

**STATEMENT OF CHRIS M. KWOK
BOARD DIRECTOR
ISSUES COMMITTEE CHAIR
ASIAN AMERICAN BAR ASSOCIATION OF NEW**

YORK TO THE

**NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC
SAFETY**

T2021-7250

**New York City Council Budget and
Oversight Hearings on the
Preliminary Budget for Fiscal Year 2022,
the Preliminary
Capital Commitment Plan for Fiscal
Years 2021-2025 and the Fiscal 2021
Preliminary Mayor's Management
Report**

March 22, 2021

REMOTE HEARING (VIRTUAL ROOM 2)

1. Introduction

Good afternoon, my name is Chris Kwok and I am a Board Director of the Asian American Bar Association of New York (“AABANY”). I also serve as Chair of the Issues Committee, which advises AABANY’s Board on issues that affect the Asian American & Pacific Islander community in New York. AABANY is a professional membership organization that is comprised of Asian American attorneys, judges, law professors, legal professionals, and law students serving New York. Since its incorporation in 1989, AABANY has advanced issues involving the Asian American & Pacific Islander (AAPI) community, improved the study and practice of law, and ensured the meaningful participation of AAPIs in our legal system. AABANY currently has over 1,600 members in the city and state of New York and is the largest affiliate of the National Asian Pacific American Bar Association. We are among the largest affinity bar associations in the country. We are grateful to the Public Safety Committee for holding this hearing and including AABANY.

AABANY is participating in today’s hearing to express our firm commitment to championing two changes to the funding of Hate Crimes Units of New York District Attorneys’ Offices. First, the Hate Crimes Units should be staffed with full-time prosecutors and legal support personnel. Second, the Committee on Public Safety should perform periodic

audits to ensure that dedicated funds for hate crime prosecution are being used solely by Hate Crimes Unit personnel. Presently, there are not enough dedicated full-time prosecutors and detectives assigned to Hate Crimes Units. Moreover, Hate Crimes Unit personnel, in addition to their other roles and responsibilities, are provided with no dedicated resources. These divisions also lack necessary foreign language support staff, such as qualified interpreters.

AABANY first presented these recommendations to fully fund and fully staff anti-Asian hate crime divisions in law enforcement and prosecutors' offices in its report titled, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions*.¹ The report called for greater representation of AAPIs in law enforcement, public office, and the courts. Specifically, the report identified the "Jade Squad"—a police division that was formed in the 1970s to combat Chinese gang violence—and concomitant Asian Gang Units that were formed at the District Attorney's office.² In line with these successful historical efforts, AABANY recommended that Asian hate crime units be created at each District Attorney's Office.³ As the report noted, "[t]he divide between law enforcement and the Asian community is exacerbated by the under-representation of Asians in the police force, in public office, and in the court system."⁴

2. AABANY condemns the unrelenting assaults on members of the AAPI community in New York City, which continue with alarming frequency.⁵

AABANY through its report has recounted numerous attacks and harassment against AAPIEs in New York over the course of the COVID-19 pandemic. More recently, the following incidents have been reported in the press and media:

- Filipino man was slashed in the face on the subway
- Asian American mother was shoved to the ground at a bakery in Flushing, Queens
- Group of teenagers attacked a 51-year-old woman on an MTA bus in the Bronx

Just this month:

- "Go back to China" verbal harassment in Kips Bay⁶
- Aggressor spat on Asian mother and her baby, calling the mother a "Chinese

¹ See generally Asian American Bar Association of New York & Paul, Weiss, Rifkind, Wharton & Garrison LLP, *A Rising Tide of Hate and Violence against Asian Americans in New York During COVID-19: Impact, Causes, Solutions* (2021),

https://cdn.ymaws.com/www.aabany.org/resource/resmgr/press_releases/2021/A_Rising_Tide_of_Hate_and_Vi.pdf?fbclid=IwAR2WwVM92z8xr5M1oRvRzDm3Tg8hZpAEeXsRSgGbXBB5wZkztHMKKv46MM0.

