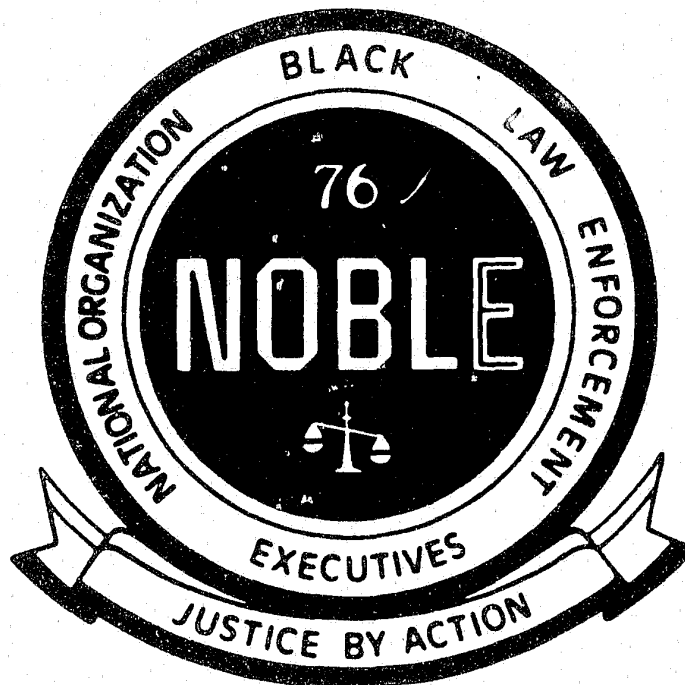


RACIAL AND RELIGIOUS VIOLENCE:

A MODEL LAW ENFORCEMENT RESPONSE



102736

National Organization of Black
Law Enforcement Executives
8401 Corporate Drive
Suite 360
Landover, Maryland 20785

September 1985

RACIAL AND RELIGIOUS VIOLENCE:
A MODEL LAW ENFORCEMENT RESPONSE

U.S. Department of Justice
National Institute of Justice

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A Final Report Prepared by

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Elsie L. Scott, Project Director
Arlene E. Williams, Program Associate

PREFACE

Violence against racial and religious minorities has been a persistent social problem in the United States. After a number of years of what seemed to be a decline in such violence, the news media and several police departments were able to document a number of new cases. The problem was highlighted by such incidents as the shooting of then Urban League President, Vernon Jordan, and numerous reports of the vandalizing of Jewish synagogues. The gravity of the problem prompted President Reagan to visit the black victims of a cross burning in suburban Washington, D.C. Other politicians also expressed outrage by issuing policy statements and introducing legislation designed to curb such acts.

Law enforcement officials have had no choice but to enhance their response to this special category of crime. Many incidents are reported to the police who are expected to not only apprehend the perpetrator but to show sympathy for the plight of the victim. Some law enforcement agencies, nevertheless, have found themselves inadequately prepared to respond to increased incidents of racial and religious violence. They have found that routine reporting and investigation methods are insufficient. Unable to fulfill many of the demands being placed upon them by politicians and community leaders, law enforcement officials are searching for new ways to prevent and respond to hate violence.

This report is designed to serve as a resource guide for law enforcement agencies that are interested in improving their

prevention and response methods. The basic premise of the report is that specifically focused programs, procedures and practices can greatly enhance the success of the efforts to reduce the number of incidents of racial and religious violence and harassment in this country.

The material and recommendations are based upon information gathered during a one-year project conducted by the National Organization of Black Law Enforcement Executives (NOBLE). The project tasks consisted of the following:

- a review of the literature;
- compilation and analysis of existing legislation;
- a telephone survey of 41 law enforcement agencies and 20 community organizations;
- site visits to six law enforcement agencies;
- consultation with the NOBLE Executive Board, the project advisory board, the project task force and law enforcement officials;
- a national symposium for law enforcement personnel, human relations specialists, lawyers and others with specific expertise on the problem.

This report is designed so that all agencies, regardless of type, size or locality, will find it useful. Each agency can design its response based upon its financial and human resources and the severity of its problem. If a jurisdiction has not experienced any racially or religiously targeted incidents, an agency still may adopt some of the recommended preventive programs.

The report is divided into five sections. Section I contains a statement of the problem and background and purpose of the

project. Section II provides a model of what an ideal law enforcement response should be. In Section III the recommendations addressed to the law enforcement community are listed with commentaries. Recommendations for governmental officials and community-based organizations are contained in Sections IV and V, respectively.

CHAPTER I
INTRODUCTION

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INTRODUCTION

A. The Problem

Webster's dictionary defines minority as "a part of a population differing from others in some characteristics and often subjected to differential treatment". The differential treatment often takes the form of physical or psychological abuse. The focus of this report is on harassment and violence directed against minority persons whose race, color or religion differs from that of the majority population.

The term "hate violence" has been coined as a "catch-all" term to describe the intentional injury inflicted upon persons or their property because of their race, religion, color or national origin. The conventional use of the term hate violence, however, fails to include the emotional and possible physical harm of racial slurs and epithets. Racial slurs and epithets, while non-physical, have great psychological impact upon the victims as well as on succeeding generations (Delgado, 1982). Victims of racial slurs may adopt negative behavior, such as alcohol abuse, or commit suicide as a result of the stigmatization incurred by racial slurs and epithets (Delgado, 1982). Even though "name-calling" does not warrant the same avenues for redress as a physical injury, the motivation for the hurling of racial slurs should be viewed in a similar manner, i.e., to inflict pain upon the victim.

For the purpose of this report, the term hate violence will be used to encompass all types of harassment and violence, both

physical and non-physical, targeted against racial and religious minorities by organizations like the Ku Klux Klan as well as by individuals that sympathize with or imitate the behavior of such organizations (Hate Groups in America, 1982). For law enforcement officials, this broad definition of hate violence increases flexibility in assessing incidents and reporting them accurately.

In short, hate violence must be considered an affront to civil rights and liberties. Perpetrators of hate violence seek to deny victims the privileges bestowed upon the majority population. They seek to subjugate minority persons to second-class citizenship or status. And in its extreme form, hate violence is used to deny victims their right to co-exist in a society with equal justice for all.

Since reports of hate violence activity have moved from the front pages of the country's newspapers, many would argue that hate violence is no longer of serious concern. The determination of whether or not the problem is serious should not be based on the number of reported cases for two major reasons. First, most law enforcement agencies do not have a reporting system for these types of offenses; therefore, no one knows whether the numbers are increasing or decreasing. Second, victims of these types of offenses, like victims of violent crime, tend to not only experience physical injury or property destruction, but many experience long-term psychological injury.

Violence targeted against racial and religious minorities is a complex issue deeply rooted in American history. Like a volcano, it is unpredictable and likely to erupt at any time (Jones, 1983). The manifest reasons for the occurrence of hate

violence may disappear, but the fundamental reasons for its persistence continue to exist. Hate violence may be incited by hard economic times, personal encounters or some unknown factor. Such violence may consist of one isolated incident or a whole community may be caught up in the violence.

Research studies and governmental reports have concluded that contemporary violence differs from historical violence in that much of the contemporary violence is perpetrated by individuals and newly formed groups rather than by traditional hate groups such as the Ku Klux Klan (Governor's Task Force on Civil Rights, 1982; Scott, 1983). Many of the perpetrators have adopted Klan or Nazi-like tactics or symbols, but they do not have a formal affiliation with either group. The secrecy which shrouds the operation of hate groups makes it difficult to determine the sizes of such groups. According to the Annual Report of the Community Relations Service, U.S. Department of Justice FY-83, casework totals showed a significant increase in cases of intimidation by the KKK and other hate groups. The increase in cases, nevertheless, does not necessarily indicate that the membership of hate groups has increased. In fact the Anti-Defamation League of B'nai B'rith's research shows that the size of the membership of hate groups has declined in recent years, but the potential for violence is greater.

B. Background and Purpose of the Project

In light of the concerns being raised in minority communities about the inadequacy of police response to the problem, the National Organization of Black Law Enforcement Executives (NOBLE) decided to assume a leadership role in improving the response. At

the Fifth Annual Conference of NOBLE in 1981, the following resolution was adopted as a policy statement of organizational commitment:

Whereas, there is a documented resurgence of Klan, neo-Nazi, and other hate group activity against Blacks and other minorities and the recently disclosed existence of paramilitary training with lethal weaponry carried out in clandestine locations; and

Whereas, there have been pervasive intimidation, physical attacks, and systematic harassment against Blacks and other racial and religious minorities, publication and distribution of racist literature, cross burnings, and recruitment drives conducted to increase membership in a variety of hate groups with special emphasis on youth populations; and

Whereas, Blacks of all ages have been killed or heinously assaulted in unprovoked attacks in cities and towns across the nation; and

Whereas, there is an apparent failure on the part of society at large, and law enforcement in particular, to respond to these acts and to recognize the seriousness and damage of the cumulative effect of these incidents and to effectively respond;

Be it therefore resolved,

That the NOBLE Research Committee is instructed to design and recommend for implementation policies, training, and operational procedures to serve as a state-of-the-art for appropriate law enforcement response to such violations of human rights; and furthermore

Be it resolved, that NOBLE will serve as the catalyst to convene representatives from national Black organizations for the purpose of developing strategies and constructive programs to prevent and respond to such acts of racial terror and harassment. The responsibility for implementing this resolution and making appropriate assignments for carrying out these recommendations resides with the president and/or his designee and should be initiated by August 20, 1981.

