

REPORTING ON BIASED-RELATED INCIDENTS IN PENNSYLVANIA: A FOLLOWUP FORUM

PENNSYLVANIA ADVISORY COMMITTEE
TO THE UNITED STATES
COMMISSION ON CIVIL RIGHTS

This summary report of the Pennsylvania Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forum where the information was gathered.

A SUMMARY REPORT

APRIL 1990

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THE UNITED STATES COMMISSION ON CIVIL RIGHTS

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LETTER OF TRANSMITTAL

Pennsylvania Advisory Committee
to the
U.S. Commission on Civil Rights

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The Pennsylvania Advisory Committee submits this summary report to advise the Commission on the status of the State's collection of data on bias-related incidents. It summarizes information received at a community forum conducted by the Advisory Committee in Philadelphia on January 12, 1989, and was updated in early 1990. The forum followed up on our July 1987, forum which had examined how a then-new State law requiring such data collection was beginning to be implemented.

Every effort was made to assure a balanced perspective on issues by inviting participation from representatives of governmental and community organizations and from knowledgeable citizens with differing points of view. In addition to two panelists who had appeared at the original forum, representing the Pennsylvania Inter-Agency Task Force on Civil Tension and the State police, the 1989 forum involved speakers from the Philadelphia Police Department, the Anti-Defamation League of B'nai B'rith, and the National Association for the Advancement of Colored People. The report has been updated through reference to recent documents from the State's Inter-Agency Task Force and other new material.

As a Federal bill--the Hate Crimes Statistics Act--was advancing through the final stages of the legislative process, the Advisory Committee voted unanimously to approve this report on Pennsylvania's law and hopes that it will further contribute to the literature demonstrating the benefits of collecting data on bias-related incidents.

Respectfully,

SUSAN M. WACHTER, Chairperson
Pennsylvania Advisory Committee

Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights

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Acknowledgements

The Pennsylvania Advisory Committee wishes to thank the staff of the Commission's Eastern Regional Division for its help in the preparation of this report. The forum and summary report were the principal assignment of Tino Calabria with support from Edna Y. Nicholson and Linda Raufu. The project was carried out under the overall supervision of John I. Binkley, Director, Eastern Regional Division.

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There is a trend, both nationally and locally, towards increased violence in intergroup conflict. This is most clearly evidenced by the recent wave of bombings targeting individuals active in civil rights causes.

Thomas J. Ritter, Leah Gaskin White¹
Philadelphia Commission on Human Relations
January 1990

BACKGROUND

In July 1987, the Pennsylvania Advisory Committee held a forum and the following year issued a document, *Reporting on Bias-Related Incidents in Pennsylvania*,² which summarizes the proceedings and additional research on the subject. During the forum, State police and State human relations officials explained the Pennsylvania Ethnic Intimidation Statistics Collection Act,³ which had become effective on January 1, 1987, and the Advisory Committee was also informed of the number of incidents which had been registered in accordance with the act. Discussants also noted limitations in the reporting instrument and the reporting system.

The developments discussed at that time had occurred only during a 6-month period, and changes have subsequently taken place. As a consequence, the Advisory Committee decided to hold a followup forum on the subject in conjunction with the release of the above named report. On January 12, 1989, the followup forum was held. Besides two panelists who had appeared at the original forum representing the Pennsylvania Inter-Agency Task Force on Civil Tension and the State police, the followup forum was attended by representatives of the Philadelphia Police Department, the Anti-Defamation League (ADL) of B'nai B'rith, and the National Association for the Advancement of Colored People (NAACP).⁴

¹Thomas J. Ritter, Chairman, Leah Gaskin White, executive director, Philadelphia Commission on Human Relations, **Race Relations in Philadelphia: a 1989 Perspective - a 1990 Opportunity**, January 1990, p.1 (hereafter cited as **Race Relations in Philadelphia**).

²Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights, *Reporting on Bias-Related Incidents in Pennsylvania*, (1988), (hereafter cited as *Reporting on Bias-Related Incidents*).

³71 Pa. Cons. Stat. Ann. Section 250 (Purdon Supp. 1987.) According to a May 1989 media report, similar legislation has been enacted by eight other States--Connecticut, Idaho, Illinois, Maine, Maryland, Minnesota, Oklahoma, and Virginia. Andrew H. Malcolm, "New Efforts Developing Against the Hate Crime," *New York Times*, May 12, 1989, p. 12. According to Washington, D.C. staff of the Anti-Defamation League of B'nai B'rith, Florida, Indiana, New Jersey, New York, Oregon, and Rhode Island have also enacted such laws. M. Lieberman, telephone interview, Dec. 11, 1989.

⁴This summary report is based on the official transcript of the Jan. 12, 1989, forum which is on file in the office of the Eastern Regional Division. Other documentation used to update the report is cited where appropriate.

