

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE February 3, 2026	EFFECTIVE DATE February 3, 2026	NO. 028-26
Subject: General Order Bias/Hate Crime Investigations		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 44.2, NYS PL 485.05, FEDERAL HATE CRIMES STATUTE 18 U.S.C. § 249.			RESCINDS 028-21

Purpose: To define the procedure to be followed when investigating bias/hate related incidents.

Policy: The Monroe County Sheriff's Office (MCSO), Criminal Investigation Section (CIS) will be responsible for coordinating the investigation of all bias and hate related incidents. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency.

Definition:

A. New York State Penal Law § 485.05 Hate Crimes:

1. A person commits a bias/hate crime when he or she commits a specified offense and either:
 - a. 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 (means sixty years old or more), disability (means a physical or mental impairment that substantially limits a major life activity) or sexual orientation of a person, regardless of whether the belief or perception is correct, or
 - * b. 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, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
- * 2. Proof of race, color, national origin, ancestry, gender, gender identity or expression, 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.
3. For the purposes of this section:
 - a. The term "age" means sixty years old or more.
 - b. The term "disability" means a physical or mental impairment that substantially

limits a major life activity.

- * c. The term "gender identity expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.
- * d. A "specific offense" is an offense by any of the provisions outlined in PL 485.05 subdivision 3.

I. General Procedures

- A. The Lieutenant of CIS shall be responsible for the oversight of any bias or hate crime related investigation. The Lieutenant shall utilize personnel from the Major Crimes Unit to investigate and determine whether an incident is bias/hate related. Zone investigators/deputies may be used when appropriate.
- B. It is the responsibility of all deputies to report the suspicion of bias/hate related incidents. The suspicion may be brought to the attention of the deputy by the victim or through interview and investigation.

II. Specific Procedures

- A. Any deputies investigating an incident in which bias and/or hate is the suspected motivation will notify their immediate supervisor/command officer.
 - 1. Upon notification, the supervisor/command officer will determine whether the case will be referred to the CIS Lieutenant.
 - 2. If the incident is suspected to be bias/hate related, the supervisor/command officer will decide if immediate notification of the CIS Lieutenant is warranted.
 - 3. If immediate notification is not warranted, the supervisor/command officer will ensure that the case is referred to the Bias Crime Coordinator (CIS Lieutenant).
 - 4. The supervisor/command officer will make the proper notifications based on established guidelines. Copies of reports of suspected bias/hate related incidents will be forwarded to the Zone Captain, CIS Lieutenant, Crime Victims Specialist, Chief Deputy, Undersheriff and Sheriff.
 - 5. When a determination is made that an offense is bias/hate related, the victim will be contacted both at the onset of the investigation and at the conclusion.
- B. The following criteria may be used in making a determination as to the authenticity of the bias/hate related complaint:
 - 1. Motive.
 - 2. Victim's perception about the incident.
 - 3. Display or use of offensive symbols/words or acts which relate to race, religion, national origin or sexual orientation.
 - 4. Statements of suspects at the time of the incident.
 - 5. Offense of similar patterns or M.O.'s in the same vicinity.
 - 6. Common sense review of the facts.
 - 7. Childish prank vs. serious concern.

- C. CIS will investigate the complaint and report their findings in writing to the CIS Lieutenant. The CIS Lieutenant shall be responsible for determining if the offense meets the elements of the Federal Hate Crimes Statute, 18 U.S.C. §249, which criminalizes only violent acts resulting in bodily injury or attempts to inflict bodily injury, through the use of fire, firearms, explosives and incendiary devices, or other dangerous weapons. Should the offense appear to meet these elements then the CIS Lieutenant shall notify the United States Attorney, Western District of New York Office.
- D. The Crime Victims Specialist will initiate a follow-up contact in all cases that have been confirmed to be bias/hate related. This contact will take place within fifteen (15) days of the conclusion of the investigation. Notification of the appropriate Crime Victims Specialist will be made by the CIS Lieutenant.
- * E. The CIS Lieutenant will ensure compliance with NYS DCJS regulations regarding demographic data collection for victims of hate crimes and individuals arrested for hate crimes.

III. Report Preparation

Standardize Incident Reports (SIR) should clearly indicate the following information:

1. Offense: Hate Crime designated Penal Law.
2. Victim age, gender, race and ethnicity.
3. Offender age, gender, race, and ethnicity.
4. The narrative portion of the report should state that the victim(s) was intentionally selected because of bias/hate of the perpetrator.

IV. Arrest Processing / Classification of Crimes

When an arrest is being processed for a bias/hate crime, the arresting deputy is required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H".

Examples: PL section 120.00, subdivision 1- Assault 3rd
120.00(01H), when it is a Hate Crime

PL section 140.15- Criminal Trespass 2nd
140.15(00H), when it is a Hate Crime

V. Accusatory Instrument

The accusatory paperwork filed with the court should also contain the "H" designator. The narrative portion of the accusatory instrument must include elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

* VI. DCJS Data Collection for Hate Crimes

New York State law requires the Division of Criminal Justice Services (DCJS) to collect and publish certain demographic data voluntarily provided by individuals who have been victims of hate crimes, and those who have been arrested for a hate crime.

- * A. Individuals determined to be the victim of a hate crime
- Deputies/Investigators must ensure the victim is notified of the survey. To assist with this

obligation, DCJS developed the NYS Hate Crime Victim Information form Hate Crime Demographic Collection Memo 11.05.2025.pdf that provides information about the survey and how it can be accessed if the individual wishes to complete it. Agencies are required to provide this information to any victim of an incident that has been determined to be a hate crime as defined by Penal Law 485.05. MCSO personnel are only required to provide the survey information to the victim, not ensure the completion of the survey.

* B. Individuals arrested for a hate crime

Deputies/Investigators must provide the NYS Hate Crime Demographics Collection form Hate Crime Demographic Collection Memo 11.05.2025.pdf to the individual. Completion of the form is voluntary; individuals may indicate on the form that they declined to complete it. If the individual declines the deputy will indicate declined on the form and submit it. All forms completed or declined must be electronically submitted to DCJS using the on-line form found in the following link: <https://survey.alchemer.com/s3/7295010/NYS-Hate-Crime-Demographics-Collection-Form>

* Note: MCSO personnel completing this survey will note in the narrative of the report that the survey was given to the individual arrested and subsequently completed using the online form. It will also be noted that the victim was given a copy of the of the NYS Hate Crime Victim Information form.

VII. Records Management

The Records Manager (eJustice TAC) shall submit all incidents of reported hate crimes to DCJS monthly with the NIBRS incident data, as part of the IBR report. If no hate crimes are reported, the form must be completed by checking the "Nothing to Report (NTR)" box.

By Order of the Sheriff,



Todd K. Baxter