In October 1983, NOBLE began a cooperative project with the U.S. Department of Justice, National Institute of Justice to examine efforts undertaken by law enforcement agencies, federal,

state and local governments, and community groups to reduce and respond to violence and harassment stemming from racial and religious bigotry. The goal of the project was to develop and recommend state-of-the-art policies, practices and procedures for identifying, reporting and investigating incidents which are apparently religiously or racially motivated. An eleven-member advisory board was selected to provide expertise and recommendations to the project staff. Additional assistance was received from a task force of allied organizations and from police officials across the country.

The project activity was carried out in three major phases: (1) review of the literature and existing legislation; (2) telephone surveys of law enforcement agencies and community organizations/agencies and on-site visits; and (3) a national symposium. Each phase was designed to provide information to support the development of model policy recommendations. The primary focus of the literature review was upon the role and function of police in preventing and responding to hate violence. The review of state legislation provided the project with an overview of the number of states with legislation and the types of legislation currently on the books. The heart of the project was the telephone survey of law enforcement agencies. The survey sought information on the nature and extent of the problem; perceptions and awareness of the problem; existing legislation; and the presence of hate groups. (The findings of the survey are summarized in Appendix B.) Additional information on law enforcement response and community perceptions of the response was obtained through site visits and a community organizations/

agencies survey. The national symposium brought together experts from law enforcement, the legal profession, government, and private agencies and organizations to develop policy recommendations for a unified response to the problem of hate violence. Recommendations from the symposium have been integrated with recommendations from the advisory board, task force, NOBLE's executive board, and law enforcement officials to form the body of this report.

In February 1984, the Executive Board of NOBLE held a special meeting to draft recommendations regarding this issue to the project staff. The Board's recommendations were used in the development of the project. (The recommendations are listed in Appendix D.) It should be noted that the symposium participants formulated very similar recommendations.

CHAPTER II

A MODEL LAW ENFORCEMENT RESPONSE

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Outlined below is a recommended model law enforcement response to incidents of racially and religiously targeted harassment and violence. The model is designed to be a practical approach to prevention and response. The first section of the model delineates the role and responsibilities of the chief executive of the agency. The model will be meaningless if the chief executive does not provide leadership through a well defined written policy that provides the framework for an appropriate departmental response. In the second section, a model directive is outlined.

A. Role and Responsibilities of the Law Enforcement Chief Executive

1. Provide leadership by developing a strong policy statement and disseminating it to all officers and the public at large;
2. Develop a directive which defines a racially or religiously targeted incident and outlines procedures for responding to such incidents;
3. Ensure that all sworn personnel receive human relations training and that investigators receive specialized training;
4. Ensure that an appropriate response is given to all serious incidents and that follow-up investigation is carried out;
5. Require that periodic reports of incidents and the actions taken be submitted to his office;
6. Assure that an annual review of incidents and departmental response be prepared and submitted to the chief elected official of the jurisdiction;
7. Ensure that prompt and immediate action is taken against officers who violate the policy by such conduct as failure to take reports of incidents or involvement in a hate violence incident.

8. Keep abreast of all legislative action proposed or taken to alter or amend existing police authority in racial or religious harassment investigations.

B. Sample Directive

1. Policy Statement

It is the policy of the _____ Department to ensure that rights guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their race, color, ethnicity or religion. When such rights are infringed upon by violence, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

All acts of racial or religious violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public and have the potential of recurring, escalating, and possibly causing counter-violence.

2. Definition

A racially or religiously targeted incident is an act or a threatened or attempted act by any person or group of persons against the person or property of another individual or group which may in any way constitute an expression of racial or religious hostility. This includes threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, firebombings and the like.

3. Responsibilities (A Large Agency Model)

a. Patrol Officer

- (1) When a patrol officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:
 - o Apprehend the perpetrator (if applicable);
 - o Request a patrol supervisor;
 - o Protect the crime scene;
 - o Stabilize the victim;
 - o Conduct a preliminary investigation;
 - o Provide assistance to the victim and/or referral to the appropriate legal or service agency;
 - o Prepare a field report;
- (2) Conduct a follow-up investigation within seven days of any incident that he or she initially responds to.

b. Patrol Supervisor

- (1) Upon arriving at the scene of a possible racially/ religiously targeted incident, he or she will:
 - o Interview the patrol officer;
 - o Determine if additional personnel, such as a crime scene search officer, are needed;
 - o Ascertain if the occurrence is racially or religiously motivated;
 - o Take steps to insure that the incident does not escalate;
 - o Assist in the stabilization of the victim;
 - o Supervise the preliminary investigation;
- (2) Notify the district commander, watch commander or senior official on duty, as appropriate;

- (3) Assure that all reports are properly completed and submitted prior to the end of that tour of duty.

c. District/Station Commander

- (1) After being notified of a hate violence incident, he or she will:
 - o Immediately report to the scene if the incident is determined to be serious;
 - o Notify appropriate units such as community relations or crime prevention, investigations and intelligence;
 - o Ensure that the police chief executive is notified;
 - o Determine if the Public Information Office should be notified;
 - o Determine if community, religious and civic leaders should be informed and if their assistance is needed;
- (2) Review all field reports prior to their submission to the police chief executive and the intelligence unit;
- (3) Personally visit the victim (or the surviving family) within one week of the incident;
- (4) Assign hate violence cases to the appropriate unit;
- (5) Assure that follow-up investigations are conducted;
- (6) Prepare scheduled reports of incidents for the police chief executive, community relations unit and intelligence unit.

d. Investigative Unit

- (1) Receive copies of all reports of racially or religiously targeted incidents and establish a new file or cross reference file system for the reports;
- (2) Canvass the community to identify and interview witnesses;
- (3) Coordinate the investigation with the crime scene search officer or appropriate unit;

- (4) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence;
- (5) Coordinate victim assistance with crime prevention unit;
- (6) Notify other relevant agencies or networks;
- (7) Maintain liaison with other units of the department;
- (8) Coordinate the investigation with other law enforcement agencies where appropriate;
- (9) Prepare cases for prosecution in court and provide testimony;
- (10) Keep the reporting/arresting officer informed of the status of the case;
- (11) Keep the victim informed of the status of the case;
- (12) Prepare monthly reports for the district commander;
- (13) Develop factual information for the Public Information Office;
- (14) Prepare monthly tally reports of reported incidents.

e. Community Relations or Crime Prevention Unit

- (1) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information;
- (2) Assist victims and their families;
- (3) Conduct public meetings on racial/religious threats and violence in general and as it relates to specific incidents;
- (4) Establish a liaison with formal minority organizations and leaders;
- (5) Expand existing preventive programs such as anti-hate seminars for school children.

f. Intelligence Division

- (1) Assist in investigations;
- (2) Maintain liaison with Federal, state and local agencies for the exchange of intelligence information;
- (3) Notify the district commander or police chief executive of patterns or anticipated movement of hate groups.

g. Training Division (Police Academy)

- (1) Include human relations training in recruit and in-service training programs;
- (2) Include courses on minority cultures in recruit training. Solicit input from minority officers and community leaders;
- (3) Review and revise training program to reflect changes in the community and in society;
- (4) Provide training in victim assistance;
- (5) Assure that investigators receive specialized training;
- (6) Devise appropriate role playing vignettes in order to more graphically reveal the nature and extent of the problem;
- (7) Present case studies as a factual representation of previous harassment cases.

4. Responsibilities (A Small Agency Model)

a. Chief Executive

In addition to the role and responsibilities of the chief executive that are outlined in section A, the small agency chief must also carry out most of the functions of the community relations unit, public relations officer and district commander of the large agency. The additional specific responsibilities of the small agency chief are outlined below:

- (1) After being notified of a hate violence incident, he will:
 - Immediately report to the scene if the incident is serious;
 - Designate a supervisor to oversee the investigation;
 - Determine if community, religious and civic leaders should be informed;
 - Determine if the press should be notified;
 - Ensure that appropriate action is taken by subordinates;
- (2) Personally visit seriously injured victims (or the surviving family) within one week of the incident;
- (3) Meet with neighborhood groups, residents in target communities and other groups to allay fears, reduce the potential for counter-violence and provide safety and protection information;
- (4) Coordinate the investigation with other law enforcement agencies where appropriate;
- (5) Notify other relevant agencies or networks with jurisdiction or interest;
- (6) Maintain contact with minority organizations and leaders;
- (7) Document all actions taken.

b. Uniformed Officer

- (1) When a uniformed officer arrives on the scene and determines that the incident may be racially or religiously targeted, he or she will:
 - Protect the crime scene;
 - Stabilize the victim;
 - Apprehend the perpetrator (if applicable);
 - Notify the uniform supervisor;
 - Conduct a preliminary investigation;

- o Take steps to prevent the incident from escalating;
 - o Provide assistance to the victim;
 - o Prepare a field report;
 - (2) Conduct follow-up investigations;
 - (3) Canvass the community to identify and interview witnesses;
 - (4) Coordinate victim assistance.
- c. Uniform Supervisor
- (1) Immediately report to the scene of any serious incident;
 - (2) Determine if additional personnel are needed;
 - (3) Notify the chief executive if the incident is serious;
 - (4) Receive and review all field reports;
 - (5) Supervise the preliminary investigation of all serious cases;
 - (6) Prepare periodic reports on hate violence activity for the chief executive;
 - (7) Assist the chief executive in carrying out community relations functions.
- d. Investigator/Intelligence Officer
- (1) Assume control of the investigation;
 - (2) Maintain all reports of racially and religiously targeted incidents;
 - (3) Contact appropriate state and/or local law enforcement agencies for assistance with serious cases;
 - (4) Maintain liaison with Federal, state and local agencies for intelligence information exchange;
 - (5) Keep the arresting officer informed of the status of the case;
 - (6) Keep the victim informed of the status of the case;

- (7) Prepare case for prosecution in court and provide testimony;
- (8) Conduct surveillances and other appropriate activities to ferret out suspects and/or evidence.

e. Training

The training responsibility may have to be carried out with the cooperation of regional or state agencies.