Legislative Change and Training Since First Forum

Richard B. Anliot, coordinator of the Pennsylvania Inter-Agency Task Force on Civil Tension and education and community services director at the Pennsylvania Human Relations Commission (PHRC), stated that an act of institutional vandalism which desecrates a venerated object and results in more than \$5,000 damage is now punishable as a third degree felony.⁵ Such a felony carries a maximum of 7 years in prison and a \$15,000 fine compared to what earlier would have only been considered a misdemeanor of the second degree with potentially 2 years imprisonment and a \$5,000 fine.⁶ The recent desecration of a synagogue in Harrisburg resulted in the apprehension of a suspect who is being charged under the new stiffer provisions.⁷

Training in how to handle ethnic intimidation and institutional vandalism has also continued, reported Mr. Anliot. Such training was previously offered to State and local police, but it recently has become extended to some 550 judges, justices, and district justices throughout the Commonwealth. Supplementing the training are contacts with police in whose jurisdiction a possible incident of ethnic intimidation or institutional vandalism may have taken place. Calls from Mr. Anliot's office have yielded a number of situations in which this has made the difference in which the charge has subsequently been

put on of ethnic intimidation and institutional vandalism whereas it was not originally going to be. . . . [I]ncreasingly now, we [also] have police chiefs and district justices calling our office to ask, 'Is this a situation that in your judgment would qualify as a charge of . . . ethnic intimidation?'⁸

Activities on University Campuses, in Public Schools

Beyond the police and the judiciary, training has been expanded to the security forces of universities and colleges including those at the University of Pennsylvania, Duquesne University, and some of the State campuses such as Pennsylvania State University. The aim is not limited to apprising the security forces of the ethnic intimidation and institutional vandalism statutes but also to ensure that top campus administrators respond to incidents as if they are potential criminal offenses.

Besides training, a committee on intergroup campus tensions has been set up, Mr. Anliot noted. Represented on the committee are the PHRC, the U.S. Community Relations Service, the Office of Civil Rights of the U.S. Department of Education, the Office of Equal Educational Opportunity

⁵In January 1990, new legislation was introduced in the Pennsylvania House of Representatives which would permit victims of bias crimes to file civil suits as well as criminal charges, allowing for compensatory and punitive damages. See Steve Feldman, "House to Get Hate-crimes Bill," *Jewish Exponent*, Jan. 19, 1990, p. 66.

⁶18 Pa. Cons. Stat. Ann. sec. 3307 (Purdon Supp. 1988).

⁷See p. 9-10 below for further discussion of the incident.

⁸On the question of whether an incident is motivated by bias, see Murray Dubin, "When the 'Why' Behind the Crime Is Racism," *Philadelphia Inquirer*, Oct. 8, 1989, p. 1-C.

of the Pennsylvania Department of Education, the Black Conference on Higher Education, and the ADL. One purpose of the committee is to provide administrators, faculty, and students specific recommendations on how to reduce incidents and tension. Mr. Anliot mentioned the State and national decline in the number of minority students entering predominantly white colleges and suggested that eliminating racial harassment might help alleviate the problem.

At the primary and secondary educational levels, the commissioner of the State department of education issued a memorandum to all school administrators clarifying how the ethnic intimidation law⁹ applies to public schools. He urged that offenses be reported to the appropriate law enforcement agencies and that administrators fully cooperate in any investigation and prosecution of alleged offenders rather than treat the offense as merely a school disciplinary case.

Improving Police Reporting, Collecting Data From Courts

Mr. Anliot also stated that the statistics collected from local police departments by the State police are shared with the PHRC and that tallies have been submitted for calendar year 1987 and the beginning of calendar year 1988. The data have not yet been circulated to other agencies, including those represented on the task force, because it has been Mr. Anliot's "feeling it is important to review what we pull together to make sure it is an accurate reflection of those reports."

Nevertheless, Mr. Anliot believed there is a need to improve how the local police report data on incidents. "[T]he instructions simply said to list the offense. And what we found is [that it is more important that an alleged offense] be listed by specific citation of the section of the Pennsylvania Criminal Code that has been violated." Otherwise, a simple description of the offense may leave it unclear as to which section of the criminal code has been violated.

At the same time, there has been interest in what has been the "track record of the judiciary in handling . . . charges. And so we have secured the cooperation of the Bureau of Statistics and Policy Research of the Pennsylvania Commission on Crime and Delinquency to share with us . . . the reports from each of the courts in Pennsylvania which [would] give us a tally of precisely what has been the outcome of these charges when they finally got to the court." As part of this effort, Mr. Anliot has consulted with the clerk of the Dauphine County Commonwealth Court on how to develop "a systematic letter of inquiry" to be sent to each court.

Supplemental Report by State Task Force; Incidents Decline

As a supplement to the data received from the police agencies and from the judiciary, Mr. Anliot's own task force compiles data on incidents or situations involving intergroup tension. Unlike the incidents reported by the local police to the State police, these incidents or situations--such as

⁹18 Pa. Cons. Stat. Ann. sec. 2710.

some activities of the Invisible Empire of the Ku Klux Klan¹⁰ --may not involve a violation of the Pennsylvania Criminal Code.

Even if no violation has taken place, the incidents or activities need to be made known to the agencies represented on the task force and to the PHRC itself, said Mr. Anliot. An incident or tension situation in a public school should be reported to the State department of education's division of public equity for staff to be assigned to deal with the situation. Similarly, an incident on a college campus should be reported to the State system of higher education.

