

**STATEMENT OF DEPUTY INSEPTOR MARK MOLINARI
COMMANDING OFFICER, HATE CRIMES TASK FORCE
NEW YORK CITY POLICE DEPARTMENT
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY
NOVEMBER 19, 2018**

Good morning Chair Richards and Members of the Council. I am Deputy Inspector Mark Molinari, the commanding officer of the New York City Police Department's (NYPD) Hate Crimes Task Force. I am joined here today by Oleg Chernyavsky, the Department's Executive Director of Legislative Affairs. On behalf of Police Commissioner James P. O'Neill, we are pleased to testify before your Committee about how the Department investigates and works to prevent hate crimes in our city.

Whether it is the heartbreaking and senseless murder of Timothy Caughman, the indiscriminate spray-painting of swastikas on synagogues, or the unprovoked attack on Hassane Elbaz, one thing is clear, weak and callous individuals are attempting to breed fear and divisiveness. It has, however, been heartening to watch the reactions of New Yorkers in the wake of these heinous attacks. This Council has also led in its response to those who seek to promote hate. It was encouraging to watch so many members stand with the Jewish Caucus after the horrible attacks in Pittsburgh, and the Black, Latino and Asian Caucus after hatemongers defiled the African Burial Ground Monument, the final resting place for some 15,000 Africans, individuals cruelly torn from their homes for a life of involuntary servitude. Time and time again, the people of this city have not permitted New York to fall into the darkness of hate and division. This City honors those historically persecuted for their race, origin, beliefs, and identities, and at its core, this Department exists to protect and serve every individual and community, especially the most vulnerable.

I think we can all agree that an attack on a member of a particular community, targeted because of their race, religion, nationality, gender, or sexual orientation, is an attack on all New Yorkers. New York City is the world's epicenter of diversity and stands as an example of how distinct cultures, religions, and nationalities can exist side by side, learning from one another and enriching each other. One of the core pillars of our city's strength is the kaleidoscope of people who call this city home. Hate and intolerance have no place in our society and attacks premised on hate and intolerance weigh on the collective consciousness of not only the targeted community, but the entirety of the New York City community.

Through November 11th of this year, there have been 308 confirmed hate crime incidents in the city, which is slightly more than the 303 hate crime incidents recorded through November 11th of last year. While we have seen marked decreases in hate crimes in certain categories during this period as compared to the prior year, we have also seen significant increases in others. For example, hate crimes motivated by gender, ethnicity, religion generally, and the Muslim religion in particular are down 36%, 40%, 33%, and 53%, respectively. However, anti-black, anti-white and anti-Semitic hate crimes are up 27%, 88% and 18%, respectively.

I want to assure you that the NYPD has zero tolerance for these vile and despicable attacks. While our collective message of tolerance may not be able to win the hearts and minds of bigots and racists, we can work tirelessly to ensure those who commit crime motivated by hate are apprehended and brought to justice. The Department created the Hate Crimes Task Force in order to thoroughly investigate such crimes and to ensure the apprehension of such perpetrators. The largest such unit in the nation, the Hate Crimes Task Force, consists of 18 detectives, 2 Sergeants, 1 Lieutenant, 1 Captain and myself, for a total of 23 sworn officers who are specially trained to identify and investigate hate-based crime.

Although we can all agree that certain rhetoric is disturbing and offensive, such rhetoric may not always rise to the level of criminal activity. The Hate Crimes Task Force reviews every hate crime reported to the

Department. If a hate crime is established, the Hate Crimes Task Force takes over the investigation and has the ability to mobilize any and all of the Department's resources, including specialized units, to apprehend the perpetrators of these particularly heinous crimes. The Hate Crimes Task Force routinely mobilizes precinct detectives, TARU, the Computer Crimes Squad, the Intelligence Bureau, and the Community Affairs Bureau to assist in our investigations. By combining our experience and expertise and the skills and knowledge of these bureaus and specialized units, we are able to make more effective identifications, expeditious apprehensions and build stronger cases for prosecution thereby ensuring real consequences for those committing these odious offenses.