CHAPTER III

RECOMMENDATIONS: LAW ENFORCEMENT RESPONSE

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RECOMMENDATIONS: LAW ENFORCEMENT RESPONSE

A. Overview

Despite debates about the role of law enforcement in society, victims of crime, in general, go first to the police to obtain relief. Due to the historical significance of incidents motivated by racism and bigotry, victims have special concerns which require a unique law enforcement response. As indicated by the research, law enforcement officials, for various reasons, are generally inadequately prepared to respond appropriately to incidents when they occur. The consequences of being inadequately prepared can be devastating for the victim and politically problematic for the agency. The lack of effective enforcement may lead to an increase in hate violence activity. Victims of racially and religiously targeted crimes may retaliate, thereby creating additional turmoil in the community. In addition, law enforcement agencies may suffer political and public relations damage, ranging from the firing of the chief to the loss of public confidence.

The following sections of this report outline recommendations for a model law enforcement response to racially and religiously targeted violence. The objective of the recommendations is to provide law enforcement agencies with a framework to develop a comprehensive response suitable to their size, legal function, human and financial resources and community expectations. In light of the fact that police departments are constantly barraged with suggestions to improve their delivery of services to the community, the recommendations were designed to encourage

implementation without creating undue burdens upon any law enforcement agency.

The initial step in developing a law enforcement response is usually a departmental policy; therefore, the first recommendations address the development and implementation of the agency's policy and procedure statement on racially and religiously targeted incidents. Subsequent recommendations address practices and procedures in the areas of training, reporting, investigation and victim assistance. Throughout the report, it has been emphasized that responding to hate activity is society's responsibility. Law enforcement agencies should seek assistance from the community at large and other agencies within the criminal justice system to respond appropriately. With that in mind, recommendations for developing cooperative programs with community-based organizations and other law enforcement agencies have been outlined. The last recommendations address the creation of special units to respond to hate activity. While most departments may not feel the need to centralize their response in a special unit, all agencies can benefit from the recommendations which can be incorporated into existing units.

The recommendations were developed as a result of the research activities, discussions with experts in the field of law enforcement, and advice and guidance from those who have committed their time and resources to combating hate activity. To ensure that the recommendations are valid and operationally sound from a law enforcement perspective, the Manual of Standards used for the accreditation of law enforcement agencies was consistently referred to in developing the recommendations.

B. Policy and Procedure Statement

The Commission on Accreditation for Law Enforcement Agencies defines a policy as "a written directive that is a broad statement of agency principles." A procedure is defined as "a written directive which is a guideline for carrying out agency activities." If the definitions of the two terms are combined into one, a policy and procedure statement can be defined as a written directive that expresses an agency's principles and outlines the steps to be taken in executing an agency's response to a particular activity.

Every law enforcement agency should have written directives addressing all the various aspects of the job. Such directives should be issued by the chief executive of the agency and communicated to the sworn personnel through the use of bulletin boards, roll call announcements, or recruit and in-service training.

Policy and procedure statements relating to racial and religious violence are not a new phenomenon. When O.W. Wilson was superintendent of the Chicago Police Department, he issued a general order which stated that "every necessary resource of the Department will be employed to rapidly and decisively enforce those statutes and ordinances which provide for the protection of the rights and property of all citizens." The order defined a "racial, religious or nationalistic incident" and outlined the reporting procedures for such incidents. Other departments adopted statements during the 1960s, but most were designed to address violence by blacks against whites.

Since 1978, there has been a renewed interest in departmental policy on racial and religious violence. Despite the renewed interest, this research indicates that most large departments do not have written directives pertaining to incidents targeted against racial and religious minorities. The heads of the police departments of the 50 largest cities were contacted concerning their policy and procedure statements. Only 12 of the 38 that responded have written directives. Of the 41 agencies that participated in the telephone survey, 20 stated that they have written policy statements. The most common reason given for the lack of a policy was that there were not enough reported incidents.

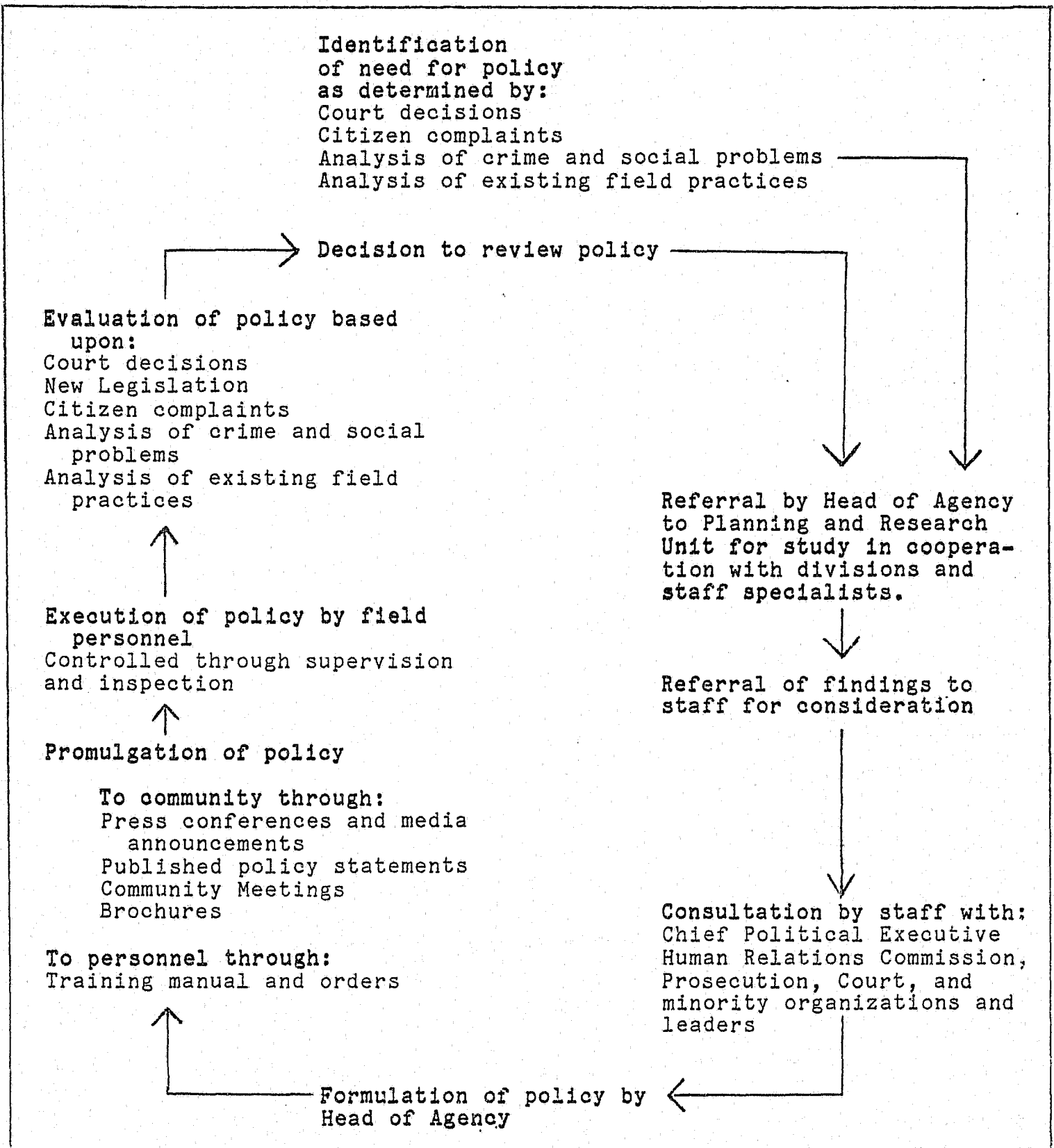
The nature of the various directives differs from agency to agency. Some of the directives provide detailed procedural guidelines, while others consist of little more than a policy statement and definition. There seems to be a relationship between the specificity of the order and the perceived seriousness of the problem.

Many law enforcement administrators have devoted little, if any, time to the development and implementation of a policy. This finding supports the fact that the emphasis of many agencies is on reactive rather than proactive procedures. In spite of this finding, all of the telephone survey respondents stated that they would be interested in reviewing the model policy developed out of this project.

1. Recommendations

- a. Every agency should have a written policy and procedure statement that includes the following:

FIGURE 1. FORMULATION AND EXECUTION OF LAW ENFORCEMENT POLICY



Adapted from Task Force Report: The Police, p.26

- (1) The agency's opposition to racial and religious violence;
 - (2) The agency's recognition that such crimes have a serious impact on the victim and the community as a whole;
 - (3) The agency's commitment to use its resources to protect the rights of all citizens regardless of race, color, creed or religion;
 - (4) A definition of a racially and religiously targeted incident. The definition can be taken directly from the relevant law or laws or it may be an operational definition developed by the agency;
 - (5) A summary of the provisions of any relevant legislation;
 - (6) Clear and precise procedures for field investigation, reporting, follow-up and public information relating to such incidents.
- b. Every officer should be made aware of the statement through recruit training, roll call training or some other form of in-service training.
 - c. The policy statement should be issued by the chief executive of the agency, and it should be publicized to the community at large.

2. Commentary

A written directive is a tool of good management. Informal procedures may work for an agency, but they have no enforcement power, and a change of personnel at any level may destroy the operation. While written procedures may reduce the amount of officer discretion, they make it possible for administrators to make officers more accountable. In the wake of the Monell decision, which has contributed substantially to an increase of culpable liability suits against elected public officials and police administrators, it is imperative that written procedures and training reflect the departmental concern for untoward police behavior. The

policy should be written, however, with some flexibility so that officers will have adequate room to use their judgment in some circumstances.

