

# Public Safety Meeting Agenda



Committee Chair: Terry Clements

800 Michaelan Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
www.westchesterlegislators.com

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**Monday, May 2, 2022**

**1:00 PM**

**Committee Room**

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## CALL TO ORDER

Meeting jointly with the Committees on Legislation and Health

## MINUTES APPROVAL

Tuesday, April 5, 2022 at 4:00 PM Minutes

Monday, April 18, 2022 at 10:00 AM Minutes

## I. ITEMS FOR DISCUSSION

1. [2022-158](#) HON. WILLIAMS JOHNSON, GASHI, SHIMSKY, BARR, PARKER, PIERCE, CLEMENTS, JOHNSON, SMITH - PH - Gun Store Warning Label Law

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms." [Public Hearing set for \_\_\_\_\_, 2022 at \_\_\_\_\_.m.] LOCAL LAW INTRO: 2022-159.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC SAFETY AND HEALTH**

Joint with LEG and HEALTH.

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Department of Public Safety - Terrance Raynor, Deputy Commissioner

2. [2022-159](#) **HON. WILLIAMS JOHNSON, GASHI, SHIMSKY, BARR, PARKER, PIERCE, CLEMENTS, JOHNSON, SMITH: LL - Gun Store Warning Label Law**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

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Joint with LEG and HEALTH.

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Department of Public Safety - Terrance Raynor, Deputy Commissioner

3. [2022-194](#) **PH-Reporting of Hate Crimes**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 273 of Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class." [Public Hearing set for \_\_\_\_\_, 2022 at \_\_\_\_\_ .m.]. LOCAL LAW INTRO: 2022-195.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

Joint with LEG.

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Human Rights Commission - Tejash Sanchala, Executive Director, Valerie Daniele, Deputy Director; Department of Public Safety - Terrance Raynor, Deputy Commissioner

4. [2022-195](#) **LOCAL LAW-Reporting of Hate Crimes**

A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class.

**COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND PUBLIC SAFETY**

Joint with LEG.

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, Jason Whitehead, Senior Assistant County Attorney; Human Rights Commission - Tejash Sanchala, Executive Director, Valerie Daniele, Deputy Director; Department of Public Safety - Terrance Raynor, Deputy Commissioner

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT



To: Catherine Borgia, Chairwoman of the Board of Legislators  
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Jewel Williams-Johnson, Legislator, 8<sup>th</sup> District  
Vedat Gashi, Legislator, 4<sup>th</sup> District  
MaryJane Shimsky, Legislator, 12<sup>th</sup> District  
Nancy Barr, Legislator, 6<sup>th</sup> District  
Catherine Parker, Legislator 7<sup>th</sup> District  
Erika Pierce, Legislator 2<sup>nd</sup> District  
Terry Clements, Legislator 11<sup>th</sup> District  
Christopher A. Johnson, Legislator, 15<sup>th</sup> District

Date: March 22, 2022

RE: Gun Store Warning Label Law

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Please refer the attached Local Law, adding Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms, on the March 28, 2022 Westchester County Board of Legislators agenda to the appropriate committees.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.”

Your Committee is advised that, gun violence is a uniquely American problem—and it’s only getting worse. The Giffords Law Center to Prevent Gun Violence reports that within the last 10 years, the firearm mortality rate has risen nearly 18%, with an average of 39,000 Americans dying from gun violence from 2015 to 2019. Over 45,000 Americans died from gun violence in 2020 alone. According to the Centers for Disease Control, an average of 483 deaths per year are from unintentional shootings. The average number of non-fatal injuries from a firearm doubles to 76,127 per year. A key driver of gun violence in the United States is the wide availability of firearms. When a gun is easily accessible, the risk of homicide, suicide, and unintentional shootings rises dramatically.

Your Committee is further advised that New York State serves as a national model for developing and investing in community violence prevention and intervention programs. In 2019, New York had the second-lowest gun death rate in the country and the seventh-lowest crime gun export rate. In addition, New York has taken bold action to save lives from gun violence and has recently passed legislation banning the possession or sale of ghost guns and allowing the gun industry to be held liable for irresponsible behavior. However, according to statistics from the

Giffords Law Center to Prevent Gun Violence: 54% of gun deaths in New York are suicides and more than 27% of all suicide deaths in New York involve firearms. From 2013 to 2017, 2,283 people in New York died by gun-related suicide—one every 19 hours. Guns make domestic violence incidents far more likely to end in death with nearly 37% of New York’s intimate partner homicides involving a gun. From 2007 to 2016, 180 women were killed with a gun by their intimate partner in New York. Exposure to gun violence can cause lasting trauma in young people, leading to PTSD, chronic stress, and decreased future earnings. From 2013 to 2017, 910 people under age 25 were killed with a gun in New York and more than a third of New York’s gun homicide victims are under the age of 25.

