

Police Response to Hate Crimes in Pennsylvania



In Pennsylvania, the criminal offense of *Ethnic Intimidation* can be charged when certain criminal offenses committed against persons or property are motivated by malicious intention toward the victim's *actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender, or gender identity.*

Bias Indicators

- Perceptions and observations of victim(s) and witnesses about the crime.*
- Perpetrator's comments, gestures or written statements that reflect bias, including graffiti or other symbols.
- Differences between perpetrator and victim, whether actual or perceived by the perpetrator.
- Similar incidents in the same location or neighborhood.
- Victim activity promoting his/her group or community; for example, by clothing or conduct.
- Incident coincided with a holiday or date of particular significance.
- Involvement of organized hate groups or their members.
- Absence of other motives, such as economic gain.

The presence of any of these factors does not in and of itself confirm that the offense of Ethnic Intimidation has been committed, but it may indicate the need for further investigation into motive.

**A victim's perception is an important factor to consider. It is appropriate to ask victims if they know or have opinions about why they have been victimized. Be aware that victims may not recognize indicators that a crime was motivated by bias.*

Effective Response

- Immediately secure the scene
- Stabilize the victim(s). Request medical attention when necessary
- Ensure the safety of victims, witnesses and perpetrators
- Request language translators when needed
- Conduct a preliminary investigation. Record information on:
 - Identity of suspected perpetrators
 - Identity of witnesses, including those no longer on the scene
 - Prior occurrences in this area or with this victim
 - Exact wording of suspect statements is critical
- Preserve the crime scene. Collect and photograph evidence such as:
 - Hate literature, spray paint cans, threatening letters or graffiti and other hate symbols
- Arrest perpetrator(s) if probable cause exists.

*Note: In the presence of the victim, witnesses or media, **the officer should neither confirm nor deny** that the incident is a hate crime. Such a determination will be made and communicated at an appropriate time in the investigation process. The officer should confirm that law enforcement will document and investigate the victims' and witnesses' reasons for believing a hate crime has occurred.*

Next Steps

After taking immediate action, police officers should:

- Assign only one officer to interview the victim(s) whenever practical in order to minimize trauma
- Maintain confidentiality and protect the identity of the victim when possible
- Explain to victims and witnesses the likely sequence of events, including contact with investigators and the possibility of media coverage
- Refer victims to support services in the community, providing a written resource list when possible
- Tell victims how to contact the police department to obtain further information on the case
- Refer media representatives to the supervisor on duty or public information officer
- Document the incident thoroughly on department report forms, noting any particular hate crime indicators and quoting exact wording of statements made by perpetrators

Community Trauma

Hate crimes can impact the entire community and may involve:

- Community-wide fear/tension
- Victimization and vulnerability felt by people who are similar to the victim
- Community polarization
- Reactive crimes or copycat incidents
- Harm to community/law enforcement relationships and cooperation

Victim Trauma

Because hate crimes are motivated by an aspect of the victim's identity, victims may suffer:

- Long-term psychological trauma
- A sense of fear, distrust, hopelessness, vulnerability, humiliation or betrayal
- Extreme fear of certain groups
- Fear of retaliation for reporting the incident to police

Federal Hate Crimes Law

Hate crimes may constitute civil rights violations under federal law (18 U.S.C. Section 245). The federal Hate Crimes Statistics Act of 1990 encourages states to report hate crime data to the FBI. In Pennsylvania, this is done via UCR reports to the PA State Police.

Assistance

Member agencies of the PA Inter-Agency Task Force on Civil Tension receive reports on hate group activity, hate crimes and other bias incidents. Police departments are encouraged to contact the Task Force to:

- Report hate crimes, hate group activity and other bias incidents
- Request information and training
- Request assistance in addressing community tension

**Contact the
PA Inter-Agency Task Force on Civil Tension**
717.783.8264
www.stopbias.org