Written procedures are especially crucial in dealing with hate violence offenses. These types of cases, if handled improperly, can ignite a whole community. They can lead to retaliation if the victims do not feel that the agency has their interests at heart. Victims may interpret an ineffective response to mean that the curtailing of hate violence is not a priority. Victims, as a result, may become less likely to report their victimization, leaving the police uninformed about the extent of the problem. Special procedures help to establish patterns which can be useful in identifying and apprehending suspects.

Several agencies that participated in the survey were motivated to adopt special procedures because hate violence cases were "falling through the cracks". There was no uniform and systematic reporting system, and there was often confusion concerning who was assigned to investigate cases. In addition, needed follow-up was sometimes not carried out.

a. Content of Policy Statement

Every agency, including those that have not experienced hate violence activity, should have a positive statement of its opposition to racial and religious violence. Such a statement serves notice to the community and to police officers as well that the department will vigorously respond to such activity. Agencies should not wait until a crisis occurs to

formulate a policy. A policy can serve as a proactive tool for addressing the problem.

The policy statement should include the department's operational definition of a racially or religiously targeted offense. Many officers seem confused about the elements of such an offense. Using the relevant state laws and city ordinances as a foundation, a workable definition can be developed.

Every police officer should be aware of relevant legislation. The policy statement should outline such legislation so that officers will be cognizant of the various offense categories under which hate violence offenders can be charged. Relevant legislation would include laws prohibiting cross burning, the wearing of masks, paramilitary camps and property defacement or desecration as well as laws imposing stiffer penalties for offenses that are racially or religiously motivated.

Officers should not be confused concerning the proper field procedures for responding to a racially or religiously targeted incident. The role of the patrol officer, patrol supervisors and other superior officers should be clearly delineated. Any special methods or procedures should be explained.

Directives designed to respond to racially and religiously targeted violence should be signed by the chief executive of the agency. The chief executive must, in addition, demonstrate visible support for the directive. The statement should be more than an

abstraction -- it should be practice. If line officers perceive the statement to be a mere public relations device, the directive will not be effectively implemented by patrol officers.

b. Training

Policy directives should become part of the training manual, and new recruits as well as veteran officers should be trained in the proper implementation of the directive. Directives should not be merely posted on the bulletin board where they may be ignored. No officer should have an excuse for not knowing what the departmental policy, definition and procedures are. The training program, in addition to explaining what the policy and procedures are, should also focus on why the agency has adopted such a policy. "An officer who knows why a policy is adopted is more likely to comply with it and, to the extent that he identifies with the new policy, is more likely to work toward its successful implementation" (Task Force on the Police, 1967).

c. Public Awareness

A policy statement has an external as well as internal function. As mentioned above, the statement exemplifies the agency's commitment to combating the problem of racial and religious violence. The public should, therefore, be informed of its existence. The chief executive should schedule a press conference to announce its adoption, and command level officers should publicize it through presentations to community groups.

A strong public denouncement of hate violence will demonstrate to the public and to officers in the agency that such activity will not be tolerated.

Changes in existing state legislation, which affect law enforcement, should be duly and broadly advertised. The House Judiciary Committee of the Maryland House of Delegates is entertaining HB 546 which would strengthen the enforcement powers of the police in regard to non-physical harassment. If this legislative change is made, public attention should be directed to it.

C. Training

Training is one of the most important functions of law enforcement agencies.

Training provides employees with needed skills and an understanding of the various concepts necessary for the effective performance of their duties. It enables employees to deal with the multi-faceted aspects of their jobs and perform competently in a complex environment (Wasserman & Couper, 1974).

Most, if not all, agencies require some form of recruit training, but its nature and length differ from jurisdiction to jurisdiction. In recent years, an increasing number of agencies have made periodic in-service training a requirement for all sworn personnel. In-service training is used to reinforce the basic principles and guidelines of the agency and to introduce new techniques, procedures and directives.

The emphasis of training programs should be on substance and content, especially the relationship of the content to job requirements. The course offerings should be reviewed and revised

periodically to adjust for changes in laws, service requirements, the makeup of the community and other societal factors.

The survey respondents who participated in the pre-site selection survey for this project were asked questions concerning training requirements. The state agencies and one county agency responded that sworn personnel do not receive specialized training in handling racially or religiously targeted incidents. All the agencies that require special training, with the exception of one agency, have a written directive that outlines the response procedures for the agency. Three of the agencies that have special training do not require human relations training for all personnel.

The number of hours required and the content of the training programs vary by jurisdiction. One agency reported that 106 hours of human relations training are required for every recruit, while another only requires six hours. Still another has an optional human relations training program. Some agencies offer sensitivity training and role playing; others use the classroom lecture approach. Some of the topics covered under human relations curricula are race relations, victim assistance, ethnic groups, crisis intervention, and social conflict management.

Large agencies can afford to sponsor and operate adequate recruit and in-service training programs, but many smaller agencies do not have sufficient financial or human resources. Smaller agencies can, nevertheless, avail themselves of state and regional resources. The use of state or regional training academies can bring about more uniformity and upgrade the standards of smaller agencies. Specialized training is often

offered by state, regional and national organizations such as the FBI. For example, a training program for dealing with violent and extremist groups is being developed by the U.S. Department of the Treasury's Federal Law Enforcement Training Center in Glynco, Georgia.

1. Recommendations

- a. The curriculum of all training programs should include courses in human relations.
- b. All sworn personnel should receive instruction on civil rights laws and other legislation related to handling racially and religiously targeted incidents.
- c. Training instructors should have the necessary skills, knowledge and abilities to teach and effectively communicate with the recruits and in-service personnel.
- d. Training should be behavior focused.
- e. Adequate resources should be provided for training programs.
- f. All officers should be required to take sensitivity training.
- g. All officers should be properly trained to recognize the signs of organized hate group activity.

2. Commentary

a. Human Relations Training

Human relations training involves the study of intergroup relations with special emphasis on race and ethnic relations. This type of training is especially emphasized in urban areas where there is a diverse ethnic mix and where racial tensions have often led to conflict. Law enforcement agencies have recognized the

importance of an understanding of various cultures to effective policing.

Some law enforcement officers were initially resistant to human relations training. The resistance was due to the failure to recognize that policing has to change with societal changes. Despite the resistance to human relations training, at least one observer concluded that the "verbalized resistances" do not seem to affect performance of officers once they leave the academy. The Task Force Report, nevertheless, warns that community relations training can reinforce racial hostilities if not planned properly.

Human relations should be a required topic in every law enforcement training program. Subjects such as race and ethnic relations should be emphasized in jurisdictions where the makeup of the community is not homogeneous. Traditionally, these courses have focused primarily on blacks and Hispanics. With the arrival of many Latin Americans and Southeast Asians who speak little English and have an extreme distrust of the police, course offerings should be reevaluated to include particular aspects of these cultures.

All officers need to be trained concerning the official policy of the department. They should be trained to identify racially and religiously targeted violence. They must possess the knowledge and skills necessary to differentiate such incidents from other crimes. For example, random vandalism to property

should be distinguished from vandalism that is specifically directed at certain groups for the sole purpose of intimidating, threatening or harassing them.

Ranking officers should be trained in dealing with prejudiced subordinates, working with minority groups, and managing crises. It should be stressed that leadership must come from the top. The behavior of command level officers must serve as a role model to subordinates.

b. Legal Training

Law enforcement officers cannot be expected to enforce laws if they are not aware of what the laws are. Agencies with a planning and research division should have the division personnel research state laws and city ordinances for relevant legislation. Smaller agencies can get such information from the state legislature, the attorney general or their local prosecutor. The relevant legislation should be highlighted during recruit training, and new legislation can be introduced during roll call or other in-service training programs. The local prosecutor's office should be requested to assist in the development and teaching of relevant legislation courses.

c. Instructors

Human relations training has been criticized in part because the instructors have not had the ability to impart the knowledge and/or stimulate the interest of officers. The training program is often taught by guest

speakers who have done little preparation for the program. The Task Force Report recommends that if departments have qualified sworn personnel, they should be used as instructors. It is suggested that a mix of both civilians and police officers would be the ideal situation. Regardless of the type of person teaching the course, he or she must be knowledgeable of minority cultures and other factors specific to minority communities. Instructors must be sensitive to the concerns and needs of those communities. Organizations such as the ADL, LULAC and the NAACP should be asked to assist in identifying instructors for special focus courses.

d. Focus of Training Programs

A continuing issue relevant to police training, especially human relations training, is whether the program should try to change attitudes. It is recommended that the focus be placed on changing behavior rather than attitudes. Some may argue that officers cannot be expected to enforce the laws and insure equal justice for racial and religious minorities if they harbor racial and religious prejudices. Ideally, all law enforcement agencies should be made up of officers who do not hold prejudicial attitudes. Realistically, it is impossible to rid agencies of every officer with negative attitudes. In addition, the training program is too short to be used to change attitudes that may be deeply ingrained. Law enforcement

agencies do, however, have an obligation to reject candidates who demonstrate strong prejudicial views.

Officers should be trained to understand that regardless of their personal feelings, they are police officers who are sworn to uphold the law and administer justice in an impartial manner. Officers who find it impossible to behave nonprejudicially should be removed from the force. Activities such as role playing and simulation exercises should be used in training sessions to allow trainees to examine the potential impact of opinions and feelings on their actions in the field and to provide the opportunity to adopt behavior appropriate for law enforcement officers.

e. Recognizing Hate Group Activity

In addition to promulgating written departmental directives on the containment of religious and/or racially inspired incidents, it is imperative that all officers be properly trained in recognizing the signs of organized hate group activity. While such training is designed to increase officers' skills and knowledge, it should also increase their information-gathering techniques as an alternative means of subverting actions before they arise.