Your Committee is further advised that according to Everytown for Gun Safety, one of the largest gun violence prevention organizations in America, access to a firearm significantly increases the risk of death by suicide, domestic dispute, homicide, and unintentional gunshot. Gun owners and those contemplating buying guns should learn about the risks associated with guns. By requiring gun dealers to inform purchasers of the risks associated with firearms, buyers can make educated decisions about owning and storing guns and is a meaningful step towards preventing gun violence. Compelling firearm dealers to provide warnings about the risks associated with firearms is a means of promoting safety. Point of sale messaging has been a proven method of influence of a consumer’s behavior in industries, such as tobacco and restaurants, where warning labels have influenced the consumer to make smarter, safer, and healthier choices.

Your Committee is informed that the County has previously enacted some gun safety laws including a safe gun storage law. This proposed legislation however, would require every person,

firm or corporation located in the County of Westchester and engaged in the retail business of selling weapons to post a notice in the place where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

THE PRESENCE OF A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT (800) 273-TALK (8255).

The County Clerk would also be required to provide all applicants for handgun licenses and renewals a written copy of the notice indicating the warning risks of the presence of a weapon or firearm in the home. A Dealer that violates this amendment would be guilty of a violation punishable by up to 15 days in jail and/or not more than a \$250 fine.

Your Committee is further informed that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

sdk-3/18/2022



**RESOLUTION NO. \_\_\_\_ – 2022**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2022, entitled “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.” The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

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Giffords Law Center to Prevent Gun Violence: 54% of gun deaths in New York are suicides and more than 27% of all suicide deaths in New York involve firearms. From 2013 to 2017, 2,283 people in New York died by gun-related suicide—one every 19 hours. Guns make domestic violence incidents far more likely to end in death with nearly 37% of New York’s intimate partner homicides involving a gun. From 2007 to 2016, 180 women were killed with a gun by their intimate partner in New York. Exposure to gun violence can cause lasting trauma in young people, leading to PTSD, chronic stress, and decreased future earnings. From 2013 to 2017, 910 people under age 25 were killed with a gun in New York and more than a third of New York’s gun homicide victims are under the age of 25.

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Your Committee is informed that the County has previously enacted some gun safety laws including a safe gun storage law. This proposed legislation however, would require every person, firm or corporation located in the County of Westchester and engaged in the retail business of selling weapons to post a notice in the place where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

**THE PRESENCE OF A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT (800) 273-TALK (8255).**

Upon the issuance of a license, the County Clerk would also be required to provide the licensee a written copy of the notice indicating the warning risks of the presence of a weapon or firearm in the home. A Dealer that violates this amendment would be guilty of a violation punishable by up to 15 days in jail and/or not more than a \$250 fine.

Your Committee is further informed that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

sdk-4/12/2022

**RESOLUTION NO. \_\_\_\_ – 2022**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2022, entitled “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.” The public hearing will be held at \_\_\_\_m. on the \_\_\_\_ day of \_\_\_\_\_, 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 529 to read as follows:

**Chapter 529**

**DISCLOSURE OF SAFETY RISKS RELATED TO WEAPONS OR FIREARMS**

**Sec. 529.01. Purpose**

**Sec. 529.11. Definitions.**

**Sec. 529.21. Disclosure Notice.**

**Sec. 529.31. Violations**

**Sec. 529.41. Severability**

**Sec. 529.01. Purpose**

The purpose of this Chapter to provide for and promote the health, safety and welfare of the general public by specifically informing potential buyers of weapons or firearms in Westchester County of the dangers of owning a firearm in the home. Ownership of a weapon or firearm in the home can lead to accidental discharge, preventable suicide, unintended death of a child or other household members or death during a domestic dispute. Requiring weapon and firearm dealers to post a warning notice

delineating the risks of weapons or firearms use will provide important information to the customer who can then make smarter and safer buying choices.

**Sec. 529.11. Definitions.**

- a. Dealer. Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of including but not limited to: any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;
- b. Firearm. As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech lock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm;



c. Weapon. Any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;

d. Site. The facility where a sale and transfer of weapons or firearms is conducted.

