



NEW YORK INSTITUTE OF TECHNOLOGY

# **BIAS/HATE CRIMES**

**WHAT EVERY STUDENT NEEDS TO KNOW**



NEW YORK INSTITUTE OF TECHNOLOGY

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## BIAS/HATE CRIMES

### What is a bias/hate crime?

According to Title Y, New York State Hate Crime Act 2000, Article 485 of the New York State Penal Law ( [www.assembly.state.ny.us/leg/?cl=82&ta=81](http://www.assembly.state.ny.us/leg/?cl=82&ta=81)):

Criminal acts involving violence, intimidation, and destruction of property based upon bias and prejudice are commonly referred to as "hate crimes." As written in article 485 of the New York Penal Law, hate crimes are defined as those crimes where victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. Hate crimes include the following:

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

- 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, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct
- 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, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Proof of race, color, national origin, ancestry, gender, 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.

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); 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 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); or any attempt or conspiracy to commit any of the foregoing offenses.

For purposes of this section:

- the term "age" means sixty years old or more;
- "disability" means a physical or mental impairment that substantially limits a major life activity

### What is a hate or bias incident?

According to the U.S. Department of Justice, a hate or bias incident involves behavior that is motivated by bias based on race, religion, ethnicity, national origin, gender, disability, or sexual orientation. Incidents do not involve acts that are regarded as criminal conduct such as assault, threats, or property damage but many times are bias-motivated degrading comments.

### How common on bias/hate crimes?

According to the Federal Bureau of Investigations (FBI) Uniform Crime Reports (UCR) 8,063 bias-motivated crimes were reported to the police in 2000,

involving 9,430 offenses, 9,924 victims, and 7,530 known offenders. According to the UCR data collected, 53.8 percent of the hate crimes were motivated by racial bias; 18.3 percent by religious bias; 16.2 percent by sexual orientation bias; 11.3 percent by ethnicity/national origin bias; and 0.5 percent by disability or multiple biases. There were also 2,151 incidents against 2,475 gay, lesbian, and transgender individuals in 2000, committed by 3,344 offenders. As high as these statistics are, the actual numbers are much higher as not all hate crime or incidents are reported. Many victims are reluctant to come forward because they feel isolated and fear potential repercussions of a perpetrator.

### **How can I avoid being a victim of a bias/hate crime?**

You can make a difference in creating a climate on campus where hate incidents and crimes are not tolerated. Speak out when jokes or comments are made that are hateful or demeaning. Ask yourself if you use derogatory, degrading or offensive terms in describing others. Inform your professors, Dean of Campus Life, Director of International Students, Campus Security, or residential programs staff if you witness an incident or crime or you are aware that someone is being harassed or threatened.

Observing general safety tips can also help you avoid being a victim of a bias or hate crime. Be alert to your surroundings, notice people, lighting, access to phones, and exits. Use elevators, stairs, and restrooms in well-trafficked areas. Avoid deserted parking lots, and poorly lit or poorly populated areas. If possible, walk with a friend in secluded areas at night. Keep your dorm room and car doors locked. Do not give out personal information to a stranger over the phone or on the internet.

### **What is NYIT's policy on bias/hate crimes?**

New York Institute of Technology is committed to maintaining an educational environment that is free from bias/hate crimes. The victim has the right to choose to pursue criminal action and, in the case of an on-campus incident, to provide NYIT with information to pursue judicial action. The decision to pursue judicial action in no way restricts the victim from filing criminal charges, and vice versa. NYIT is committed to providing confidential services to the victim and to providing those who come forward with a protective environment.

### **What is the criminal sentencing for a bias/hate crime?**

According to Title Y of the New York State Hate Crimes Act 2000, Article 485 of the New York State Penal Law ([www.assembly.state.ny.us/leg/?cl=82&a=81](http://www.assembly.state.ny.us/leg/?cl=82&a=81)):

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in Section 70.02, the hate crime shall be deemed a violent felony offense.