For this reason, the task force continues to collect information on tension situations, and the task force has both revised its data collection form and stressed to all task force members that they also report situations to the task force by phone. The task force then informs the relevant agencies. As to the information collected on the task force's forms, from July 1, 1987 to June 30, 1988, there were 83 incidents. This represented a decline from the total of 106 incidents during the fiscal year 1985-86 and from the 111 incidents during the fiscal year 1986-87.¹¹

Klan Involved, Realtors Harassed

Although the fiscal year 1987-88 total represented a decline, Mr. Anliot pointed out "that in 17 of those situations, the Invisible Empire of the Ku Klux Klan was specifically involved." These 17 ranged from a rally in Valley Forge National Park--the first Klan rally in a national park, according to Mr. Anliot--to stopping motorists and handing out recruitment literature and giving overt support to a campaign to prevent allegedly pornographic shops from being set up in a community.¹²

Mr. Anliot also noted that of the 83 incidents, 66 involved blacks as victims, 29 involved Jews as victims, and 7 involved realtors as victims.¹³ The realtors were the targets of hate incidents such as "threatening mail, threatening phone calls for, in effect, doing what the State and Federal laws require them to do in order to make housing available without discrimination based on race and so forth." Mr. Anliot added that State and Federal protection covers realtors "even though technically one can say that the object of the hatred was not the realtor . . . but the race of the individual to whom the house was being rented or sold or shown."

Of the same 83 incidents, 50 involved white offenders. There were also 40 arrests made, which Mr. Anliot found significant because it indicated "that the efforts to try to educate law enforcement officials about what that

¹⁰For background on Klan rallies in Pennsylvania after the forum or in planning, see Murray Dubin, "Across U.S., the Klan Warms Up for Spring Training," *Philadelphia Inquirer*, Apr. 18, 1989, p. 3-B.

¹¹However, the number increased in fiscal year 1988-89 to 107, a 29 percent increase over fiscal year 1987-88. Mr. Anliot reported to the task force on Nov. 16, 1989. See Mr. Anliot's minutes entitled "Meeting of November 16, 1989 in Pittsburgh" on file in the office of the Eastern Regional Division (hereafter cited as "Nov. 16, 1989, Meeting Minutes").

¹²Mr. Anliot recently indicated that, besides the Invisible Empire previously active, the White Knights of the KKK has now also become active. "Nov. 16, 1989, Meeting Minutes," p. 2.

¹³A new development is increased incidents between Hispanics and whites and the rise of Asian victims in incidents involving blacks during fiscal year 1988-89, according to Mr. Anliot. "Nov. 16, 1989, Meeting Minutes," p. 2.

law is are paying off . . . [and influenced] the decreased number of actual incidents this past fiscal year compared with the previous ones." He listed the most frequent types of offenses as harassment (43), assault (14), and institutional vandalism (10).

New Publication on Ku Klux Klan

Regarding the Ku Klux Klan, Mr. Anliot reported that the PHRC will soon be releasing a 24-page document, *Today's Ku Klux Klan*, which attempts to describe what the Klan's attitude is

towards blacks and Jews and Catholics and immigrants. . . . [The Klan's core attitude] is the same as it always was . . . committed to no interracial association, to say nothing about interracial marriage, no cooperation between the races, no power sharing in any sense, even voting, . . . and more anti-Semitism than I have ever seen.

The source of Mr. Anliot's report is the recruitment literature of the Klan itself; *The Klansman*, a Klan bimonthly newspaper; the special reports on the Klan by the Anti-Defamation League of B'nai B'rith; the *Klan Watch Intelligence Report*, a bimonthly periodical issued by the Southern Poverty Law Center; and other reports by the Center for Democratic Renewal. Mr. Anliot added that he hoped that his report is not viewed as an "argument for denying anybody their constitutional rights to freedom of speech and assembly but for understanding precisely what is being said and helping to prevent people from getting . . . sucked into all of the other acceptable causes" which the Klan might also advocate.

Revising "Form J" Reporting Instrument

Captain Thomas Ziembra of the Bureau of Community Services of the Pennsylvania State Police informed the Advisory Committee that his unit met in December 1988 with Mr. Anliot and others to discuss revisions to Form J, the instrument used by local police agencies to report incidents to the State police as required by the Ethnic Intimidation Statistics Collection Act.¹⁴ Afterwards, some new language was developed, and the proposed revisions were submitted to the research and development department of the State police's headquarters. Captain Ziembra anticipated possible adoption of new language in time for use at the beginning of March 1989.¹⁵

Captain Ziembra stated that the local police agencies involved in data collection--approximately 985 agencies--reported a total of 158 incidents and 54 investigations since the July 1987 forum held by the Advisory Committee. He added that during that forum it was reported that no computer was involved in collecting and processing the data gathered and that this situation remained the same. He also explained that the monthly data could be made available to the Advisory Committee and similar units if the interested public agencies write to the Pennsylvania State Police Commissioner as indicated in the Advisory Committee's 1988 summary report.¹⁶

¹⁴71 Pa. Cons. Stat. Ann. sec. 250 (Purdon Supp. 1987).

¹⁵See appendix for a sample of the Aug. 2, 1989, revision.

¹⁶*Reporting on Bias-Related Incidents*, attachment A.

Limitations on Status Reports

Corporal Charles Lee, also of the Bureau of Community Services of the State police, had participated in the July 1987 forum. With regard to the number of incidents just reported to the Advisory Committee, Corporal Lee explained that any such number is limited to the incidents reported to the State police at that time. It must be kept in mind that when an incident is reported on Form J to the State police, that incident could have occurred 6 months earlier. Corporal Lee said that he recently recorded incidents which had just arrived on Form J but which actually happened in July, August, October, or December. Thus, the cumulative number reported by the State police on any given date is likely to be smaller than the number of incidents that have already occurred around the State but have not yet been reported to Harrisburg.