**Sec. 529.21. Disclosure Notice.**

a. Every Dealer located in the County of Westchester and engaged in the retail business of selling weapons shall not sell, deliver, transfer or otherwise dispose of any weapon to another person unless a notice is posted in the Site where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

THE PRESENCE OF A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT (800) 273-TALK (8255).

b. The County Clerk shall provide all applicants for handgun licenses and renewals a written copy of a warning notice conspicuously stating in no smaller

than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

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c. The County of Westchester and its agencies, officers or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any person subject to this Chapter, to comply with this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

**Sec. 529.31. Violations.**

Any infraction of this Chapter, or any rule promulgated thereunder, shall be a violation punishable by imprisonment of not more than fifteen days or by a fine of not more than two hundred fifty dollars (\$250), or both.

**Sec. 529.41. Severability.**

If any word, phrase, clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the words, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§2. This Local Law shall be effective ninety (90) days after its adoption.

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 529 to read as follows:

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**Sec. 529.01. Purpose**

**Sec. 529.11. Definitions.**

**Sec. 529.21. Disclosure Notice.**

**Sec. 529.31. Violations**

**Sec. 529.41. Severability**

**Sec. 529.01. Purpose**

The purpose of this Chapter to provide for and promote the health, safety and welfare of the general public by specifically informing potential buyers of weapons or firearms in Westchester County of the dangers of owning a firearm in the home. Ownership of a weapon or firearm in the home can lead to accidental discharge, preventable suicide, unintended death of a child or other household members or death during a domestic dispute. Requiring weapon and firearm dealers to post a warning notice

delineating the risks of weapons or firearms use will provide important information to the customer who can then make smarter and safer buying choices.

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- b. Firearm. As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech lock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm;

c. Weapon. Any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;

d. Site. The facility where a sale and transfer of weapons or firearms is conducted.

**Sec. 529.21. Disclosure Notice.**

a. Every Dealer located in the County of Westchester and engaged in the retail business of selling weapons shall not sell, deliver, transfer or otherwise dispose of any weapon to another person unless a notice is posted in the Site where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

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b. Upon the issuance of a license, the County Clerk shall provide the licensee a written copy of a warning notice conspicuously stating in no smaller than 24-point

type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

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c. The County of Westchester and its agencies, officers or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any person subject to this Chapter, to comply with this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

**Sec. 529.31. Violations.**

Any infraction of this Chapter, or any rule promulgated thereunder, shall be a violation punishable by imprisonment of not more than fifteen days or by a fine of not more than two hundred fifty dollars (\$250), or both.

**Sec. 529.41. Severability.**

If any word, phrase, clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the words, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§2. This Local Law shall be effective ninety (90) days after its adoption.





**George Latimer**  
County Executive

April 5, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue, 8<sup>th</sup> Floor  
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached “A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person’s actual or perceived membership in a protected class.”

According to the John Jay College of Criminal Justice, bias or hate crimes are crimes motivated by the perpetrator’s bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. The New York State Division of Criminal Justice Services (DCJS), reports that the most common bias motivation was anti-race/ethnicity/national origin, followed by anti-religion and anti-LGBTQ. Anti-Black, anti-Jewish, and anti-Asian bias accounted for the majority of the hate crimes for crimes against persons, while anti-Jewish and anti-Black led all hate crimes regarding crimes against property.

Hate incidents on the other hand, involve behaviors that, though motivated by bias against a victim’s race, religion, ethnic/national origin, gender, age, disability or sexual orientation, may not be criminal acts. Hostile or hateful speech, or other disrespectful/discriminatory behavior may be motivated by bias but is not illegal. They become crimes only when they directly incite perpetrators to commit violence against persons or property, or if they place a potential victim in reasonable fear of physical injury. Examples of hate incidents include name-calling, insults, displaying hate material on your own property, posting hate material that does not result in property damage and distribution of materials with hate messages in public places.

Hate incidents are designed to intimidate, isolate, degrade, traumatize, and sow fear in the targeted individual or group. Most acts of hate however, whether or not a crime, go unreported because of fear or embarrassment. However, it is important to note that these incidents have a traumatic impact on the victims as well as on the community at large.

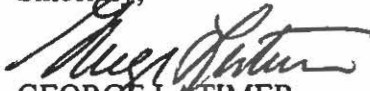
They can have consequences for the targeted individual and the public far beyond the act itself and should be reported by everyone, including those targeted and bystanders.