² *Id.* at 22.

³ *Id.* at 23 (AABANY offering recommendation to "[c]reate an Asian Hate Crimes Unit in each District Attorney's office across the city").

⁴ *Id.*

⁵ *Id.* at 3–5 (collecting instances of anti-Asian violence).

⁶ NYPD Asian Hate Crimes Task Force, <https://twitter.com/nypdasianhctf?lang=en>.

virus”⁷

- Six women murdered by gunman in Atlanta, Georgia⁸

3. Since AABANY’s report was published on February 11, 2021, media outlets, community leaders, and politicians have adopted AABANY’s position vis-à-vis increasing funding for and formally staffing personnel to anti-hate-crime initiatives such as the NYPD Task Force. These recommendations apply in full force to Hate Crimes Units within prosecutors’ offices.

February 25, 2021 Asian Community Leaders Meeting. In a response to a question by Chris Kwok, Deputy Inspector of the Asian Hate Crimes Task Force Stewart Loo confirmed that the Task Force would be better able to perform its job if it were fully funded and formally staffed.

March 6, 2021 Community Forum. AABANY co-sponsored a community forum entitled “Asian Voices: Advocating for our Rights in NYC,” sponsored by Chinese Christian Herald Crusades, NYC Commission on Human Rights, Mayor’s Office of Immigrant Affairs, NYPD-Asian Hate Crime Taskforce, and the Office for the Prevention of Hate Crimes, and NYC Council BLAC. Many elected officials joined the Zoom meeting, including Congresswoman Grace Meng. Early in the meeting, this exchange took place, stressing the need for full and adequate funding of the NYPD Asian Hate Crime Taskforce:

14:18:11 From Jerry C: Understand the Asian a crime task force is all volunteer. Wh[en] can we have a permanent team focusing on Asian hate crime[?]

...

14:20:58 From NYPD-Asian HCTF to All panelists: Good afternoon Jerry, that is something we are working on with City Hall and the Dept

14:21:52 From NYPD-Asian HCTF: Good afternoon Jerry, that is something we are working on with City Hall and the Dept

14:24:34 From Chris Kwok to All panelists: AABANY is proud to have highlight[ed] this in our report and we have been pushing for Asian HCTF funding and full time assignment

14:24:48 From Jerry C: Reporting a crime on 911 is difficult for people who don’t speak English. We need a solution for that issue.

14:25:07 From Chris Kwok to All panelists: we need the community to make

⁷ ABC7, *Asian Americans told to “go back to China” in racist rant in New York City* (Mar. 15, 2021), <https://abc7ny.com/amp/asian-hate-crime-maria-ha-dan-anti-asian/10419611/>.

⁸ New York Times, *8 Dead in Atlanta Spa Shootings, With Fears of Anti-Asian Bias* (Mar. 19, 2021), <https://www.nytimes.com/live/2021/03/17/us/shooting-atlanta-acworth>.

this known to Mayors office and electeds.

New York City mayoral candidate Andrew Yang stated earlier this month that “I would take the increase in anti-Asian violence very, very seriously” and “I would fully fund the Asian Hate Crimes Task Force. It would not be a volunteer force.”⁹

At a March 10 Candidates’ Forum for City Council elections for District 1, all candidates expressed support for funding the Task Force in response to a question submitted by Chris Kwok.

Media Reports

- On February 26, 2021, the New York Times reported and recognized that “[t]he Asian American Bar Association of New York recently issued recommendations for ways to address the attacks, including clearer reporting mechanisms for victims and formalizing the Asian Hate Crime Task Force as a funded unit.”¹⁰
- On February 12, 2021, NBC New York cited Chris Kwok and AABANY’s recommendation to make the NYPD Asian Hate Crime Task Force permanent and not rely solely on the services of volunteer officers.¹¹
- Other articles also referenced AABANY’s recommendations for increased funding and formal staffing.¹²
- On Feb. 19, 2021, ABC7 quoted community leader Don Lee, who questioned the efficacy of the Task Force because it consisted only of volunteer personnel.¹³ ABC7 subsequently reported that the Task Force is “unfunded and an all-volunteer force” and

⁹ Cameron Jenkins, *Andrew Yang Condemns Attacks against Asian Americans*, THE HILL (Mar. 5, 2021), <https://thehill.com/homenews/campaign/541854-andrew-yang-condemns-attacks-against-asian-americans>.