Asserting that he did not know all the reasons for the delay, Corporal Lee speculated that some departments may not report an incident until the investigation of the facts has been completed to verify that there was indeed an incident. The corporal added that not all of the departments are listing arrests, though a few are doing so. In general, despite some problems, the number of police departments filing Form J has increased, as have the number of incidents reported.

According to Corporal Lee, the majority of incidents is being reported by the city of Philadelphia, and the conflict prevention and resolution team of the Philadelphia Police Department is also submitting the best prepared Form J reports. With reports from other jurisdictions, the corporal has often found it necessary to send some back to the local police for corrections, such as for the proper coding, or because the violation may have been one of disorderly conduct and not an ethnic intimidation violation.

On the matter of computer capability, Corporal Lee added that a computer program has been written for the collection of data on incidents, and the program is being circulated from State to State for local inspection. Efforts are being made to have the program adopted across the Nation. Corporal Lee's bureau has examined the program, but he did not know whether or not the State police is going to acquire it.

Incidents Recorded in Philadelphia

Lieutenant Marshal R. Smith, commanding officer of the conflict prevention and resolution team (CPRT) of the Philadelphia Police Department, stated that the CPRT

handled approximately 175 investigations each year. And they range from assaults, terrorist threats, harassment, vandalism, and there are a few others, but those are the four basic underlying charges for the ethnic intimidation lawyer that we use.¹⁷

¹⁷In a story appearing before the release of a 1990 Philadelphia Commission on Human Relations report, the *Philadelphia Inquirer* noted that there were 203 "intergroup tension incidents" in 1986, 212 in 1987, 226 in 1988, and 183 in the first 10 months of 1989; three of the early 1989 incidents were homicides. Murray Dubin, "Racism 'Entrenched,' a Study Says," *Philadelphia Inquirer*, Jan. 25, 1990, p. 1-A.

During the Advisory Committee's forum in July 1987, Frank Tyler, a conciliator with the Community Relations Service of the U.S. Department of Justice, estimated that, in terms of the incidents reported in Philadelphia, the arrest rate for the CPRT was about 50 percent.¹⁸ Lieutenant Smith explained that in cases involving personal injuries the CPRT has made identification of the alleged perpetrators 100 percent of the time through the help of victims, or the help of neighbors who supplied names allowing the CPRT to check records on such alleged perpetrators and obtain photos for the victims to identify.

With terrorist threats, harassment, and vandalism, identification and arrests are more difficult, said Lieutenant Smith. Thus, the CPRT was unable to claim successful identifications 50 percent of the time, as Mr. Tyler seemed to imply, although, with regard to physical assaults, Lieutenant Smith believed that the CPRT is "very effective." He added that the CPRT has turned to Squad 11, the Federal Bureau of Investigation's civil rights unit, for help in developing fingerprints or in employing other identification methods not available to the Philadelphia Police Department.

Lieutenant Smith stressed that the CPRT has adopted a proactive approach to crime, trying to prevent crime by educating both the police and neighborhood residents. The sole function of some CPRT officers is speaking to community groups, especially when there is tension in their neighborhoods. Upon receiving information "that there is intergroup tension brewing, we will go in at that point and try to get a dialogue of some sort to alleviate any problems that might occur. Once a crime has been committed, then we put our other hat on, and we go in and we arrest people." At the same time, the lieutenant admitted that the proactive approach has been limited because of staff and financial constraints.

Training Police to Be Sensitive

As to training police department officers to be sensitive to the needs of victims, Lieutenant Smith said that

[I]t really takes a lot of time to try to convince someone, particularly someone who has never known what it is like to be a victim, that they have to be sympathetic and that they have to be caring when they run across someone who has been slapped, or beaten, or refused housing just because of something that they cannot change. If a person is black, if a person is Hispanic, if a person is Jewish, and you tell a police officer that you have become a victim, and, if he has never been subjected to it, it is hard for him to put himself in that position.

Offsetting such problems is the fact that the CPRT has had to deal with a constant flow of incidents in the 2 1/2 years that Lieutenant Smith has been with the CPRT, and, whenever a case progresses, there has been wide public coverage of the progress. The lieutenant speculated that initially an incident is published in order to sell newspapers. He added, however, that if a perpetrator goes to court and is found guilty and sent to jail, the newspapers publish that information, too. "And they will not hide it in the back of the paper in a small column. They will put it up front where people can read it, and people will read it."

¹⁸Reporting on Bias-Related Incidents, p. 9.

Lieutenant Smith reported that the police department has printed and distributed posters throughout the city, and that some appear in Asian languages "because we know that is a whole new problem where Asians are afraid to talk directly to police officers because of their culture." He explained that the CPRT has recruited contact persons, so that persons of a different culture will feel more comfortable talking to someone they can trust, someone who knows their background and . . . [the CPRT has] that person talk to them."

Nevertheless, the lieutenant also expressed his belief that the police department does not receive reports on all incidents that happen within the city, that there are residents unaware of the Ethnic Intimidation Act, that they do not know of the CPRT, and that they do not believe that the police department cares. He remarked that "There are people out there who still feel that I am a victim, and I will remain a victim, and the police will do absolutely nothing about it even if I tell them, so why should I embarrass myself by going through all of that for no reason."