A permanent log of training seminars attended by each officer on the force should be maintained. It is not important that the program be extensive. What is important is that an accurate, permanent log is kept of the dates, nature and subject matter of the training

(even if in-house training). That log or record can then be used if necessary to respond to an action alleging improper or inadequate training of police. It is especially useful in the event that liability action is taken against the police officer under Monell.

D. Reporting System

The term "reporting system" has been defined for this report as the reporting of offenses by victims to the appropriate law enforcement and human relations agencies and the periodic tallying and reporting to the public of information concerning the number and severity of bias incidents. In other words, reporting system refers to the process of filing, tallying and reporting incidents of violence and harassment targeted against racial and religious minority persons and groups. Reporting is carried out by law enforcement agencies as well as governmental agencies and private organizations.

Criminal justice officials have become increasingly concerned about the accuracy and completeness of crime reporting. There is also a competing concern for reducing the length of required reports to make them less burdensome for the officer. The problems associated with reporting can affect case outcome at the local level, so well as the accuracy and utility of crime statistics at the local, state, and even Federal level. For example, an effort to address these problems on the Federal level can be seen in the recent redesign of the FBI's Uniform Crime Report.

An adequate reporting system is directly related to an adequate training program. Officers must receive training not only in the techniques of preparing a report, but they must also

understand the elements of a crime. Each offense, especially racially and religiously targeted offenses, must be clearly defined by state law and/or the department. These offenses, while they may be specifically identified by state law, may need further explanation by the department in terms of what constitutes a violation.

This research has shown that most of the departments surveyed do not have a special reporting procedure or track for racially and religiously targeted incidents. Twenty-one of the 41 sample agencies reported that they use special reporting, but the special reporting seems little more than notifying the Community Relations or Crime Prevention Unit when an incident occurs. Only one state, Maryland, has a mandatory reporting law. Under its mandatory system, all law enforcement agencies are required to report racial, religious and ethnic hate incidents to the Maryland State Police on a monthly basis. The state police do not verify the reports; they merely act as a clearinghouse for the data.

At least one agency, Boston, has revised its incident form so that officers only need to check a box at the top of the form to indicate that the incident seems to be a "community disorder". Some departments require officers to indicate that the offense "appears to be racially or religiously motivated" beside the type of offense. Others require notification of the head of the Community Relations or Crime Prevention Unit if an offense seems to be racially or religiously targeted.

The more comprehensive the reporting procedure, the more likely an agency is to keep a tally of the number of incidents.

The New York City Police Department, for example, maintains a special filing and report system that allows it to keep a not only tally of the number of incidents, but demographic information on the victim and perpetrators. Boston has developed a computerized filing system that is made possible by the fact that a "community disorder" is a special category on its incident form.

It should be noted that the number of incidents reported to an agency will probably increase after a formal reporting system is in place. The increase may be used by the media to try to convince the public that violence has increased. The agency must emphasize quality of service over the quantity of cases reported.

1. Recommendations

- a. Every agency should establish a reporting procedure for racially and religiously targeted incidents. The procedure should be written and circulated to all sworn personnel. The procedure should include standards for defining and identifying incidents.
- b. Agencies should either develop special reporting forms or require that any such incident be noted as a possible racially or religiously targeted incident on the incident report form.
- c. Human relations agency and community organization representatives should be briefed on how the procedures operate.
- d. Citizen reporting of racially and religiously targeted incidents should be encouraged by each agency. Increased reporting should be brought about through the use of public service announcements, posters, leaflets, brochures and presentations to community groups.
- e. Private organizations and public agencies should be encouraged to report incidents they are aware of to the police. They should be encouraged to develop their own reporting forms for such incidents.
- f. States should be encouraged to establish uniform statewide reporting procedures.

2. Commentary

a. Advantages of a Reporting System

The lack of adequate reporting systems for racially and religiously targeted crimes has contributed to the lack of available statistics on such crimes. The agencies are unable to determine not only the number of incidents each year but also the yearly, monthly and quarterly trends of increase or decline. Some law enforcement officials estimate that as much as 50 percent of these types of offenses are never reported to law enforcement agencies. A special reporting procedure may increase reporting by victims. Special reporting can enhance an agency's ability to conduct crime analysis. The reports can be used to determine patterns and to develop preventive strategies. A reporting system may lead to more apprehensions and arrests of perpetrators of such crimes. Above all, such a system can demonstrate to the community that the agency has a genuine interest in the problem and that it will vigorously enforce the laws and ordinances relating to such offenses.

b. Training

Once an agency adopts a special reporting procedure, the officers responsible for carrying out such a procedure must be trained in its operation. If new forms or reports are involved, they need to be taught how to complete the forms or reports. Officers particularly need to be thoroughly aware of the defini-

tion and elements involved in a racially or religiously targeted offense. The purpose of developing a special reporting procedure will be defeated if officers do not properly administer it, and they cannot be expected to administer it if they have not been trained. Since some citizens report incidents to community-based organizations rather than (or before they report them) to the police, organizational representatives should also be trained in proper reporting procedures.

c. Encouraging Citizens to Report

Human relations organizations/agencies should encourage victims to report to the appropriate law enforcement agency. Perpetrators of hate activity cannot be apprehended and prosecuted if victims do not file complaints.

The failure of victims to report incidents is an issue of concern. There are a number of reasons why victims fail to report their victimization. A number of victims feel helpless and that reporting will not produce a positive result. Some victims may not want to become involved in the criminal justice process or they may distrust the police, feeling that the police will do nothing to help them. Many immigrant victims may fear reprisals or deportation if incidents are reported, or they may have a language problem in trying to communicate with the appropriate authorities.

Law enforcement agencies should adopt special methods to encourage more reporting. Radio stations

that provide special programming to minority communities should be used to broadcast announcements concerning reporting procedures. Posters outlining reporting procedures can be placed in minority communities on bulletin boards in grocery stores, churches, schools and on other public displays. Law enforcement officers should make public appearances at minority cultural and community activities. Officers can make presentations and circulate brochures at such activities.

The Montgomery County (MD) Human Relations Commission and the Montgomery County Police Department have adopted a memorandum of understanding that requires information exchanges between the two agencies. The information exchanges include cases that are reported to the Commission but not to the police. Other agencies can adopt similar formal or informal arrangements.

d. State Reporting System

Most of the activity in response to hate violence incidents has been initiated and implemented at the local level by municipal and county law enforcement agencies. Few state agencies have been involved in ongoing efforts to combat hate violence. The development and implementation of a statewide reporting system would be one way of increasing the involvement of the state police. The initiative for the establishment of such a system could come from the governor, state legislature and/or state police. The coordination of the system should be the responsibility of the state

police. Only one staff member would need to be assigned to work with the system. This staff member would work with the local agencies in designing a standardized form and definition to achieve a certain level of uniformity. Technical assistance may be available for this task from state criminal justice statistical analysis centers. The system should not only ensure statewide attention to the problem, it should facilitate more cooperation and communication between agencies.

E. Investigation

Criminal investigation involves (1) establishing that a crime has been committed; (2) identifying and apprehending the suspect; and (3) assisting in the prosecution of the accused. The primary investigative functions are usually carried out by trained specialists, but a number of officers who are not detectives or investigators may become involved in a typical investigation, especially in smaller departments. Therefore, it is necessary that all officers be trained in the basic skills, such as securing the crime scene, collecting evidence, interviewing witnesses and preparing field reports.

Much of the work of an investigator involves working with people from diverse backgrounds and orientations. For example, the officer has to interview witnesses as well as suspects, gather information from lab technicians and patrol officers as well as the person on the street and meet with defense attorneys as well as prosecutors. The investigator must, therefore, be a skilled communicator. The investigator must have the ability to gain the confidence of persons crucial to a case and to distinguish between

facts and allegations. The officer must be able to show compassion and sensitivity toward the plight of the victim, while at the same time, gather the evidence needed for prosecution.

Twenty-four of the agencies that participated in the survey indicated that they use special investigation. The agencies that participated in the pre-site selection survey were asked to explain how their agency defined special investigation. The responses included the following: different specialists or units such as the Community Relations Unit are used; more follow-up investigation is employed; more sensitivity is used in the handling of the case; more resources are made available; more attention is given to the victim; and information is gathered on organized hate groups.

1. Recommendations

- a. Investigations should be given priority attention. Follow-up should be timely, and victims should be kept informed of the progress of the investigation.
- b. Agencies with a large number of cases should designate special investigators to handle these cases. These investigators should receive special training.
- c. Investigators who are good ethnic communicators should be selected to handle these types of cases. Jurisdictions with large populations of minorities who speak a foreign language should try to involve an investigator in these cases who speaks the language fluently. Investigators should have experience in working with minority persons.
- d. The procedures for responding to racially and religiously targeted cases should be outlined in a directive.
- e. Investigators should be required to prepare periodic reports on investigations in progress for the chief executive of the agency.
- f. Investigators should collaborate with intelligence units when hate groups are involved.

- g. Investigators should be trained in victim assistance.
- h. Where necessary, investigators with the coordination of the head of the agency, should arrange for victim/witness protection and neighborhood surveillances and patrols.
- i. Investigators should work closely with prosecutors to ensure that the strongest cases possible are presented.