¹⁰ Alexandra E. Petri and Daniel E. Slotnik, *Attacks on Asian-Americans in New York Stoke Fear, Anxiety and Anger*, NY TIMES (Feb. 26, 2021), <https://www.nytimes.com/2021/02/26/nyregion/asian-hate-crimes-attacks-ny.html?action=click&module=Top%20Stories&pgtype=Homepage>.

¹¹ Zijia Eleanor Song & Jennifer Vazquez, *Study Shows Rise of Hate Crimes, Violence against Asian Americans during the Pandemic*, NBC NEW YORK (Feb. 12, 2021), <https://www.nbcnewyork.com/news/local/crime-and-courts/study-shows-rise-of-hate-crimes-violence-against-asian-americans-in-nyc-during-covid/2883215/>.

¹² See Kay Dervishi, *What can be done to stem hatred against Asian Americans*, CITY & STATE NEW YORK (Mar. 3, 2021) (“The NYPD anti-Asian hate crimes task force should be funded and have officers assigned to it full time, instead of being volunteers.”); NYPR The Takeaway, *Amid COVID-19 Pandemic, Anti-Asian Violence Spikes Across the U.S.* (Feb. 15, 2021), <https://www.wnycstudios.org/podcasts/takeaway/segments/amid-covid-19-pandemic-anti-asian-violence-spikes-across-us> (“Well, they created an anti-Asian task force and we applaud them for that. Our recommendation was that they go further along. They made it permanent recently but we think that-- Right now it's a volunteer task force, which means that the detectives are serving full-time on another role and then take this on on a volunteer basis. We think it should be a full-time assignment and the commander be given a budget and have this exist until there's no need for it.”).

¹³ CeFaan Kim, *NYPD task force provides answers on violent attacks against Asian*, ABC7 (Feb. 19, 2021), <https://abc7ny.com/asian-hate-crimes-subway-attacks-americans-task-force/10355594/>.

that “Mayor De Blasio and the Human Rights Commission is working and meeting with Asian community leaders this week on the next measures the city needs to take.”¹⁴

- Many other articles voice concerns over the current structure of the Task Force¹⁵ and note that the officers presently on the Task Force are volunteers with other full-time jobs in the NYPD.¹⁶

4. AABANY recommends that funding be dedicated towards efforts to improve reporting structures for the NYPD Hate Crimes Task Force and Hate Crimes Units at District Attorneys’ Offices.

Despite the large number of incidents reported on social media and in the news, very few are classified as hate crimes. The NYPD should be provided with adequate funding and resources so that they can create reports of race/bias motivated incidents, and then indicate how many of these reports they have taken, investigated, and made arrests on. Hate Crimes Units also need sufficient resources so that they can thoroughly review these reports.

AABANY believes that the failure to classify incidents as hate incidents is another type of discrimination that Asian Americans face. For example, when a senior Asian woman in Flushing, Queens was thrown to the floor “like a rag doll,”¹⁷ district attorneys charged the perpetrator with assault in the third degree and did not consider prosecuting the wrongdoing as a hate crime. And even after the New York Times reported that the attacker had stated “you are in america ... NOT CHINA! Please give me space with coronavirus,”¹⁸ prosecutors failed to revisit their theory of the case and failed to consider whether the conduct could constitute a hate crime.