Lieutenant Smith concluded by saying that the CPRT has made many attempts to reach out to persons in different communities. But he acknowledged that "I do not know whether they have all been successful. And we will not know really unless we can work ourselves out of the job, and I do not really see that happening as of yet."

Model Legislation Revised by ADL

Associate Director Fred Levine of the regional office of the Anti-Defamation League of B'nai B'rith circulated two recent ADL publications, stating that one document, *Hate Crimes Statutes: a Response to Anti-Semitism, Vandalism and Violent Bigotry*, includes revised model legislation intended to deal with ethnic intimidation, house of worship protection, and also bias crime statistics reporting. He noted that this 1988 ADL document contains an appendix listing the States that have adopted such legislation. He also pointed out that Pennsylvania based its statutes upon ADL model legislation on ethnic intimidation, institutional vandalism, parental liability, and bias crime data collection--making it one of the few States to have enacted laws in all of the areas suggested.

With regard to the count of incidents, Mr. Levine said that the annual ADL audit covering calendar year 1988 would be released by the end of January. The statistics in the ADL audit were being embargoed until then, but Mr. Levine volunteered "an overall impression that the number of incidents of anti-Semitic vandalism or other actions of anti-Semitism that were reported to the Anti-Defamation League last year is up." He stated his belief that the increase "is true not only nationally but for the State of Pennsylvania as well" and offered to share the final data once they become available.¹⁹

¹⁹1988 ADL Audit of Anti-Semitic Incidents Including a Decade's Perspective: 1979-1989, Anti-Defamation League of B'nai B'rith, 1989. According to the audit, at the national level "During 1988, 823 episodes of vandalism and desecration, and 458 acts of harassment, threat and assault against Jewish individuals, their property, and their institutions resulted in the highest number . . . reported in more than five years," (p. 3) and that Pennsylvania experienced 33 incidents, 11 more than in 1987, (p. 38). More recently, the ADL reported that 1,432 incidents nationwide counted over 1989 was 10 more than counted in 1981, when the previous record high was set. See Jason DeParle, "1989 Surge in Anti-Semitic Acts Is Reported by B'nai B'rith," *New York Times*,

Ideal and Actual Responses to Incidents

Mr. Levine then commented on the awareness training for police officers as described by Lieutenant Smith. Mr. Levine called it "a reorientation that needs to be accomplished in seeing the victim's needs instead of the culprit's activities as the focus of at least one phase of the police person's or the investigator's work." He characterized the ideal response by a police department as showing that the police "say by their actions and by their investigations that I care, you are not alone, this happens to other people, we care about this kind of incident sufficiently to take note of it." Instead of such an ideal response, he noted that:

Most often in my experience, the feeling that well, look, I have got murders. I have got robberies. I have got fires, arson. I have got more important things to worry about than somebody called this guy a name, or threw a stone through his window, or whatever it was.

The community's perception of how data on a bias incident are gathered should not be overlooked, said Mr. Levine. If the perception of the community is that the police and the law enforcement agencies show serious concern about incidents, two things will result. First, it will enhance the credibility of the law enforcement agencies; and, second, it will sensitize the general public to the fact that an incident can be a crime. "It may not be the biggest crime in the world, but it is a crime that has a deleterious effect on the community as a whole. . . . [It] should be taken seriously, and ethnic intimidation statutes and bias crimes reporting does make a beginning for that," he said.

The second ADL document circulated to the Committee by Mr. Levine was *Hate Crimes: Policies and Procedures for Law Enforcement Agencies*, a 1988 resource book outlining a model procedure for confronting hate crimes and describing how numerous State and local jurisdictions combat incidents and tensions. The book also contains sample forms and sample memoranda from police chiefs and other governmental executives as well as materials developed by the International Association of Chiefs of Police and by the ADL itself. Mr. Levine pointed out that the document "also makes obvious some of the problems . . . in collecting the data, transmitting it to a central agency with or without a computer and analyzing it, and finally disseminating the information."

Example of Recent Incident and Community Response

Mr. Levine closed by focussing on the Keshet Israel Synagogue incident that occurred in mid-December 1988 in Harrisburg. Nazi symbols and epithets of hate desecrated the synagogue walls. It was not the worst desecration that Mr. Levine had ever seen, but his point for speaking about the incident was to describe the positive responses by the community at large. On the day after the incident, the *Harrisburg Patriot-News* ran an editorial condemning the desecration,²⁰ and published subsequent accounts of similar public outcries by the Harrisburg School

Jan. 20, 1990, p. 10.

²⁰Desecration: "The Beast Within Mankind," *The Patriot-News*, Harrisburg, Dec. 21, 1988, p. A-14.

Board and by the Interreligious Forum of Greater Harrisburg, a group representing nine faiths.²¹ Before the end of the month, a suspect, described as a member of "a neo-Nazi skinhead group" was apprehended and charged with criminal mischief and also with violating the Ethnic Intimidation and Institutional Vandalism Act.²² Mr. Levine stated that the so-called Skinheads are young persons in their teens and twenties who "take their name from the English rock group scene" and who are anti-black, anti-Semitic, and anti-immigrant.

