

A Citizens' Guide To Hate Crime In Pennsylvania



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What is a hate crime in Pennsylvania?

Hate crime in Pennsylvania is called “ethnic intimidation.” When certain crimes against people (like harassment, terroristic threats or assault) or certain crimes against property (like criminal trespass, criminal mischief or arson) are committed **AND** when these crimes are motivated by hatred toward the victims’ *actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity*, ethnic intimidation can be charged.

If, for example, someone motivated by hatred toward the national origin of a newly arrived immigrant family paints ethnic slurs on their home, the offender faces **TWO** criminal charges -- criminal mischief **PLUS** ethnic intimidation. The charge of ethnic intimidation exposes an offender to much more severe penalties.

What should I do if I become a victim or a witness to a hate crime?

Immediately call 911. Tell police what has happened. Tell police why you believe the crime was motivated by hate. Stay away from the scene of the crime and do not touch anything. Even when the offender cannot be immediately identified, report what happened to police. Police have resources to identify offenders, and they are responsible for making every effort to do so.

What can I expect from police?

Police officers are trained to respond promptly with a full, professional investigation based on a clear understanding of the law. Officers should question witnesses and gather evidence related to both the crime and the motivation for the crime.

Officers should respond with sensitivity to the needs of the victim(s) and with concern for the impact on the wider community. Immediate, effective police response conveys a strong message that hate crimes are not tolerated by police or local government officials.



What if police do not charge the offender?

If police do not charge an identified offender, a victim may file a private criminal complaint with the local District Justice. The District Justice will then contact the District Attorney’s office to see if the District Attorney will prosecute the case. In Philadelphia, private criminal complaints should be filed directly with the District Attorney’s office.

Can I sue the offender in civil court? What relief or remedies are available to me there?

People who feel they are victims of either a hate crime or institutional vandalism may consult with a lawyer and file a complaint in a civil court. This can be done whether or not the case was prosecuted criminally, and whether or not there has been a criminal conviction. Victims who do not have a lawyer can be assisted in finding one by a county bar association.

A person who is injured or whose property is damaged by a hate crime or by institutional vandalism can ask a court to take action to stop the harmful act that is happening or about to happen. This is called an injunction. A victim can also ask the court to award a financial judgment against the person(s) responsible. In addition to financial damages for both the harm done and for emotional distress, a court can award money to the victim in an amount that punishes the wrongdoer. A court can also make the responsible person(s) pay for the victim’s attorney fees and other costs of the case.



Can hate crimes be a form of unlawful discrimination?

Yes. In addition to being criminal offenses, hate crimes may violate the civil rights of the victim(s) and/or be a form of unlawful discrimination in employment, housing, education or public services. If federal, state or local anti-discrimination laws are violated in the course of a hate crime, victims can seek remedies by contacting the governmental agencies that enforce those laws. A good place to start is the Pennsylvania Human Relations Commission. Call [717.783.8264](tel:717.783.8264) or visit the website at www.phrc.state.pa.us.

Is there a coordinated, statewide effort to combat hate crime and to support victims and affected communities?

Yes. The Pennsylvania Inter-Agency Task Force on Civil Tension offers training, technical assistance and support. The Task Force coordinates response activity, conducts training, works with law enforcement and government officials, and assists hate crime victims and local schools and communities. For a partial list of participating agencies of the Task Force, see the final page of this guide.

After police have been contacted, victims and concerned citizens are encouraged to report hate crimes to the Task Force by calling [717.783.8264](tel:717.783.8264) or by using the reporting form available at the Task Force's web site at www.stopbias.org. The Task Force also receives reports of incidents that are not criminal offenses, but that may lead to harmful inter-group tensions. These incidents include unlawful discrimination, some organized hate group activities, racial conflict situations in schools, and "everyday" expressions of prejudice or bigotry in public settings.



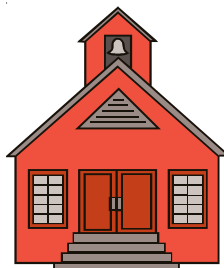
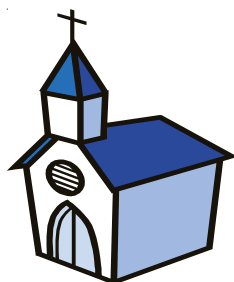
The Task Force's web site at www.stopbias.org contains helpful information and resources, including more detailed information about ethnic intimidation in Pennsylvania.

The Task Force directs citizens to local networks of neighbors that are organized in some communities. These networks give support to victims of hate crimes and take on educational and outreach projects. Local human relations agencies, human rights groups and religious organizations can also be helpful.

What is institutional vandalism?

Institutional vandalism is another criminal offense that was created in Pennsylvania with the passing of the "Ethnic Intimidation and Institutional Vandalism Act" in 1982. Institutional vandalism is any damage, regardless of the motivation of the offender, that is done to a:

- Church
- Synagogue
- Mosque
- Temple
- Cemetery
- Mortuary
- Memorial to the dead
- School
- Educational facility
- Community center
- Municipal building
- Courthouse
- State or local government building or vehicle
- Juvenile detention center



Damage to the grounds surrounding these kinds of places or damage to any personal property located in these places are also considered institutional vandalism.

Institutional vandalism is a very serious offense. If the offender knows that the damage will outrage persons who observe it **OR** if the damage exceeds \$5,000, the offense is classified as a third degree felony (maximum 7 years prison and \$15,000 fine). Otherwise, the offense is classified as a second degree misdemeanor (maximum 2 years prison and \$5,000 fine).

For assistance or for more information contact:

Pennsylvania Human Relations Commission

717.783.8264 (Voice)

717.783.9308 (TT)

or

Office of Attorney General

Civil Rights Enforcement Section

717.787.0822

or

PA State Police

Heritage Affairs Office

717.772.5112

www.stopbias.org



Participating Agencies of the Pennsylvania Inter-Agency Task Force on Civil Tension

PA Human Relations Commission

PA Office of Attorney General

PA State Police

Anti-Defamation League

Center for Lesbian and Gay Civil Rights

Community Relations Service, U.S. Department of Justice

Council on American Islamic Relations

Federal Bureau of Investigation

Governor's Advisory Commission on Latino Affairs

Governor's Commission on African-American Affairs

Institute for Cultural Partnerships

Local Human Relations Commissions

PA Chiefs of Police Association

PA Commission on Crime and Delinquency

PA Council of Churches

PA Department of Community and Economic Development

PA Department of Education

PA Department of Public Welfare

PA Jewish Coalition

PA Network of Unity Coalitions

PA State System of Higher Education

Philadelphia Police Department

Pittsburgh Police Department



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