2. Commentary

a. Need for Special Investigation Procedures

One of the questions raised during the course of this project was whether the investigation of racially and religiously targeted incidents differs from regular investigations. Agencies with special units or procedures for handling hate violence incidents tend to view the investigation of these cases differently from other investigations. These victims like many other victims of violent crimes experience emotional stress as a result of their victimization, but the stress may be heightened by a perceived level of threat or personal violation, whether or not the incident involved violence. Stress may also be heightened by their belief that the system is not on their side. Like the victims of rape, many become traumatized when they have to recall the details of the incident. Special units or specially trained officers have been successful in obtaining the cooperation of rape victims while at the same time helping them to overcome some of the resulting fear and emotional pain.

Similar techniques should be used in dealing with hate violence victims.

b. Work With Minority Persons

Investigators assigned to handle hate violence cases should have special training in working with minority persons. They should be thoroughly familiar with the lifestyles and culture of minority communities. Some minority persons distrust the police; therefore, every effort must be made to make them feel that the police are on their side. Insensitive investigators may not only alienate witnesses and potential witnesses in a particular case, they may create additional distrust or even hostility. Many Southeast Asian and Latin American victims and witnesses will have a difficult time trying to communicate with investigators who only speak English. Therefore, at least one investigator should be bilingual in jurisdictions where there are large populations of minority persons who speak a foreign language.

Minority leaders and organizations are useful resources for any investigator. Minority leaders can help to convince reluctant witnesses to cooperate with investigators. They can also help to broaden the investigator's understanding of a different culture. The Detroit Police Department's Ethnic Community Response Unit maintains a resource card file of all known ethnic minority community leaders, civilian and police foreign language specialists, community crisis and public service agencies and other persons or organizations who can

assist in resolving conflicts, relieving tensions, making referrals and assisting the unit in any other way.

c. Written Procedures

Every agency should have written investigative procedures for responding to these types of cases. The patrol officer who first responds to a call should be required to inform his or her supervisor of any incident that seems to be or that could possibly be racially or religiously targeted. The patrol officer should be instructed to take particular care in securing the crime scene so that physical evidence will not be destroyed. This instruction is necessary because there may be a tendency to destroy or not collect physical evidence for some cases where the property damage is minor.

d. Reports

In order to provide leadership in these types of cases, the police chief executive must be kept informed. He should be sent periodic reports of ongoing investigations. This requirement is especially crucial for small and medium-sized agencies. Community groups, the press and public officials will be seeking information on specific cases, and the police chief executive should be able to speak factually concerning progress being made.

e. Intelligence

Investigators should be familiar with all hate groups operating within the agency's jurisdiction. Attention should be focused on the membership and the

groups' operandi. The intelligence unit should be asked to assist with investigations that involve organized hate groups. The intelligence unit should exchange information with Federal, state and local agencies.

F. Victim Assistance

Assistance to victims of crime has become a national priority. The final report of the President's Task Force on Victims of Crime (1982) noted that the manner in which police interact with victims affects not only the victim's immediate and long-term ability to deal with the event but also the victim's willingness to assist in prosecutions. The Task Force recommendations to police officials were aimed at victims of violent crime, in general. As previously stated, victims of racially and religiously targeted incidents experience pain and suffering and can especially benefit from victim assistance services too.

Victims of racially and religiously targeted incidents often suffer more than victims of other crimes. In addition to physical suffering, being victimized because of one's race, religion or national origin brings negative attention to one's differences, injures one's dignity and self-esteem, and makes one feel unwanted in the community. Yet, because most crimes against racial and religious minorities are not extremely violent, victims are not usually given any special attention or assistance. Oftentimes, law enforcement officials mistake acts against racial and religious minorities as "pranks" or ordinary cases of vandalism, assault, or arson.

1. Recommendations

- a. All incidents should receive a prompt response.

- b. All officers should receive adequate training in victim assistance.
- c. If feasible, the agency should provide services to victims such as:
 - (1) Temporary relocation;
 - (2) Referrals for counseling;
 - (3) Additional security.
- d. Agencies should assist victims in the criminal justice process and inform them about avenues for redress.
 - (1) Programs should be established with social service agencies which provide victim assistance.
 - (2) Agencies should promote and assist in developing community programs which provide victim assistance.
- e. A written directive should outline an agency's victim assistance program, if the agency has one.

2. Commentary

Assistance to victims of racially and religiously targeted acts of violence, harassment, and intimidation should at a minimum include the assistance extended to other victims. As the first to respond to the victim's call for help, law enforcement officials should be prepared to give comfort and reassurance that the agency is supportive. Law enforcement officials providing assistance to victims should have an understanding of acts motivated by racism and bigotry as well as knowledge of civil rights laws prohibiting such activity. Victims should be made aware that civil and criminal remedies are available to them in addition to services which provide emotional support.

a. Prompt Response to Incidents

Although fifty-five percent (55%) of the community groups participating in the telephone survey stated that racially and religiously targeted incidents receive a prompt response by law enforcement officials, other groups around the country contend that such crimes are viewed as "pranks" and not given the immediate attention they deserve. A prompt response not only reassures the victim that the police will act to apprehend perpetrators, but will also signal to perpetrators and the community that these acts will not be tolerated. Moreover, a prompt response will reduce the possibility of victim retaliation and community chaos.

b. Training in Victim Assistance

A handbook published by the National Victim/Witness Resource Center in Alexandria, Virginia states that law enforcement personnel view victim/witness assistance training as "sensitivity" training and a waste of time. The handbook further stated, however, that when officers are properly trained in providing victim assistance services, community support increases. Needless to say, to combat hate violence community support is essential.

By and large, victim assistance training reinforces law enforcement's responsibilities to the community in which it serves. Training in victim assistance should be mandatory for all law enforcement personnel. It is important that instructors and lecturers are competent professionals who understand the problem as well as law

enforcement concerns. If an agency's resources will not permit a formal victim assistance training program, the recruit and in-service training programs should include at a minimum discussions on victim assistance. General discussions should advise police officers to use a professional manner when responding to a victim's call for help. At the least, victim assistance training should instruct police officers to adhere to the following rules when responding to all victims:

- (1) Maintain a gentle manner -- avoid forceful behavior;
- (2) Have a non-judgmental, non-critical attitude;
- (3) Allow the victim to ventilate;
- (4) Support the victim from the time of the initial police contact through final appearance;
- (5) Provide prevention and precautionary advice;
- (6) Conduct follow-up within one week of the incident and the initial response.

An understanding of racism and bigotry and their impact should be taught to all police officers. Law enforcement officials should be instructed to treat crimes aimed at persons because of their race, religion or national origin as serious offenses.

c. Direct Services to Victims

The need for a more cohesive victim/witness program is evidenced by the survey's finding that less than five percent (4.87%) of the participating police agencies stated that they provide assistance to victims. Within the resource limitations of an agency, direct services

to victims may include additional security; referral for crisis counseling; financial assistance; temporary relocation; transportation to court; and other activities that help to restore victims to their state prior to their victimization. Generally, any service that can be provided to ease a victim's suffering should be extended to the victim. Victims studies show that when the police are sensitive and helpful, the pain induced by the victimization can be somewhat relieved.

d. Victim Assistance-Criminal Justice Process

Unfamiliarity with the criminal justice process discourages many victims from seeking available criminal and civil remedies. In regard to racially and religiously targeted crimes, many victims are unaware that civil and criminal remedies exist. Federal laws prohibit certain crimes against racial and religious minorities, and most of the fifty states have laws prohibiting various aspects of hate activity. In recent years, several states have enacted stronger laws with civil remedies to address the problem. Law enforcement officials should be knowledgeable about relevant laws in their jurisdictions.

A number of private and public agencies have developed programs and other methods to assist victims. In Norfolk County, Massachusetts, the district attorney's office has established a program that assists law enforcement officials in using the new Massachusetts civil rights laws. The Washington, D.C. Lawyers'

Committee for Civil Rights Under Law published a useful handbook entitled, Civil and Criminal Remedies for Racially and Religiously Motivated Violence (1983), which is a comprehensive guide to relevant laws in the Metropolitan Washington area (including Maryland and Virginia). The group has also agreed to provide free legal assistance to victims. The Pennsylvania Crime Victims Compensation Program was established by the Pennsylvania General Assembly in 1976 to provide for the reimbursement of "financial losses of the innocent victims of crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals." If available, law enforcement officials are advised to direct victims to similar services in their jurisdictions. If such services are not available, community organizations should be advised as to effective lobbying techniques upon their state and local elected officials.

Law enforcement agencies, however, are responsible for knowing when violations occur and being informed about all available remedies to victims. If a victim decides to prosecute, police officers should be prepared to assist victims in the criminal justice process. Communication with prosecutors should be established and improved. Victims should be informed about the status of their cases, hearing dates, continuances and court proceedings. Other services to assist victims in the criminal justice process may include transportation to

courts and police stations and ensuring a secure waiting area for the victims at the police station and in court.

e. Victim Assistance Programs Within Law Enforcement Agencies

National attention to the needs of victims has prompted a number of law enforcement agencies to implement formal victim assistance programs. Although some have been very successful, in many instances, law enforcement agencies have left victim assistance to prosecutors.

Agencies which have victim assistance programs should have written directives or general orders explaining the duties and responsibilities of the program. All patrol personnel should be properly informed about the program, and an evaluation of their victim assistance services should be included in general performance evaluations.

The role of the police in victim assistance is usually to serve as a link between the victim and other available services. Most victim assistance programs that are directly affiliated with police departments do not specifically provide services to victims of racially and religiously targeted incidents. Often a referral system is established in which police direct victims to appropriate public agencies such as local human relations commissions and social service agencies which address housing concerns, discrimination and civil rights violations and psychological needs. Private

community-based organizations also provide victim assistance to victims of hate violence (see Police-Community Cooperation). Written guidelines should instruct personnel to interface with these groups to establish contacts. Law enforcement agencies should not hesitate to initiate the development of community-based victim assistance programs.