Comments by Two Local NAACP Officials

Evelyn Warner, president of the Ambler Chapter NAACP, asserted that "everybody has gotten slick" or sophisticated in the ways of expressing discriminatory attitudes with impunity and that they are doing so in the suburbs also. She asserted that during the 1988 presidential campaign a black female employee of the Montgomery County Courthouse noted racial slurs surrounding a picture of Jesse Jackson. Immersed in a white, male-dominated institution, she was uncertain as to what to do. Upon the advice of a black male friend, she wrote about the problem to a county commissioner, and it was then corrected from within the institution. Meanwhile, Ms. Warner was on the outside, working on such problems with the general public.

Acknowledging that there are white male employees in some township and county agencies and police departments who do serve the public properly, she believed that there remain "bad apples" elsewhere who are not exposed due to "this artificial brotherhood code that I don't tell on another policeman." She also claimed that incidents involving youngsters are often viewed by local police as "childish vandalism and they don't report it."

O.G. Christian, past president of the West Branch NAACP, said that at the July 1987 forum a State police representative told the Advisory Committee and guests that it was not mandatory for local police to report incidents to the State Police but that the Advisory Committee's 1988 document, *Reporting Bias-Related Incidents*, states that the situation has changed.

Tino Calabria, who represents the U.S. Commission on Civil Rights in Pennsylvania and coordinates staff support for its Advisory Committee there, recalled that during the July 1987 forum, the corporal said that completion of the Form J was not mandated; but after the forum, in September 1987, the State police proposed that completion of Form J be mandatory, and then, in February 1988, the proposal was adopted and duly incorporated in the Pennsylvania Code.²³ Mr. Calabria inquired whether the local police departments are in fact now required to complete Form J.

Corporal Lee replied that they are required to do so, but that there are no sanctions imposed on those who do not complete Form J. The corporal

²¹"School Board, Forum Decry Desecration," *The Patriot-News*, Harrisburg, Dec. 22, 1988, p. A-12. The article reported that a "Rally Against Hatred" was organized for Dec. 26, 1988, which would be attended by the Commonwealth's Lieutenant Governor and the Mayor of Harrisburg along with others.

²²18 Pa. Cons. Stat. Ann. sec. 2710 & sec. 3307 (Purdon & Supp. 1988).

²³See *Reporting on Bias-Related Incidents in Pennsylvania*, attachment A.

also noted another anomaly: some local police departments do not participate in the Uniform Crime Report system, "so they have a Form J with nothing to append it to."

Mr. Christian then raised three other issues: (1) an inability to visit the Lewisburg Federal Prison; (2) support for reporting bias-related crimes committed against homosexuals; and (3) the growth of Asian American enterprises in black neighborhoods and how they get set up financially. Advisory Committee Chairperson Susan M. Wachter stated that with regard to the prison question, staff could speak with Mr. Christian after the forum about a Lewisburg prison study undertaken by the Advisory Committee in the mid-1970s.

Rumors About Financial Support for Asian Businesses

In response to Mr. Christian's question about how Asian Americans finance their enterprises, Lieutenant Smith mentioned that Mr. Anliot's interagency task force invited the U.S. Small Business Administration and the Pennsylvania Minority Business Development Authority to address that topic. The lieutenant remembered that at a task force meeting figures were supplied on the number of Asians, blacks, and Hispanics who had applied for loans and gotten them. All of the approved loans bore the same interest rate, a fact he remembered because rumors had been circulated that Asians obtained rates of only 3 percent which was not true.

Lieutenant Smith also recalled that in fiscal year 1987, 76 blacks were granted loans but only 14 Asians; he believed it was reported that more blacks had obtained loans than Asians, Hispanics, or whites for that fiscal year. He further learned that members of certain Asian groups organize themselves and save their money to make loans among themselves and establish new businesses.²⁴

Preferential Treatment Unfounded; Others Also Stereotyped

Dr. M. Mark Stolarik, a Pennsylvania Advisory Committee member and the executive director of the Balch Institute for Ethnic Studies, commented on widespread impressions that Asian newcomers or other immigrants are beneficiaries of some "unfair advantage." He said that the impression is unfounded, "a complete myth," adding that the Balch Institute will hold a conference examining immigration in October 1989, and the conference could be expected to treat the question of Federal governmental help given to Asians. He went on to state his belief that the U.S. Government is one of the governments that "does the least for incoming immigrants and has a terrible record for helping immigrants once they are here."

As a historian, Dr. Stolarik observed that virtually every ethnic group in the U.S.--other than Anglo-Americans--has been negatively stereotyped;

²⁴Reporting on *Bias-Related Incidents*, pp. 2-3, n. 6.

in the 1830s and 1840s, the Irish became the first to be depicted as monkeys, and only later were others depicted in the same way. With the passage of the last 100 years, only one ethnic group remains negatively stereotyped, Arabs. He asserted that:

It is still okay in this country to portray an Arab in an editorial cartoon with a hooked nose, and some kind of wild turban on his head, looking like really a wild man. It is still all right to do that, but you cannot do that to other groups anymore. . . . [I]f you take a long range look, the overt stereotype discrimination has declined. It has not disappeared.

Measures of Racial, Ethnic Harmony

On the main topic of the forum, Advisory Committee member Stephen Mahon asked of the panelists, "Is Pennsylvania a more harmonious place to live for all of the races today than it was 3 years ago? . . . What in your opinion is the best way to measure whether we are making progress in the State of Pennsylvania on this very critical score?" Mr. Anliot replied that "[T]here is less . . . unlawful discrimination going on against those of any of the protected classes in housing and employment and public accommodations and in education, . . . and secondly, that there is less segregation among groups . . . that is planned and engineered by school boards or school districts. . . ."