The NYPD Hate Crimes Task Force and District Attorneys’ Office Hate Crimes Units require dedicated funding and full-time personnel in order to produce much-needed reports detailing their investigations, arrests, and prosecutions. An understanding of the reports and actions of the NYPD and Hate Crimes Units would allow the AAPI community to assess the efforts of law enforcement to actually stem the tide of these attacks. NYPD and Hate Crimes

¹⁴ ABC7 Eyewitness News, *Mayor de Blasio says Asian Hate Crime Task Force working to combat slew of bias crimes in NYC*, ABC7 (Feb. 23, 2021), <https://abc7ny.com/queens-hate-crimes-asian-americans/10364245/>.

¹⁵ Kimmy Yan, *Critics fear NYPD Asian hate crime task force could have unintended consequences*, WSJ (Sept. 2, 2020), <https://www.nbcnews.com/news/asian-america/critics-fear-nypd-asian-hate-crime-task-force-could-have-n1239012>.

¹⁶ Shan Li & Ben Chapman, *NYPD Forms Asian Hate Crime Task Force*, WSJ (Oct. 18, 2020), (noting that “[t]he officers are loaned to the task force as needed, but also have full-time jobs elsewhere in the department”); Taylor Romine, *NYPD creates Asian Hate Crime Task Force after spike in anti-Asian attacks during Covid-19 pandemic*, CNN (Aug. 18, 2020), <https://www.cnn.com/2020/08/18/us/nypd-asian-hate-crime-task-force/index.html> “The task force will be permanent ... and other culture-based task forces may be considered in the future.”).

¹⁷ Alexandra E. Petri & Daniel E. Slotnik, *Attacks on Asian-Americans in New York Stoke Fear, Anxiety and Anger*, N.Y. TIMES (Feb. 26, 2021), <https://www.nytimes.com/2021/02/26/nyregion/asian-hate-crimes-attacks-ny.html>.

¹⁸ *Id.*

Units initiatives have been ineffective to date, and the lack of real action creates the appearance that members of the AAPI community can be attacked with impunity, without any consequences, which may explain why attacks against AAPIs continue unabated, even after several public protests and rallies denouncing anti-Asian violence.

5. Fully-funded and Full-time Hate Crimes Units Are Needed.

To foster trust with the AAPI community and encourage reporting, there needs to be accountability for violence and harassment committed against AAPIs. Calls to inform the police and be vocal have been heeded by the community. Yet time and time again we hear from members of the community that these reports are not taken seriously by Hate Crimes Units and prosecutors, possibly due to language and cultural barriers. Creating dedicated and fully funded hate crime divisions within the District Attorneys' Office to handle anti-Asian hate crimes is critical, with legal professionals who have the language skills and cultural competence to deal with complaints and reports. Adequate funding and full-time staffing are also needed for the Hate Crimes Units to carry out their roles and responsibilities effectively. Anything less represents nothing more than an empty exercise. We urge the City Council to take immediate steps to fully fund hate crime prosecution divisions and to staff them with full-time personnel.

