
Sub 03	Place a Swastika on Property	7	0	7	2.2%
240.30 Aggravated Harassment 2nd		44	14	58	18.1%
Sub 00	Unspecified	0	8	8	2.5%
Sub 01	Communicate in Manner Likely to Cause Alarm	2	6	8	2.5%
Sub 03	Physical Contact Due to Race, Religion, etc.	41	0	41	12.8%
Sub 04	Physical Contact Causing Injury	1	0	1	0.3%
240.25 Harassment 1st		1	1	2	0.6%
Other Offenses**		1	27	28	8.8%

* Offense categories include attempted offenses in addition to completed offenses.

** Offenses categorized as "Other Offenses" include: PL 105.05, PL 195.05, PL 205.30, PL 215.50, PL 215.51, PL 220.03, PL 260.10, PL 265.01, PL 265.02, PL 490.20

NYPD Hate Crimes Dashboard, <https://app.powerbigov.us/view?r=eyJrIjoiYjg1NWl3YjgtYzgzOS00Nzc0LTkwMDAtNTgzM2I2M2JmYWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjA0MyJ9> (last updated Oct. 15, 2021).



NYPD Hate Crimes Dashboard (filtered by anti-Asian incidents), <https://app.powerbigov.us/view?r=eyJrJoiYjg1NWl3YjgtYzgzOS00Nzc0LTkwMDAtNTgzM2I2M2JmYWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjA0MyJ9> (last updated Oct. 15, 2021).