At the same time, he pointed to other measures such as the extent to which groups communicate or cooperate with each other, the extent to which the police and other enforcement agencies respond to the Keshet Israel Synagogue case and similar incidents, and the extent to which the community leadership and news media decry such ethnic or racial intimidation.

Reliability of Numbers of Incidents Accumulated to Date

With regard to the numbers collected from local jurisdictions by the State police, Captain Ziemba said that the numbers totaled to date ought not to be used as a gauge until more work can be done to help local police understand how to complete Form J and until the statistics can be collated. He observed that there are local police agencies that are one-, two-, or three-person departments, and that there are departments functioning only part-time. Some of them may not yet have the knowledge to complete Form J. Eventually the State police will be able to collect and report all statistics on incidents on a monthly and annual basis.

Corporal Lee added that by May or June 1989, the numbers for all of 1987 should be in the hands of the State police. The figure of 212 incidents counted by the end of 1988 would also be higher, he said. Corporal Lee further explained that Form J is actually only one of many monthly forms expected to be completed by local police departments, including the small ones with limited staff to fill forms out. Training of departments continues, but the number of incidents accumulated may simply reflect an increase in the number of police departments reporting, speculated Corporal Lee; only 995 of somewhat over 1,300 departments

now submit the Uniform Crime Report which contains all forms including Form J.²⁵

In connection with the size of a local police department and with a department's ability to complete all of the monthly reports for the State police, Ms. Warner commented that suburban departments have been encountering financial problems and that the merging of townships and boroughs has been considered. Consolidation could potentially create jurisdictions that might be able to support fulltime police departments with more capability. However, she added that there has been resistance to such proposals. Captain Ziemba explained that "nobody wants to give up their local jurisdictions."

ADL Audit Is Standard; Speculations on Underreporting

Dr. Wachter asked Mr. Levine whether the ADL employed a uniform reporting system among the separate ADL chapters across the U.S. Mr. Levine responded that the ADL

audit form . . . is standard throughout the different 31 regional offices in the United States. But the ADL is one organization with one budget, and it's much easier to send around a copy with a memorandum saying "please report on this form" than it is to the 50 States and various municipalities in the United States.

At the same time, Mr. Levine pointed out that responses to a question included in a poll taken in St. Louis and Washington, D.C., yielded "some polling data indicating that up to 90 percent of incidents perceived by the victims to be anti-Semitic were not reported . . . to the ADL . . . [or] to the police or anyone else." Regarding underreporting, Lieutenant Smith stated that the CPRT has handled cases of persons who had actually been victimized a third or a fourth time before those incidents were brought to the attention of the CPRT. He speculated that victims are sometimes embarrassed, or do not want to acknowledge that they have been targeted because of their race, religion, or ethnicity, or do not believe that the police would do anything about the incident or may themselves be part of the problem. Mr. Levine added that the ADL has observed that victims may feel that publicity about their case may trigger copycat incidents, and the ADL has verified that copycat incidents can indeed occur.

Educational Measures to Prevent Incidents

Advisory Committee member Sieglinde Shapiro asked Mr. Anliot if students are to be represented on the college campus committee which the inter-agency task force is organizing and also inquired whether the number of incidents involving the Ku Klux Klan is up or down. Mr. Anliot replied that the agencies that he listed are the ones which had been invited and agreed to become involved. He also said that Ms. Shapiro's point is a good

²⁵During the Oct. 12, 1989, meeting of the State inter-agency task force, Major Joseph A. Lopez of the State police circulated a list of local police departments not participating in the State's Uniform Crime Report program. Of the 351 nonparticipating departments, most had no full-time officers, and none had even 10 part- and/or full-time officers. See Mr. Anliot's minutes entitled "Meeting of October 12, 1989" and attachments.

one and that the committee needs to include students as well. As to the Klan, he stated:

This past year, without fear of contradiction, they have been more openly active in Pennsylvania than for more years that I can remember, and I have been with our agency for 30 years. . . . There were 17 situations in which the Klan were openly . . . involved.

Dr. Stolarik helped to close the forum by observing that there are heated discussions going on at every American university regarding what should be taught, "great books versus ethnic studies, versus black studies, versus women's studies, and so on. . . . We are trying to say to the educational institutions, let us teach the history and culture of everybody rather than just one select group and when we do that, maybe we will learn to respect and love each other." He asserted that what the police are doing is reacting to some individuals who have learned prejudice and that the police are trying to apprehend those individuals when they are committing acts of prejudice, but what

we have to do is prevent the inculcation of prejudice, and that's very, very difficult, and it is at the heart of the educational system and . . . at the heart of the debates going on now as to what we should teach our children.

SUMMARY

The January 12, 1989, forum was convened to follow up on the Advisory Committee's July 1987, forum which had examined how a then-new State law was being implemented to collect data on bias-related incidents. Represented at the followup forum were the State's Inter-Agency Task Force on Civil Tension, the State and Philadelphia police departments, the ADL, and the NAACP.