G. Interagency Cooperation

Most of the literature on interagency cooperation focuses on cooperation between law enforcement agencies at the state, local and Federal levels. Interagency cooperation as discussed here includes any joint efforts by law enforcement agencies and other agencies within the criminal justice system.

Traditionally, during times of crises such as riots and prison breaks, state and Federal law enforcement agencies have cooperated with local agencies to lend personnel support and equipment. While cooperation at these times is necessary to restore order, cooperation during less critical times should be established as well. All too often cooperation between agencies is hindered by unnecessary competition or too much emphasis on territoriality. By and large, assistance or cooperation with other agencies is resented and/or viewed as outside intervention.

In cases of hate activity, particularly when a firebombing has occurred in a Federally funded housing development, both a state and a Federal agency would have jurisdiction. The concept of Mutual Air Compacts employed during widespread situations of crisis could be utilized as a cooperative venture during situations of racial or religious upheaval. It would also help to

avert the possibility of tangential spread of such incidents into adjacent communities.

Other agencies within the criminal justice system such as the local prosecutor's office, the U.S. Department of Justice, and parole and probation commissions can all become involved in a hate violence case. Accordingly, in addition to recommending cooperative programs with other law enforcement agencies, law enforcement officials should establish and maintain cooperation with other agencies within the criminal justice system. Cooperative programs promote a greater exchange of information and above all improve the functioning of the entire criminal justice process.

1. Recommendations

- a. Personnel should receive thorough training in the criminal justice process and the interdependence of agencies in responding to hate activity.
- b. Agencies should develop cooperative programs with other concerned Federal, state and local law enforcement agencies, prosecutors and parole and probation commissions. Programs can include but not be limited to:
 - (1) Information exchange;
 - (2) Manpower and training support;
 - (3) Cooperation in investigations, apprehensions, prosecutions and corrections.
- c. Agencies should participate in and develop task forces or coordinating councils to discuss law enforcement concerns in general and hate activity specifically.
- d. Agencies should promote interagency cooperation through departmental policies and procedures.

2. Commentary

The interdependence of law enforcement agencies and other agencies in responding to hate activity within the

criminal justice system can be enhanced through programs which promote training, information exchange and law enforcement support. The impact that cooperation can have upon the problem can be much greater than that of a single agency. Instead of cooperating on an ad hoc basis, law enforcement agencies should develop cooperative programs that are proactive.

a. Training

The complex nature of the criminal justice system can confuse those who are active participants in the system as well as those who are outside the system. Too often actions which should be taken in response to hate activity are not employed as a result of inadequate information about the criminal justice process and the responsibilities of the various agencies.

In regard to hate activity, the responsibilities of the agencies may overlap. Training should include discussions on agencies' jurisdiction in hate violence cases, particularly when Federal civil rights violations occur. Above all, officers should be trained to recognize when hate violence has occurred. It should be emphasized that successful prosecutions depend heavily upon the initial work done by the police. (See Investigation.)

b. Cooperative Programs

Law enforcement agencies are accustomed to providing support to each other during critical times. The volatile nature of hate activity requires an agency

to have plans to quell a possible full-scale community disorder. Such plans should include policies and procedures for mobilization, use of force, and general logistical matters. It is recommended that law enforcement agencies develop cooperative interagency programs which are ongoing and diverse to reduce the need for extreme measures.

Interagency programs which include training, information exchange, and monitoring activities can prove to be vital in responding to hate violence activity. Agencies benefit by acquiring skills necessary to provide a comprehensive response. In Glynco, Georgia, for example, a proposed training program will provide state and local law enforcement officials with training about organized terrorist groups like the Klan and the Nazis. An interagency cooperative program established in Norfolk County, Massachusetts, provides law enforcement officials with training on the state's new civil rights laws. In Boston, a centralized unit within the police department serves as a clearing-house for distributing information on incidents to all relevant law enforcement agencies including the District Attorney's office, the Attorney General's office, the U.S. Attorney's office, Transit Police, Education Department and Public Housing Authority to assist in identifying cases for possible violations of laws prohibiting hate activity.

c. Development of Task Forces

Increasing interagency cooperation requires effort on the part of all agencies within the criminal justice system to communicate with each other. Recognizing that hostilities between agencies may exist, efforts should be made to provide a setting in which agencies can air their views and concerns. Criminal justice coordinating councils recommended by the law enforcement community are worthy endeavors that have not yet been implemented on a large scale. The purpose of these councils is to provide a forum for agencies within the criminal justice system to discuss, design and implement programs to address problems in criminal justice.

In the absence of coordinating councils, agencies are advised to develop strategies which promote communication with other criminal justice agencies. Task forces, similar to those that have been developed on a community level, should be created at the state and local levels. In addition to reciprocal training, law enforcement officials can learn more about other agencies through direct interaction in an environment that promotes commonality rather than differences. Uniform objectives in responding to crime in general can be developed as a result of the interaction. It is further recommended that task forces include representatives from the community.

H. Police-Community Cooperation

Racially and religiously targeted crimes not only bring suffering to the victims but may create tension and chaos in the community. Cooperative police-community programs that address this problem unify the community and signal to perpetrators that such behavior does not reflect the opinions of the majority.

To establish greater police-community cooperation to respond to hate violence, a number of state governments have formed broadly representative task forces. The major objectives of these task forces are to exchange information on the issue and design and implement programs to respond to the problem. Law enforcement officials who participate in these task forces become more knowledgeable about the problem and informed about other concerns in the community. In the absence of task forces, law enforcement organizations should take the initiative in forming coalitions and community-based programs.

The key to maintaining healthy, ongoing police-community cooperation is the development of viable community relations in all facets of the community, not just the minority enclaves. The concept of cooperative programs is not new, and the goal remains the same, i.e., prevent crime by greater community involvement and cooperation.

1. Recommendations

- a. A formal community relations program should be implemented.
- b. Agencies should implement policies which address police-community relations and cooperation as well as personnel conduct in regard to community relations.

- c. Agencies should initiate and develop cooperative programs which include:
 - (1) Forming networks with established groups to exchange information and share resources;
 - (2) Providing victim assistance;
 - (3) Conducting public awareness programs.
- d. Joint public announcements opposing racism and bigotry should be issued by the police and the community.

2. Commentary

The battle to eliminate violence against racial and religious minorities cannot be fought singlehandedly by the police. The nature of the problem demands strategies which integrate efforts of the community with law enforcement practices and procedures. The types of cooperative programs which may be developed hinge upon the availability of resources as well as the needs of the community. Cooperative efforts must also consider the needs of victims.

a. Community Relations

Much has been published about the need to develop good police-community relations. Generally, the literature examines the impediments to developing good police-community relations and discusses the benefits of improving the relationship. Such benefits include gaining citizens' trust and respect and establishing reciprocal lines of communication. Improved relations can also help to reduce fear of crime and increase crime reporting.

The turmoil and unrest in many cities during the late 1960's and early 1970's prompted law enforcement

agencies to implement programs to develop good community relations. As in the recent past, incidents which occur as a result of racism and bigotry can heighten existing tensions within a community. The objective of community relations programs, therefore, is to interact with the community at all levels to become informed about community problems and concerns. Religious leaders, minority groups, local businessmen, and other community organizations should be contacted by law enforcement officials to discuss community problems and concerns. As a result, hostilities can be addressed before they escalate.

A notable example of identifying and evaluating community tensions is the Community Assessment Center within the Chicago Police Department. Established in 1981, the Center's function is to provide the Department's Human Relations Unit with aggregated data on various community disorders, including racially and religiously targeted incidents. Trends and patterns are determined and submitted to the Human Relations Unit for investigation and follow-up. If necessary, programs and strategies are implemented before problems become unmanageable.

While larger departments, serving very diverse communities, may have a separate unit that is solely responsible for conducting community relations, smaller agencies are advised to assign one or more officers to handle this responsibility in conjunction with their

other responsibilities. Even though all officers should be required to promote community relations in their daily activities, assigned personnel centralize the agency's efforts and provide community members with direct access to persons who may be able to assist them. Personnel assigned to coordinate community relations should possess the necessary skills in human relations and communications. Community relations personnel should be able to communicate and identify with all community members; therefore, an effort should be made to have community relations officers representative of the community. Community relations personnel should have direct access to the agency's chief executive and the heads of other units within the department to apprise them of developments within the community.

b. Community Relations Policies

Internal policies which state that an agency is dedicated to establishing good community relations and cooperation, assure the community that the agency is concerned with meeting its needs. Secondly, such policies guide personnel conduct which should be in accordance with the community relations objectives of the department. Policies should instruct personnel to exercise unbiased professionalism, to exhibit interest and concern for community members, and to develop contacts with community representatives. Internal policies should also emphasize that the public will be informed

of the department's programs and procedures used to combat hate activity. This information can be disseminated through newsletters or brochures, that concisely outline the department's procedures and special programs to respond to the problem. Disseminating information to the public helps facilitate the development of greater public response and support.

c. Cooperative Programs

(1) Information Exchange and Data Collection

Forty-five percent (45%) of the community groups participating in the telephone survey recommended that law enforcement agencies develop cooperative programs with community groups to combat hate activity. Yet only 17 percent of the law enforcement agencies recommended developing cooperative programs with community groups. Generally, law enforcement's involvement with the community has been limited to discussions regarding this problem. While discussions are useful, innovative cooperative programs can open the lines of communication between the community and the police and at the same time increase interaction between community members who can work together to design and implement strategies to combat the problem.