Appendix

Articles that have referenced AABANY's Report

- Miranda Bryant, *"There's so much gratitude": engineer who created viral vaccine site for \$50*, THE GUARDIAN (Mar. 1, 2021), <https://www.theguardian.com/us-news/2021/mar/01/turbovox-vaccine-website-huge-ma> (discussing development of a TurboVax, an online bot that finds available vaccination appointments, and suspension of the service in protest of rising frequency of anti-Asian violence).
- Mark Magnier and Owen Churchill, *"Greater Asian-American representation in leadership ranks needed to stem hate crimes in the US, says report,"* SOUTH CHINA MORNING POST (Feb. 12, 2021), <https://www.scmp.com/news/china/article/3121518/greater-asian-american-representation-leadership-ranks-needed-stem-hate>
- Marco Poggio, *NY Bar Group Tackles Pandemic-Fueled Anti-Asian Crimes*, LAW360 (Feb. 16, 2021), <https://www.law360.com/pulse/articles/1354591>
- Jake Offenhartz, *Brooklyn Man Charged With Hate Crime In Alleged Stabbing Of Asian Man In Lower Manhattan*, GOTHAMIST (Feb. 26, 2021), <https://gothamist.com/news/brooklyn-man-charged-hate-crime-alleged-stabbing-asian-man-lower-manhattan> (referencing AABANY Report and Task Force).
- Megan Schellong, *Asian Americans face increased hate crimes amid COVID-19 pandemic*, WLNS (Feb. 19, 2021), <https://www.wlns.com/news/asian-americans-face-increased-hate-crimes-amid-covid-19-pandemic/>
- Michael Macagnone, *House Dems renew call for hate crime law after anti-Asian attacks*, ROLL CALL (Feb. 19, 2021), <https://www.rollcall.com/2021/02/19/house-dems-renew-call-for-hate-crime-law-after-anti-asian-attacks/>
- Clémence Michallon, *Olivia Munn laments spiking hate crimes against Asian Americans as friend's mother is attacked*, THE INDEPENDENT (Feb. 19, 2021), <https://www.independent.co.uk/arts-entertainment/films/news/olivia-munn-man-shove-asian-woman-new-york-b1804739.html>
- Yahaira Galvez, *It takes all of us to fight racial violence against Asian Americans*, THE DIAMONDBACK (Feb. 23, 2021) <https://dbknews.com/2021/02/23/asian-american-racial-violence-coronavirus-aapi/>
- Betty Casazza, Belissa Ho, Laura Judd, Julie Kim, Sharon Kwong, Jennifer Lien, Pakou Ly, & Sharon Yung, *Local View: Don't brush off COVID-fueled anti-Asian hate*, DULUTH NEWS TRIBUNE (Feb. 23, 2021), <https://www.duluthnewstribune.com/opinion/columns/6899246-Local-View-Dont-brush-off-COVID-fueled-anti-Asian-hate>
- CNN Philippines, *Fil-Ams advised to be very cautious as anti-Asian hate crimes in US spike* (Feb. 26, 2021), <https://cnnphilippines.com/world/2021/2/26/anti-Asian-hate-crimes-US-PH-embassy-cautions-Filipinos.html>

- Gwynedd Stuart, *Anti-Asian Hate Crimes Spiked in L.A. Last Year*, L.A. MAGAZINE (Mar. 3, 2021), <https://www.lamag.com/citythinkblog/anti-asian-hate-crimes-los-angeles-2020/>
- Ryan General, *Police Data Shows 150% Increase in Hate Attacks on Asians Across Major Cities in 2020*, NEXTSHARK (Mar. 5, 2021), <https://news.yahoo.com/police-data-shows-150-increase-195216687.html>