While it was said that improvement is still needed on how local police report incidents, it was also pointed out that the State form for collecting the data has been revised. (See appendix.) The State police representative indicated that the majority of incidents was reported by the city of Philadelphia and also that the best prepared forms were those submitted by the Philadelphia police. The Philadelphia police representative noted that the identification of alleged perpetrators is virtually 100 percent successful due to help from victims and/or their neighbors; however, much less success occurs with terrorist threats, vandalism, or other cases in which a perpetrator may not have been seen.

The ADL representative noted that incidents of anti-Semitism are up, while an NAACP member said that incidents involving youths are often viewed by some local police as child vandalism and those police may thus not report the incidents as bias-related. A State police captain recommended that the numbers totaled from the State form should not be used as a gauge of the rise or decline of incidents until further help is provided local police on how to complete the form, and the data are then collated.

At least one recent local report²⁶ and a lengthy recent media account have suggested that bias-related incidents, if they have not increased in number, have grown in intensity. A February 18, 1990, *Philadelphia Inquirer* article quoted the Philadelphia-based regional director of the Community Relations Service of the U.S. Department of Justice as declaring that "I think things are worse. I hear more often than I used to expressions of racism without shame. I hear more often people indifferent about the state of race relations."²⁷

The Advisory Committee reviewed and unanimously approved a draft of this summary report in June 1989, and an updated version was further reviewed during its January 26, 1990, meeting.

²⁶*Race Relations in Philadelphia*, pp. 1, 12-13.

²⁷Murray Dubin, "Trying to Gauge Modern Race Relations," *Philadelphia Inquirer*, Feb. 18, 1990, p. 3-C.

PENNSYLVANIA STATE POLICE
UCR RETURN J (10-86)

SECTION VI
ETHNIC INTIMIDATIONRETURN J - PENNSYLVANIA MONTHLY ETHNIC INTIMIDATION REPORT

PURPOSE: In view of the interest in crimes motivated by hatred toward the race, religion or national origin of another individual or group of individuals, the Pennsylvania Legislature has passed a law mandating the collection of data concerning crimes and incidents of this type. Law enforcement agencies must report the data concerning such incidents and the Pennsylvania State Police must serve as the repository for such data.

GENERAL INSTRUCTION: This form is to be completed and forwarded monthly as part of your monthly UCR submissions only if there have been any investigations conducted for possible violations of Section 2710 of the Pennsylvania Crimes Code, Ethnic Intimidation. Ethnic Intimidation consists of the commission of one or more specified underlying offenses, when motivated by hatred toward the race, religion or national origin of the victim. If no incidents of Ethnic Intimidation are investigated during the reporting month, the form shall not be submitted.

DETAILED INSTRUCTIONS:

- | | | |
|-----------|---|--------|
| Column 1. | Enter the date the incident occurred. If unknown, use span of dates. | •
• |
| Column 2. | Enter the time the incident occurred using military time. If unknown, use span of time. | • |
| Column 3. | Enter the Section number(s) and offense title(s) of the underlying criminal offense(s) of Ethnic Intimidation allegedly violated. Refer to possible relevant provisions of the Pennsylvania Crimes Code listed below. | •
• |
| | Criminal Homicide - Sections 2501 through 2505 | |
| | Assault - Sections 2701 through 2709 | |
| | Kidnapping - Sections 2901 through 2907 | |
| | Sexual Offenses - Sections 3121 through 3127 | |
| | Abortion - Sections 3212 and 3216 | • |
| | Arson, Criminal Mischief and other Property Destruction - Section 3301 through 3306 | |
| | Criminal Trespass - Section 3503 | |
| | Harassment by Communication or Address - Section 5504 | |
| | NOTE: Section 3307, Institutional Vandalism is NOT an underlying offense. | •
• |
| Column 4. | If the victim is a person, indicate their race/ethnicity, sex, age, religion and/or national origin by the following letters: | |

<u>Race</u>		<u>Sex</u>		<u>Religion</u>	
White	- W	Male	- M	Jewish	- J
Black	- B	Female	- F	Catholic	- C
Hispanic	- H			Protestant	- P
Asian	- A			Muslim	- MU
American Indian	- I			Other religion	- specify

If other race, national origin or ancestry is relevant, specify.

If the object of the Ethnic Intimidation is private property, enter the owner's information as the victim. •

If the object of Ethnic Intimidation is an institution, enter the type of institution as follows and its association with the race, religion or national origin of a group of individuals as identified above.

Church, synagogue, temple, or other place of worship - WOR

Cemetery, mortuary or memorial to the dead - CE

School or other educational facility - S

Community Center - CC. •

If other, specify.

Column 5. Indicate the offender's race/ethnicity, sex, age, religion and/or national origin by the following letters:

<u>Race</u>		<u>Sex</u>		<u>Religion</u>	
White	- W	Male	- M	Jewish	- J
Black	- B	Female	- F	Catholic	- C
Hispanic	- H			Protestant	- P
Asian	- A			Muslim	- MU
American Indian	- I			Other Religion	- specify

If other race, religion and/or national origin is relevant, specify.

If the offender is an organization, indicate the name.

If the offender is unknown, indicate "unknown." •

Column 6. Indicate if an arrest has been made.

Column 7. Weapons: If Yes, describe any weapons used in the incident.

Injury: If Yes, describe the injuries of the victim.

Property Damage: If Yes, describe the type of property damage and the estimated cost to repair or replace it.