At all levels, the Department is working diligently to develop stronger relationships with members of all of the City's diverse communities. Through the implementation of our Neighborhood Policing philosophy, the work of our neighborhood coordination officers and sector cops, our Build the Block meetings, community council meetings, clergy roundtables, and regular meetings with advocates, to name just a few, we are building unprecedented levels of trust with those we serve. This enables us to work with communities in the wake of such incidents, to quickly obtain relevant information and allow our community partners to meaningfully assist our investigation.

The Hate Crimes Task Force also works closely with other NYPD bureaus and members of the community in furtherance of crime prevention. We continuously discuss incidents with precinct commanders so that they can appropriately deploy patrol resources and provide extra protections at religious institutions and other sensitive locations. Whenever there is a high profile incident, such as the Pittsburgh shooting, the NYPD goes on high alert, significantly increasing its visibility and in many cases customizing its deployment plan to discourage potential copy-cats and increase safety. We also brief community members and council members immediately after such high-profile incidents to ensure our communities are aware that even though an incident did not happen in this City, the Department is implementing a plan and taking action to ensure their safety, as well as to address any security concerns that may be raised.

I'd like to conclude by encouraging members of the public to report to the Department or to the New York City Commission on Human Rights whenever they are a victim of a hate crime or discrimination, so that the City can properly investigate and mitigate these instances. We look forward to partnering with the Council to get us to the day where the Hate Crimes Task Force no longer needs to exist. Thank you for inviting us to testify today and we are now happy to answer any questions you may have.



Rabbi Marvin Hier
Founder and Dean

BOARD OF TRUSTEES

Larry A. Mizel
Chairman

Dawn Arnall
Co-Chairman

Nelson Peltz
*Co-Chairman**
*Chairman of the Board of
Governors*

Allen R. Adler

Herbert Baum

Frances Belzberg

Samuel Belzberg**

Syd Belzberg

Lawrence Bloomberg

Richard Blum

Norman Brownstein

Robert H. Book

Alan I. Casden

Gordon Diamond

Leslie Diamond

Jonathan Dolgen

George Feldenkreis

Howard Friedman

Michael Fuchs

Russell Galbut

Steve J. Ghysels

Brian Greenspun

Daniel Greenspun

Mary Hart

Robert Hartman

Judah Hertz

Stuart Isen

Ezra Katz

Jeffrey Katzenberg

Stephen A. Levin

Ira A. Lipman

Peter Lowy

James Lustig

Peter May

Ron Meyer

Cheston D. Mizel

Jack Nagel

James Packer

Steve Robinson

Martin Rosen

Lee C. Samson

Jay L. Schottenstein

Jeanie Schottenstein

Gerald W. Schwartz

Sidney Sheinberg

Jay Snider

Don Soffer

Jaime Sohacheski

Burt Sugarman

Sol Teichman

Marc A. Utay

Gary Winnick

Rosalie Zalis

**Honorary*

***Founding Chairman*

BOARD OF GOVERNORS

Brian Roberts

New York City Council Committee on Public Safety

- Testimony by Michael D. Cohen Eastern Director Simon Wiesenthal Center November 19, 2018

My name is Michael Cohen the East Coast Director of the Simon Wiesenthal Center. The Wiesenthal Center is a global human rights organization confronting anti-Semitism, hate and terrorism, promoting human rights and dignity with a constituency of over 400,000 families including approximately 150,000 in the Tri-state area.

Mr. Chairman, thank you for providing the Simon Wiesenthal Center the opportunity to address the Committee on Public Safety in support of the proposed law to establish a New York City Office for the Prevention of Hate Crimes. I also want to thank Councilmember Levine and all co-sponsors for introducing a concept in combatting hate that could be applied by municipalities across the US.

Mr. Chairman, unfortunately statistics don't lie. Each year the FBI confirms that African Americans are the #1 targets of race-based hate and Jews-by far- the #1 target of religion-based hatred. Add on the 24/7 bigotry online and the recent massacres of Jews praying in Pittsburgh and Christians in Texas and South Carolina, in their respective Houses of Prayer, our nation, particularly minority communities have reason to be deeply concerned.

As New York City, the gateway to our nation and home to members of every race, creed, and nationality--that fear--- punctuated with recent hate crimes targeting our communities proves the needs for the initiative being considered by the City Council. Unfortunately, the tendency after the headlines from tragedies such as the Pittsburgh Synagogue murders fade from the front pages, is to lapse back into inaction bordering on apathy. New Yorkers and their leaders cannot allow that to happen.

