

As Suffolk County Police Report Huge Declines In Hate Crimes, Civil Rights Advocates Cry Foul

By [CHARLES LANE](#) · JUL 15, 2021


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Kyrin Taylor arrived at work one day in May to find a rope with a noose tied at the end hanging on the wall next to his tools. Shaken, he recorded [a video](#) of it.

“I was just shocked. I didn’t know what to really do.”

Taylor, 23, is an apprentice electrician. He was the only African American working for his company, Cooper Power & Lighting Corp., in Farmingdale.

“From my past education, of learning what a noose means and what they were used for, I knew that it was targeted at me, and that I was in a life-or-death situation,” Taylor said.

The Suffolk County Police’s Hate Crimes Unit was called in to investigate. The detective in charge, James Mosby, is also Black. Mosby called Taylor every day to check in on him. But what the detective wouldn’t say was that a crime had been committed.

As of last Friday, the department still hasn’t yet declared what happened to Taylor a crime. The District Attorney’s office said it is still investigating.

For Taylor, calling it a crime would make a difference. “Maybe it would bring more attention and create change not just on this one incident,” he said.

In Suffolk, what gets classified as a “hate crime,” as opposed to an “incident,” has come under increased scrutiny because, while [across the country hate crimes are rising or remaining flat](#), in Suffolk they are dropping — precipitously.

Falling Only In Suffolk

“I’m not convinced that the District Attorney’s Office nor the county of Suffolk has any interest in fully addressing issues of hate,” said Frederick Brewington, a civil rights lawyer who represents Taylor.

In 2014, Suffolk classified 87 cases as hate crimes. Each year since, that number has fallen. According to the department’s [most recent report to the Justice Department](#), in 2020 the number of hate crimes reached the lowest yet since DOJ monitoring: six. That’s less than a tenth the number of hate crimes in just five years.

Meanwhile, across the nation [hate crimes have increased 25%](#) over that same time period, according to the DOJ. According to New York’s Department of Criminal Justice Services, [the number of hate crimes in the state increased 23%](#), Nassau hate crimes remain roughly unchanged and in Westchester they’re up 64%.

Suffolk is the only major jurisdiction in New York where hate crimes seem to have been going down.

Yet, Suffolk’s apparent decline in “hate crimes” comes as the number of Suffolk county residents reporting alleged hate crimes continues to rise. According to the department’s mandated reporting to the U.S. Department Of Justice, residents reported almost twice the number of cases than were reported to investigators five years ago — 491 in 2020, up from 256 in 2014.

Suffolk police declined interview requests and said that their method of investigating has remained the same. But hate crimes detective Mosby said the decrease is because of changing definitions within the Hate Crimes Unit.

“Various bosses may classify — once the stats are put before them — they may classify differently,” Mosby said.

He spoke before the Anti-Bias Task Force, a citizens group in Suffolk County that works to combat hate and violence. While answering questions from task force members, Mosby said there is another factor in classifying hate crimes: whether or not prosecutors can secure convictions.

“We're talking about going to a grand jury, and ‘beyond a reasonable doubt.’ If it doesn't fit that criteria, then it's going to be dismissed,” Mosby said.

When asked for a clarification, police officials said hate crimes classifications are based on the facts of a given case.

Under New York Penal Law symbols of hate such as burning crosses, swastikas and nooses are evidence of the intent to commit a hateful act. To elevate a charge to a hate crime, prosecutors have to prove that the defendant left the symbol specifically because of another person's race, religion, gender, disability or membership in another protected class.

‘Cooking The Books’

Anti-bias groups on Long Island say police and the District Attorney are gaming their stats so they look good.

“The practice of the unit is not to classify something if they think it can't win the case. And that is cooking the books,” said Helen Boxwill, a member of the Anti-Bias Task Force. “That is intentionally refusing to classify something as a hate crime when it should be.”

Boxwill and other anti-bias advocates said knowing the statistics is important so they can target their education campaigns where they're most needed.

“If you pretend something doesn't exist, then all of a sudden you're going to get surprised. If you know, then you can do something. If you don't know, you won't do anything,” Boxwill said.

The Suffolk County District Attorney's office said the Suffolk police department makes the decision on what to charge. However, under District Attorney Tim Sini, the office recently formed a working group of prosecutors to review recent cases.

“We were concerned that maybe some of these crimes were falling through the cracks,” said Leslie Anderson, executive assistant district attorney in charge of this work group. “We needed a team of prosecutors to work with the police so that the case is taken from the point of arrest or the point of investigation through the point of prosecution.”

However, Anderson rejects the idea that the office is “cooking the books.”

“That’s not something that our DA would subscribe to, nor would he allow us to subscribe to,” she said. “We would take the case, we would do our best to make it, but if it’s not successful, then unfortunately, it’s not successful. But that certainly wouldn’t be a bar for us accepting the charges.”

Changing New York’s Hate Crime Law

Anderson offered no explanation as to why Suffolk is one of the only major jurisdictions in the country where hate crimes are falling. But she does acknowledge how hard it is to convict under New York’s current hate crime statute.

“If we could use the language used during the attack or the actions during the attack as a basis for prosecuting a hate crime rather than having to get into the person’s mind, I think we’d be much more successful as prosecutors,” Anderson said.

Anderson is among several local and state officials discussing possibly changing New York’s hate crime statute. The conversations are being led by Democratc Assemblywoman Kimberly Jean-Piere of Lindenhurst whose goal is to draft possible amendments this summer.

“We’re meeting more frequently so we can be ready for the 2022 session,” Jean-Pierre said. “To make sure prosecutors are using the hate crime statute correctly, and see how they’re using it, and what loopholes, what gaps are missing.”