



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.

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."

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

**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