2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
  - a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to Section 70.00;
  - b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to Section 70.02;
  - c. at least twelve years if the defendant is sentenced the term of the determinate sentence must be at pursuant to Section 70.04;
  - d. the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to Section 70.05; and
  - e. the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to Section 70.06
  - f. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

### **What can I do if I am a victim of a bias/hate crime?**

Students who may have been the victim of a hate or bias crime are encouraged to seek counseling and support services from a professional counselor through the Counseling and Wellness Center and appropriate medical assistance. Victims of a hate/bias crime and/or any individual (friend, roommates, faculty or staff member) who witnesses or has factual knowledge of a student who has been the victim of a bias/hate crime is also encouraged to report the incident to a college Campus Security, Director of Residential Services, Dean of Campus Life, or Director of Security.

- Get to a safe place
- Contact someone who can help you: a friend, family member, Residential Programs personnel, the Counseling and Wellness Center, the Dean of Campus Life, or Campus Security.
- If you have been sexually assaulted/raped, do not shower, eat, drink, douche, or change your clothes. These activities destroy important physical evidence in the event that you decide to prosecute the assailant.

- Get medical attention. You may have injuries that may not be obvious to you.
- Write down everything you remember in as much detail as possible. This can help with your own healing and in any legal action you may decide to take.
- Remember you are not to blame.

### The aftermath ... How am I going to feel?

- Emotional shock or disbelief
- Embarrassment/shame
- Depression
- Powerlessness
- Flashbacks
- Anger

### Can a hate crime be committed with nothing more than words?

The use of prejudice and bigoted language does not in itself violate hate crime laws. This type of behavior is usually classified a bias incident but should be reported.

### Is sexual assault considered a hate crime?

It may be prosecuted as a hate crime if evidence can be obtained demonstrating that the assault was motivated by bias against the victim because of gender.

### How do I report a hate crime?

You report a hate crime the same way you would report any other crime.

## ON-CAMPUS COUNSELING SERVICES

Free confidential counseling is available through the Counseling and Wellness Center at the following locations:

### Manhattan:

26 W. 61st St., room 510. Phone: 212.261.1770

Doreen Drack Thomas, LMHC

26 W. 61st St., room 509

Phone: 212.261.1755

Michael Schneider, LMSW

26 W. 61st St., room 511

Phone: 212.261.1773

### Old Westbury/Central Islip:

Harry Schure Hall, room 208. Phone: 516.686.7976

Alice Heron Burke, LMHC

Harry Schure Hall, room 208A

Phone: 516.686.7683

Joan O'Connor, CSAC, LMHC

Harry Schure Hall, room 208B

Phone: 516.686.7703

## OFF-CAMPUS COUNSELING SERVICES

### Manhattan:

- Safe Horizons Crime Victims Hotline: 212.577.7777
- NYC Gay and Lesbian Anti-Violence Project: 212.714.1141
- Victims Of Violent Assault Assistance Program: 212.562.3755

### Old Westbury:

- Nassau County Rape Hotline: 516.222.2293
- BiasHELP of Long Island: 516.363.2427
- Long Island Gay and Lesbian Youth: 631.665.2300

### Central Islip:

- Crisis Intervention Information and Referral Service of Islip: 631.277.4700
- Victims Information Bureau of Suffolk Legal Advocacy and Counseling Hotline: 631.360.3606
- Long Island Gay and Lesbian Youth: 631.665.2300

## LEGAL SERVICES

### Manhattan:

- Campus Security: 212.261.1536
- Twentieth Precinct: 212.580.6411
- New York City District Attorney's Special Victim's Bureau: 212.335.9373

### Old Westbury:

- Campus Security: 516.686.7789
- Nassau County Special Investigations Squad: 516.573.8000
- Nassau County Special Victims Squad: 516.573.8055
- Old Brookville Police Department: 516.626.1300
- Old Westbury Police Department: 516.626.0200

### Central Islip:

- Campus Security: 631.348.3333
- Suffolk County Police Bias Crime Unit: 631.852.6384
- Suffolk County District Attorney's Sex Crimes Unit: 631.852.6222
- Suffolk County Police Third Precinct: 631.854.8300

## ADDITIONAL HELP

New York State Crime Victim's Board: 800.247.8035