Foreign Language Articles

- Rodrigue Gozoa, *Violence contre les asiatiques aux USA : Nancy Pelosi s'insurge*, LA NOUVELLE TRIBUNE (Feb. 19, 2021), <https://lanouvelletribune.info/2021/02/violence-contre-les-asiatiques-aux-usa-nancy-pelosi-sinsurge/?cn-reloaded=1>
- Shim Jongmin, *지난해 뉴욕 아시안 대상 혐오·폭력 사건 급증*. THE KOREA DAILY (Feb. 12, 2021), http://www.koreadaily.com/news/read.asp?art_id=9086440
- 顏潔恩, “歧視亞裔 紐約市全美第 2 多 亞裔律師協會籲政府採取行動,” WORLD JOURNAL (Feb. 13, 2021), <https://www.worldjournal.com/wj/story/121381/5249694>
- Apple Daily, 【武漢肺炎】紐約市針對亞裔仇恨罪案大增 7 倍 分析指受害人不願報案問題被低估, (Feb. 13, 2021), <https://tw.appledaily.com/international/20210213/SRL5UCFZUZBJXAEQOKN42SY6I4/>
- Arun Venugopal, *Asian Americans Express Alarm Over Recent Acts of Violence And Demand Action*, GOTHAMIST (Feb. 20, 2021), <https://gothamist.com/news/asian-americans-express-alarm-over-recent-acts-violence-and-demand-action>
- News 12 The Bronx, *Civil rights advocates, officials denounce recent violence against Asian New Yorkers* (Feb. 21, 2021), <https://bronx.news12.com/civil-rights-advocates-officials-denounce-recent-violence-against-asian-new-yorkers>
- Ellie Lin, *COLUMN: Policing is not an appropriate response to the increase in hate crimes against Asian Americans*, THE MANEATER (Feb. 21, 2021), <https://theman eater.com/stories/opinion/column-policing-is-not-an-appropriate-response-to-the-increase-in-hate-crimes-against-asian-americans->
- N’dea Yancey-Bragg, *NYPD creates Asian Hate Crimes Task Force after spike in verbal, physical assaults amid pandemic*, USA TODAY (Aug. 19, 2020), <https://www.usatoday.com/story/news/nation/2020/08/19/nypd-creates-asian-hate-crimes-task-force-amid-racist-attacks/3399014001/> (“[Chief of Detectives Rodney] Harrison said the task force will be permanent, and similar task forces may be considered.”).
- Christine Chung, *Anti-Asian Hate Crime Surge Fuels Demands for Systemic and Sensitive Responses*, THE CITY (Feb. 11, 2021), <https://www.thecity.nyc/2021/2/11/22279407/anti-asian-hate-crime-surge-fuels-demands-for-systemic-and-sensitive-responses>

- Eric Hinton, *Remember, Racism Isn't Just Black And White. Anti Asian Racism Is On the Rise in the Pandemic Era*, NBC 5 DALLAS FORT-WORT (Feb. 11, 2021), <https://www.nbcdfw.com/lx/remember-racism-isnt-just-black-and-white-anti-asian-racism-is-on-the-rise-in-the-pandemic-era/2549631/>
- Hannah Miao, *VP Harris responds to surge in violent attacks against Asian Americans*, CNBC (Feb. 12, 2021), <https://www.cnbc.com/2021/02/12/vp-harris-responds-to-surge-in-violent-attacks-against-asian-americans.html>
- New York Magazine, *38 Ways to Donate in Support of Asian Communities* (Feb. 12, 2021), <https://nymag.com/strategist/article/where-to-donate-to-help-asian-communities-2021.html>
- 新西兰中文先驱网, 大门涂粪诅咒! 华人幼儿园遭种族仇恨攻击! 暴力升级, 全美亚裔吁政府采取行动!, CHINESE HERALD (Feb. 15, 2021), <https://www.chineseherald.co.nz/news/education/racial-hate/>
- Austa Somvichian-Clausen, *Hundreds of volunteers are escorting elderly Asian Americans to keep them safe*, THE HILL (Feb. 16, 2021), <https://thehill.com/changing-america/respect/equality/539083-attacks-on-elderly-asian-americans-cause-advocates-to-stand>
- Mariangela Mistretta, *Xenofobia. La caccia all'«untore» asiatico adesso spaventa San Francisco*, AVVENIRE (Feb. 21, 2021), <https://www.avvenire.it/mondo/pagine/la-caccia-alluntore-asiatico-adesso-spaventa-san-francisco>
- Yahoo!, 新冠疫情掀仇恨! 美屢傳攻擊亞裔族群事件 犯罪激增 8 倍 (Feb. 22, 2021), <https://tw.news.yahoo.com/%E6%96%B0%E5%86%A0%E7%96%AB%E6%83%85%E6%8E%80%E4%BB%87%E6%81%A8%E7%BE%8E%E5%B1%A2%E5%82%B3%E6%94%BB%E6%93%8A%E4%BA%9E%E8%A3%94%E6%97%8F%E7%BE%A4%E4%BA%8B%E4%BB%B6-%E7%8A%AF%E7%BD%AA%E6%BF%80%E5%A2%9E-8-%E5%80%8D-034544295.html>