

44.2 Hate Crimes

OPERATIONS

STANDARD 44.2 The agency has a written directive that outlines the response to hate crimes in accordance with the Hate Crimes Act of 2000. The directive should address the unique factors to consider when establishing motive and the proper crime classification for hate crimes that will lead to an elevation of the charge(s).

Commentary: New York State Penal Law §485.05 designates certain crimes or attempts to commit those crimes as hate crimes when the primary motive for the crime is based on the victims race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Hate crime investigations pose a challenge for many agencies since they require establishment of a motive. Early identification and supervisory notification is crucial. Agencies should have a directive in place that outlines the law, and are strongly encouraged to adapt other standards (e.g. 40.2; 50.1) to strengthen the critical components of responding to a hate crime.

Compliance Verification Strategies

Assessors may seek to verify compliance with this standard by using one or more of the strategies listed below. There may be other strategies identified by the agency which could also be acceptable.

1. A copy of the written directive is available for review.
2. Interviews with agency personnel to verify their knowledge of and understanding of the directive.
3. Review of hate crime reports.