Just last week, the Simon Wiesenthal Center proudly stood alongside interfaith clergy, with leaders from the Jewish, Christian and Muslim communities, as New York State Assembly member Walter Mosley and New Jersey Assembly member Gordon Johnson announced that they will work together to introduce legislation that will recognize all houses of worship as a sacred ground in the eyes of the law, dramatically increasing the penalties for individuals caught carrying unlicensed weapons in and near the facility, while also ensuring that anyone committing a hate crime in a house of worship with multiple felony counts attached would be mandated to serve their sentences consecutively and not concurrently. Obviously, legislation alone is not a cure-all for hate but without such initiatives, we will not have the necessary tools with which to fight back.

As was reported, the digital footprint of hate that the shooter in Pittsburgh left was enormous. Unfortunately, he is not the only one spewing such venom, and he is unlikely to be the last person to embrace and act upon genocidal hate and anti-Semitism. The Simon Wiesenthal Center's *Digital Terrorism and Hate Project*, has developed and begun to deploy digital hate workshops for high school and middle school students, empowering our young people to identify and deal with the tsunami of online hate speech. It is up to us adults, a consortium of concerned citizens, clergy, police, politicians and Social Media giants to work together to thwart this new and growing source of hate and violence.

In this spirit, we applaud the Council for its actions today. There is no substitute for a government-sponsored entity, that can help coordinate faster and more effective responses to hate and better empower all segments of New York City's unparalleled diverse population.

We urge the committee and the city council to support this endeavor, and the Simon Wiesenthal Center stands ready to help wherever possible.

Thank you.



FOR THE RECORD

New York City Anti-Violence Project

116 Nassau Street, 3rd Floor
New York, New York 10038
212.714.1184 voice | 212.714.2627 fax
212.714.1141 24-hour hotline

Audacia Ray, Director of Community
Organizing and Public Advocacy
aray@avp.org

Good afternoon and thank you to the Committee on Public Safety for holding this oversight hearing. My name is Audacia Ray, and I am the Director of Community Organizing and Public Advocacy at the New York City Anti-Violence Project. For nearly 40 years, AVP has served New York's lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-affected communities through direct services and advocacy. We are the only organization in New York City that provides free counseling and legal services for, and does advocacy with LGBTQ survivors of hate violence. As the coordinator of the National Coalition of Anti-Violence Programs, we collect data from all over the country about hate violence incidents and have been compiling this data into annual reports for the last twenty years.

AVP was founded by white, cis gay men in Chelsea who were responding to the hate violence their community was experiencing in the late 1970s and early 1980s. At the time, the NYPD was neglectful and turned away from reports that LGBTQ people made about bias incidents. AVP led the charge to ensure that federal hate crimes legislation would be applicable to anti-LGBTQ bias incidents and that the NYPD would respond to reports of violence from LGBTQ people. The AVP 24-hour hotline is one of the mechanisms we developed so LGBTQ community members could get peer support and assistance with reporting violence to the NYPD or other agencies, if they decide they want to do so. The designation of "hate crimes" is very narrowly defined and has a high burden of proof, as an agency we use the language "hate violence" or "bias-motivated incidents," which are more broadly defined though less actionable in a criminal legal context.

Council Member Levine's Intro 1234, which would establish an office for the prevention of hate crimes, must also be inclusive of the broader spectrum of bias incidents in order to be effective. For legal reasons, there must be a threshold for when violence becomes identifiable as a hate crime. However, in this current political climate, violence is both deep and wide, and it often is very close to home. Violence looks like the microaggressions that trans people of color experience in the workplace from people they know, and it looks like being harassed by strangers while walking through our city. The hate violence that escalates into public attacks and media coverage is often portrayed as hate-motivated stranger danger. However, in the forthcoming National Coalition of Anti-Violence Programs report, we found that 57% of hate violence survivors who reported their relationship to the person who harmed them knew the person. Survivors of color were three times more likely to experience hate violence from an employer or co-worker compared to white survivors.

