



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
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<http://criminaljustice.state.ny.us>

TO: All New York State Law Enforcement Agencies

FROM: Joseph N. Morrissey, Director, Office of Criminal Justice Operations

DATE: February 22, 2011

SUBJECT: Confirmation of Arrest Charges for Hate Crimes, Sexually Motivated Felonies,
and Crimes of Terrorism

As a result of recent changes to New York Penal Law, a person may be charged with an offense specified as a hate crime, or as a crime of terrorism, or as a sexually-motivated felony. As with all data contained in a person's criminal history, it is imperative that arrest and disposition information regarding these crimes be accurate. Over-reporting of these crimes not only impacts the accuracy of individual criminal history records, but it affects the accuracy of crime statistics, reports, and policy recommendations that the Division of Criminal Justice Services (DCJS) provides to both federal and state law enforcement and governmental agencies.

Misreporting may occur when the specific version of a crime, rather than the standard version, is inadvertently selected from a drop down menu when an arrest is being processed. The hate, sexually motivated, and terror crimes have the same title and section as the standard crimes, with a one-character variation at the end of the subsection ("H" for hate, "T" for terrorism and "X" for sexually-motivated). As a result, the more specific version of the crime can be mistakenly transmitted to DCJS.

Particular attention should be paid when entering felony arrest charges for juveniles, as the incorrect entry of a charge may result in the arrest being updated as a juvenile offender rather than it being assigned a juvenile delinquent status.

To assist agencies in the accurate reporting of these arrests, DCJS programmatically flags arrest transactions containing these charges as they are submitted. When transactions with these charges are identified, staff from the Office of Criminal Justice Operations will call the arresting agency to confirm the accuracy of the submitted charges. If a police agency becomes aware that invalid charge information was transmitted to DCJS and has not been corrected, please contact the DCJS Customer Contact Center at 1-800-262-3257.

Your cooperation and assistance in maintaining the accuracy of the DCJS criminal history database is always appreciated and serves to further our mutual goal of improved public safety in New York State. Thank you.