Federal and state laws do not address the overwhelming majority of serious hate incidents, which do not satisfy the elements of a crime but are motivated by a person's actual or perceived membership in a protected class. For example, the Laws of Westchester County § 273 requires local municipalities within the County to report to the Commissioner of Public Safety only bias-related crimes, as defined in the New York State Penal Law ("Penal Law"). This proposed amendment to the Laws of Westchester County would require all local police departments to not only report all bias-related crimes, but bias-related incidents whether a crime or not as well, to the Commissioner of Public Safety, thereby closing the gap in reporting. Additionally, the proposed amendment would require the Commissioner of Public Safety to notify the Executive Director of the Westchester County Human Rights Commission of any incident, which, although may not be criminal, is or appears to be motivated by a person's membership in a protected class.

The proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

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Sincerely,

  
GEORGE LATIMER  
County Executive

GL/nn  
Enclosure

TO: BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person’s actual or perceived membership in a protected class.”

Your Committee is advised that according to the John Jay College of Criminal Justice, bias or hate crimes are crimes motivated by the perpetrator’s bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. The New York State Division of Criminal Justice Services (DCJS), reports that the most common bias motivation was anti-race/ethnicity/national origin, followed by anti-religion and anti-LGBTQ. Anti-Black, anti-Jewish, and anti-Asian bias accounted for majority of the hate crimes for crimes against persons, while anti-Jewish and anti-Black led all hate crimes regarding crimes against property.

Your Committee is further advised that hate incidents on the other hand, involve behaviors that, though motivated by bias against a victim’s race, religion, ethnic/national origin, gender, age, disability or sexual orientation, may not be criminal acts. Hostile or hateful speech, or other disrespectful/discriminatory behavior may be motivated by bias but is not illegal. They become crimes only when they directly incite perpetrators to commit violence against persons or property, or if they place a potential victim in reasonable fear of physical injury. Examples of hate incidents include name-calling,

insults, displaying hate material on your own property, posting hate material that does not result in property damage and distribution of materials with hate messages in public places.

Your Committee is informed that hate incidents are designed to intimidate, isolate, degrade, traumatize, and sow fear in the targeted individual or group. Most acts of hate however, whether or not a crime, go unreported because of fear or embarrassment. However, it is important to note that these incidents have a traumatic impact on the victims as well as on the community at large. They can have consequences for the targeted individual and the public far beyond the act itself and should be reported by everyone, including those targeted and bystanders.

Your Committee further notes that federal and state laws do not address the overwhelming majority of serious hate incidents, which do not satisfy the elements of a crime but are motivated by a person's actual or perceived membership in a protected class. For example, the Laws of Westchester County § 273 requires local municipalities within the County to report to the Commissioner of Public Safety only bias-related crimes, as defined in the New York State Penal Law ("Penal Law"). This proposed amendment to the Laws of Westchester County would require all local police departments to not only report all bias-related crimes, but bias-related incidents whether a crime or not as well, to the Commissioner of Public Safety, thereby closing the gap in reporting. Additionally, the proposed amendment would require the Commissioner of Public Safety to notify the Executive Director of the Westchester County Human Rights Commission of any incident,

which, although may not be criminal, is or appears to be motivated by a person's membership in a protected class.

Your Committee notes that the proposed Local Law does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON

JSW-4-5-22

**RESOLUTION NO. \_\_\_\_ – 2022**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2022, entitled “A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person’s actual or perceived membership in a protected class.” The public hearing will be held at \_\_. m. on the \_\_\_\_ day of \_\_\_\_\_, 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

# FISCAL IMPACT STATEMENT

SUBJECT: Hate Crime Reporting

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: \_\_\_\_\_

\_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: \_\_\_\_\_

\_\_\_\_\_

### Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four Years: \_\_\_\_\_

\_\_\_\_\_

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: April 15, 2022

Reviewed By: 

Budget Director

Date: 4/15/22

**LOCAL LAW INTRO. NO. 2022**

A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class.

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** Chapter 273 of the Laws of Westchester County is hereby amended as follows:

Section 273.01. Powers and duties of department.