Addressing hate violence in New York City is urgent, and at the same time the response needs to be more than a crisis response. In order to address the violence that LGBTQ survivors experience, we need:

1. Creative solutions to make spaces free from violence in a community-based, outside the system capacity. Solutions that come directly from the most impacted people focus on the particular needs of a specific, local community based on socioeconomic, cultural, geographic, and other factors. Community solutions do not rely on laws or elected officials to create safety, and often incorporate restorative and transformative justice practices that rely on communities to build safety and accountability. These solutions are not quick fixes, they rely on deep community building work.

2. When violence occurs, survivors must have access to culturally responsive, inclusive, and affirming reporting mechanisms and healing spaces to ensure that folks can re-establish safety and move forward. Reporting to anti-violence programs can be an alternative to policing, or anti-violence program staff and volunteers can assist in reducing the potential harms of interacting with the criminal legal system. The process of reporting and safety planning may offer resolution and healing, and anti-violence programs can also provide or connect survivors to longer-term safety, support, and services.

3. Comprehensive, long term systemic change includes survivor-focused legislative and administrative policy, affordable housing, non-discriminatory living wage employment, and anti-discrimination policies that transform LGBTQ people's access to basic needs. We know that people who are at the intersections of multiple marginalized identities are more vulnerable to violence, just as people in economically insecure positions are. To end and prevent violence against LGBTQ people, we need to ensure that people are less vulnerable, instead of focusing solely on the idea of punishment as a means to ending violence.

The Anti-Violence Project is proud to be committed to working with the City and our communities to keep coming up with solutions to resisting hate violence. Thank you.



Committee on Public Safety

Oversight: Oversight - Preventing Hate Crimes in NYC, Int 1234-2018, T2018-3256
November 19, 2018

Testimony of
Chelsea Goldinger, Government Relations Manager
The Lesbian, Gay, Bisexual & Transgender Community Center
New York, NY

**THE LESBIAN, GAY, BISEXUAL &
TRANSGENDER COMMUNITY CENTER**
208 W 13 ST NEW YORK, NY 10011

T. 212.620.7310
F. 212.924.2657
gaycenter.org

THE CENTER

Good morning, my name is Chelsea Goldinger, and I am the Government Relations Manager at The Lesbian, Gay, Bisexual & Transgender Community Center, commonly referred to as The Center, located in the West Village.

New York City's LGBTQ community formed The Center in 1983 in response to the HIV/AIDS epidemic, ensuring a place for LGBTQ people to access the information, care, and support they were not receiving elsewhere. Today, The Center has become the largest LGBTQ community center on the East Coast, where we host over 400 community group meetings each month and welcome over 6,000 individuals each week. We are proud to offer services to New Yorkers across the 5 boroughs, ensuring that all LGBTQ New Yorkers can call The Center home. The Center has a solid track record of working for and with the community to increase access to a diverse range of high-quality services and resources, including our services for LGBTQ immigrants, substance use recovery programming for adults and youth, economic justice initiatives, and our youth leadership and engagement programs.

The Center supports both Intro 1234 and T2018-3256 and is especially appreciative to Council Members Levine and Deutsch for their leadership on an issue of great concern to our community. As discussed below, given the grave impacts of hate crimes, especially on the already vulnerable LGBTQ community, we would welcome the opportunity to partner on this work with the Council to best serve the interests and needs of the community.

Last week, the Federal Uniform Crime Reporting (UCR) Program released their annual Hate Crime Statistics report. According to this report, the number of hate crime incidents reported to the FBI nationwide increased about 17% in 2017 compared to the previous year. The percentage of hate crimes motivated by sexual orientation bias remained relatively constant from the prior year, with a slight decline: from 16.9% of reported crimes in 2016, to 15.9% in 2017. Likewise, the percentage of hate crimes motivated by gender-identity bias remained relatively constant: from 1.8% in 2016 to 1.7% in 2017.¹ While the percentage of total hate crimes motivated by sexual orientation bias may have declined, the total number of sexual orientation-motivated crimes actually went up: from 1,218 offenses in 2016, to 1,303 offenses in 2017, and that motivated by gender-identity remained constant² This data therefore indicates the slight decline in percentage is likely linked to the overall significant increase in hate crimes reported nationwide, and not tied to any type of positive change in behavior.

In addition, this report only accounts for hate crimes reported to the FBI; historically, when targeted communities are directly surveyed, the number of crimes is much higher. In fact, when the US Bureau of Justice Statistics (BJS) surveyed community members from 2007 to 2011 to determine a more accurate measure of hate crimes, they found that the total number

¹ FBI Uniform Crime Reporting (UCR) Program, *2017 Hate Crime Statistics* (November 2018), <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses..>

² FBI Uniform Crime Reporting (UCR) Program, *2016 Hate Crime Statistics* (November 2017), <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses.>

**THE LESBIAN, GAY, BISEXUAL &
TRANSGENDER COMMUNITY CENTER**
208 W 13 ST NEW YORK, NY 10011

T. 212.620.7310
F. 212.924.2657
gaycenter.org

THE CENTER

of hate crimes annually was 260,000, compared to FBI's alarmingly small estimate of 6,000-10,000 crimes each year.³ Given that LGBTQ individuals are disproportionately isolated and vulnerable compared to their cisgender and heterosexual counterparts, they are less likely to report these crimes to government officials, and the corresponding FBI hate crime data likely undercounts these crimes as a result.

While we support the intent of both of these bills, The Center recommends the Council and the Administration focus their outreach on those populations that are most targeted, especially LGBTQ individuals, and specifically transgender and gender-nonconforming individuals. In order to ensure adequate outreach to the LGBTQ community, the City must work with community groups to effectively reach these populations and gather the necessary information to train involved government agencies on how to work with the LGBTQ community. In addition, The Center recommends all trainings include pre- and post-training surveys to measure their effectiveness, so that we can ensure the designed goals are being met.

In addition, The Center urges the City Council to push for more comprehensive data regarding hate crimes, so that we can better understand the root causes of these crimes. To do so we recommend a comprehensive review of all hate crime-related intake forms to ensure they include sexual orientation and gender expression data, and that any related data is made available to the public. We also recommend surveying target populations directly to determine the frequency of hate crimes in New York City, including if the victim actually reported the hate crime to a local authority, so that the City ensures use of the most up-to-date and accurate information as is possible. Finally, given the challenges faced by LGBTQ victims of hate crimes when coming forward to traditional authorities, we encourage you to study new reporting methods and ways to ensure that the staff and resources connected to the myriad of social services and supports that a victim may avail themselves to is as LGBTQ inclusive and affirming.

The Center welcome the opportunity to partner to help realize any of the above referenced recommendations. Thank you to the Committee for the opportunity to provide this testimony today on an issue of great importance city-wide. We look forward to working with you to ensure New York City's future as a safe space for all New Yorkers.

³ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Hate Crime Victimization, 2003-2011*, by Nathan Sandholtz, Lynn Langton, and Michael Planty (March 2013), <https://www.bjs.gov/content/pub/pdf/hcv0311.pdf>.

**THE LESBIAN, GAY, BISEXUAL &
TRANSGENDER COMMUNITY CENTER**
208 W 13 ST NEW YORK, NY 10011

T. 212.620.7310
F. 212.924.2657
gaycenter.org

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1234 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Chelsea Goldinger

Address: _____

I represent: LGBT Center

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1234 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Audacia Ray

Address: 140E 2nd St Apt 4E Brooklyn 11218

I represent: NYC Anti-Violence Project

Address: 116 Nassau St NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/19/18

(PLEASE PRINT)

Name: Ahmed Ali

Address: 120 W 97th St. Apt 36 New York, NY

I represent: Arab American Family Support Center

Address: 150 Court St. Brooklyn NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/19/2018

(PLEASE PRINT)

Name: Michael Cohen

Address: _____

I represent: Simon Wiesenthal Center

Address: 11 Broadway # 2766

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/19/18

(PLEASE PRINT)

Name: Brandon Terrell Hicks

Address: _____

I represent: National Action Network

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/19/2018

(PLEASE PRINT)

Name: State Senator Sanders

Address: _____

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-14-78

(PLEASE PRINT)

Name: Executive Director Oleg Chernyavsky

Address: 1 Police Plaza, NY, NY 10038

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-14-78

(PLEASE PRINT)

Name: Deputy Inspector Mark Molinari

Address: 1 Police Plaza, NY NY 10038

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/19

(PLEASE PRINT)

Name: Dana Sussman, Deputy Commissioner

Address: Commission on Human

I represent: Rights

Address: _____

Please complete this card and return to the Sergeant-at-Arms