1. The Department of Public Safety shall consist of the following divisions: Division of Westchester County Police and the Division of Services. The Division of Westchester County Police and the Division of Services shall each be headed by a Deputy Commissioner to be appointed by the Commissioner/Sheriff, subject to the approval of the County Executive, to serve at the Commissioner/Sheriff's pleasure.
2. There shall also be within the department a Police Board and a Public Safety Emergency Force, as hereinafter described. The Commissioner/Sheriff may establish other units within the Department of Public Safety as he may deem necessary for the efficient operation of the department.
3. Every local municipal police department located in the County of Westchester shall notify the Commissioner of the Westchester County Department of Public Safety, in the manner prescribed by said Commissioner, of any alleged bias-related crimes against a person or property committed pursuant to Section 240.21, subsection (3) of Section 240.30, [and] Section 240.31, and Section 485.05 of the New York State Penal Law



and shall report any incident, offense, or unlawful act, which after investigation by law enforcement, is or appears to be motivated all or in part by the actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, [or] disability of the victim, a person's status as a victim of domestic violence, sexual abuse or stalking, or an institutional target whose membership or association identifies with one or more of the aforementioned protected classes.[race, religion, ethnicity/national origin, sexual orientation, age, gender or disability of the victim or institutional target.] For purposes of this section, incident is defined as hate motivated conduct that may not violate the New York State Penal Law.

4. The Commissioner of the Westchester County Department of Public Safety shall notify the Executive Director of the Westchester County Human Rights Commission of any crime or incident, which after investigation by law enforcement, is or appears to be motivated all or in part by the actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, or disability of the victim, because of such person's status as a victim of domestic violence, sexual abuse or stalking, or an institutional target whose membership or association identifies with one or more of the aforementioned protected classes.[race, religion, ethnicity/national origin, sexual orientation, age, gender or disability of the victim or institutional target, but may not violate the New York State Penal Law.]

**Section 2.** This Local Law shall take effect sixty (60) days after enactment.

jsw-4-21-2022

**LOCAL LAW INTRO. NO. 2022**

A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class.

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** Chapter 273 of the Laws of Westchester County is hereby amended as follows:

Section 273.01. Powers and duties of department.

1. The Department of Public Safety shall consist of the following divisions: Division of Westchester County Police and the Division of Services. The Division of Westchester County Police and the Division of Services shall each be headed by a Deputy Commissioner to be appointed by the Commissioner/Sheriff, subject to the approval of the County Executive, to serve at the Commissioner/Sheriff's pleasure.
2. There shall also be within the department a Police Board and a Public Safety Emergency Force, as hereinafter described. The Commissioner/Sheriff may establish other units within the Department of Public Safety as he may deem necessary for the efficient operation of the department.
3. Every local municipal police department located in the County of Westchester shall notify the Commissioner of the Westchester County Department of Public Safety, in the manner prescribed by said Commissioner, of any alleged bias-related crimes against a person or property committed pursuant to Section 240.21, subsection (3) of Section 240.30, [and] Section 240.31, and Section 485.05 of the New York State Penal Law

and shall report any incident, offense, or unlawful act, which after investigation by law enforcement, is or appears to be motivated all or in part by the actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, [or] disability of the victim, a person's status as a victim of domestic violence, sexual abuse or stalking, or an institutional target whose membership or association identifies with one or more of the aforementioned protected classes.[race, religion, ethnicity/national origin, sexual orientation, age, gender or disability of the victim or institutional target.] For purposes of this section:

(a) Incident is defined as hate motivated conduct that may not violate the New York State Penal Law; and,

(b) Familial status shall mean one or more individuals, under the age of eighteen years, being domiciled with (i) a parent or legal custodian of such individual or individuals, or (ii) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The definition of familial status shall include any person who is pregnant or has a child or children or is in the process of securing legal custody or has legal custody of any individual under the age of eighteen years.

4. The Commissioner of the Westchester County Department of Public Safety shall send a notice to each local police department in Westchester County by December 31<sup>st</sup> of each year reminding said police departments of their reporting obligation under this Chapter.

5. The Commissioner of the Westchester County Department of Public Safety shall notify the Executive Director of the Westchester County Human Rights Commission of any incident, offense, or unlawful act, which after investigation by law enforcement, is or appears to be motivated all or in part by the actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, or disability of the victim, because of such person's status as a victim of domestic violence, sexual abuse or stalking, or an institutional target whose membership or association identifies with one or more of the aforementioned protected classes.[race, religion, ethnicity/national origin, sexual orientation, age, gender or disability of the victim or institutional target, but may not violate the New York State Penal Law.]

**Section 2.** This Local Law shall take effect sixty (60) days after enactment.