In Boston, for example, the Boston Committee, a joint publicly-and-privately-funded community-based organization, coordinated efforts with the

local law enforcement agency and other community groups to form a Special Crisis Prevention/Management Network. The Network's purpose was to discuss ways to reduce the probability of incidents and develop plans to manage them if they occur. To carry out its objectives, the Boston Committee provided a computer and an information retrieval system for the Community Disorders Unit of the Boston Police Department to assist the unit in identifying patterns of hate activity.

The shortage of data available to the public on racially and religiously targeted violence has also encouraged cooperation between local law enforcement agencies and established groups like the Anti-Defamation League (ADL) and the National Association for the Advancement of Colored People (NAACP). The ADL publishes an annual report on anti-Semitic incidents, and the NAACP publishes a quarterly newsletter entitled "Klan Alert" which monitors Klan activity. When the state of Maryland required all of the state's law enforcement agencies to systematically record incidents involving bias, the publicly funded Human Relations Commission of Montgomery County, Maryland, entered into a cooperative arrangement with the local police department to ensure the sharing of information regarding hate activity.

(2) Victim Assistance

Forty percent (40%) of the community groups participating in the survey stated that victims of hate violence make contact with their group most of the time. Yet, only fifteen percent of the surveyed community groups stated that they provide victim assistance. A lack of resources may be a major reason for not providing victim assistance. A victim assistance program co-sponsored by the community and the police may be more feasible. Such efforts may include a referral program that directs victims to community organizations which provide counselling, neighborhood support, and special security services. The State of Maryland and Montgomery County, in particular, provide a plethora of organizations and activities related to the diminution of hate/violence activity. The Montgomery County Human Relations Commission has helped to form a program called the Network of Neighbors. In addition to making direct contact with victims referred by the local police, members of the Network of Neighbors apprise police of hate activities which victims may not report. Institutions in the community such as churches, schools, and local businesses may have resources that can be used in joint efforts to provide victim assistance.

Within all police departments, the division which coordinates community relations programs

should contact leaders of various community-based organizations to promote police-community assistance to victims of racially and religiously targeted incidents. The Montgomery County Chapter of the National Conference of Christians and Jews (NCCJ) has met to form a communication network among churches and synagogues. Religious groups have been encouraged to discuss with their members the problem of hate activity. Many have done so from the pulpit and in religious school classes.

Montgomery County has been active in working outside the county to help fight the problem of hate/violence activity. Members of the Human Relations Commission worked with the 16 Washington area jurisdictions comprising the Metropolitan Washington Council of Governments to form the state Coalition Opposed to Violent Extremism (COVE). This group has worked to eradicate the problem across the state. At the core of this umbrella of activity is the Montgomery County Coordinating Committee on Hate/Violence created by the County Executive in July 1981. This committee interacts with COVE, the Network of Neighbors, the Governor's Task Force on Violence and Extremism, the Maryland Human Relations Commission, the Metropolitan Washington Council of Governments, the U.S. Department of Justice Community Relations Service, and the U.S. Commission on Civil Rights. In addi-

tion, substantial organized activity has been generated for the education, religious and business communities in the form of anti-Klan audiovisual materials and workshops and seminars addressing various aspects of the problem, including the number and nature of incidents, county programs which deal with hate activities and the role of the audience in combating both the incidents themselves and their impact on victims.

(3) Public Awareness Programs

The spontaneous nature of hate activity requires programs which not only address the problem when it occurs, but also requires actions to prevent or minimize its occurrence. Public awareness campaigns, jointly sponsored by the community and the police, can be used to reach all members in the community to inform them about the nature and criminal aspects of hate activity. Public awareness programs, similar to those which have been conducted for crimes of rape, drunk driving and drug abuse, bring public attention to the problem, acknowledging that it is a problem. The best police-community relations in the case of hate violence is forceful, direct and sensitive police intervention to protect the victims of racially motivated incidents. Community relations then becomes a bi-product of good police work rather than an empty promise.

As a result of the research, juveniles were identified as primary perpetrators of hate activity. Frequent occurrences of hate activity which have been reported in many schools warrant similar awareness programs to educate youths about racism and bigotry. Law enforcement officials should develop or expand upon existing school programs.

d. Public Denouncement

Public statements made by community leaders, elected officials, and law enforcement authorities denouncing hate activity are also an effective means of curbing hate activity. Leaders who are outspoken on the issue send a message to perpetrators that such action is not condoned. Contrary to some views, public announcements on such crimes and the penalties incurred can effectively deter perpetrators rather than encourage such action. Community relations personnel should be instructed about how to use the media constructively.

I. Special Units

Of the 41 agencies that participated in the telephone survey, only 15 stated that their departments have a unit that is responsible for handling racially and religiously targeted incidents. In most instances, instead of establishing a separate unit, the responsibility for handling these cases has been assigned to existing units within the department. While available resources are major factors in establishing a special unit, a decision to establish a unit should also take into consideration the extent of the hate violence problem, the agency's current

response, the community's perception of both the problem and the agency's current response, and alternative methods for handling hate violence incidents.

When community groups were asked to recommend procedures for law enforcement agencies to adopt in response to hate violence incidents only 15 percent recommended the establishment of a special unit, and only 17 percent of the 41 law enforcement agencies recommended a special unit. It appears that a special unit is not preferred and is only implemented when the problem is perceived to be so severe that specialized attention is the only remedy. Sixty percent (60%) of the agencies that have a special unit stated that it was established because a need was identified and a number of incidents had occurred. Larger departments, serving very diverse communities, were more likely to have a special unit. Eight of the 15 agencies which have special units have sworn personnel of more than 1,000; and ten are municipal agencies.

When a decision is made to establish a special unit, the responsibilities and the purpose of the unit should be clearly stated. Personnel selected for the unit should be sensitive to the problem. The effectiveness of the unit and its impact upon the incidence of hate violence should be assessed periodically.

1. Recommendations

- a. A special unit centralizes the department's response to the problem. The responsibilities of the unit should include but, not be limited to, the following:
 - (1) Coordinating all of the department's activities in regard to hate violence;

- (2) Designing strategies for combating the hate violence;
 - (3) Maintaining liaison with other units within the department as well as with concerned governmental agencies;
 - (4) Conducting crime analysis and comprehensive investigations;
 - (5) Maintaining files and records on incidents;
 - (6) Assisting victims.
- b. A written policy or general order should inform all personnel about the existence of the special unit.
 - c. A special unit should have written policies governing:
 - (1) Field procedures for responding to and investigating incidents;
 - (2) Reporting procedures;
 - (3) Notification to commanding officers and other units within the department;
 - (4) Termination of investigations;
 - (5) Public notice and press statements regarding incidents.
 - d. Personnel selected for the unit should receive the necessary training and education on hate violence.
 - e. The unit should provide written periodic reports on its activities.

2. Commentary

The agency's chief executive should direct the development of the unit's structure, staff, and responsibilities. Resources of the other units within the department should supplement the unit without creating a drain. Increased proficiency and enhancement of the department's response to racially and religiously targeted incidents should be the primary goals of the unit.

a. Responsibilities of the Unit

All activities that the agency chief feels should be conducted by the department in response to hate violence incidents should be coordinated by the special unit. Special activities may include community relations programs and development and implementation of special procedures. Strategies adopted by the unit may include increasing patrol, implementing a 24-hour hot line service and establishing a tipster fund. Any strategies used to monitor hate activity should be consistent with First Amendment guarantees and other laws addressing racial and religious violence. Other units within the department should be informed of new procedures adopted by the special unit and resources of other units should be made available when needed.

The special unit should not function too independently from other units within the department. Contact should be maintained to exchange information and increase the unit's performance. Units that investigate racially motivated crimes may occasionally become knowledgeable of poor or inadequate police performance. When this happens, the responsibility for dealing with police accountability issues should be handled by the Internal Affairs Unit rather than the specialized unit so that their functions are kept separate.

Governmental agencies on the Federal, state and local levels should be contacted not only when violations occur but on a regular basis. Communication with

these agencies increases awareness of hate violence and enhances the department's response.

In maintaining files and records on incidents, demographic information on the victim should be recorded to establish data on these crimes and the target groups. All relevant information that will assist in apprehending perpetrators should also be noted. Records should be protected in accordance with privacy law requirements.

b. Creating the Unit

The police chief executive's primary responsibility in creating a special unit is to inform all department personnel about the existence of the unit. A general order should be written and disseminated to all personnel. The special unit's purpose and responsibilities should be clearly stated. Any additional procedures in reporting and notifying the unit should be included in the general order. A follow-up procedure should be established to review personnel's understanding of the special unit's function.

c. Written Guidelines

In addition to written guidelines for patrol officers to follow, the special unit should have written guidelines reflecting its duties and responsibilities. All too often a unit operating without guidelines will have limited effectiveness. Personnel may in fact use methods that are not consistent with the agency's policy and may further exacerbate the problem. Formal written

guidelines should be maintained by the unit for review and revision if necessary.

The head of the special unit should be directly responsible to the agency's chief executive. Notification to the chief may require a written report of each incident, in addition to immediate notification by telephone. If other units are to be notified in some instances, written guidelines should state when the unit is to be notified and the extent of the other unit's involvement.

To assess the impact of the unit, regular reports should be issued on the unit's activities. In addition, a summary of the number of the incidents the unit has responded to should be submitted to the agency head. The report should also include the status of each incident.

d. Selected Personnel

Personnel selected for the unit should possess skills in investigation, human relations and knowledge about hate violence. Seniority should not be the sole determining factor in selection. Selected personnel should have views consistent with the objectives of the special unit and should be sensitive to the issue. Active recruitment of minority personnel will increase the unit's effectiveness. Performance evaluations should be conducted to ensure that staff members maintain their level of professionalism.

CHAPTER IV

RECOMMENDATIONS: GOVERNMENTAL RESPONSE

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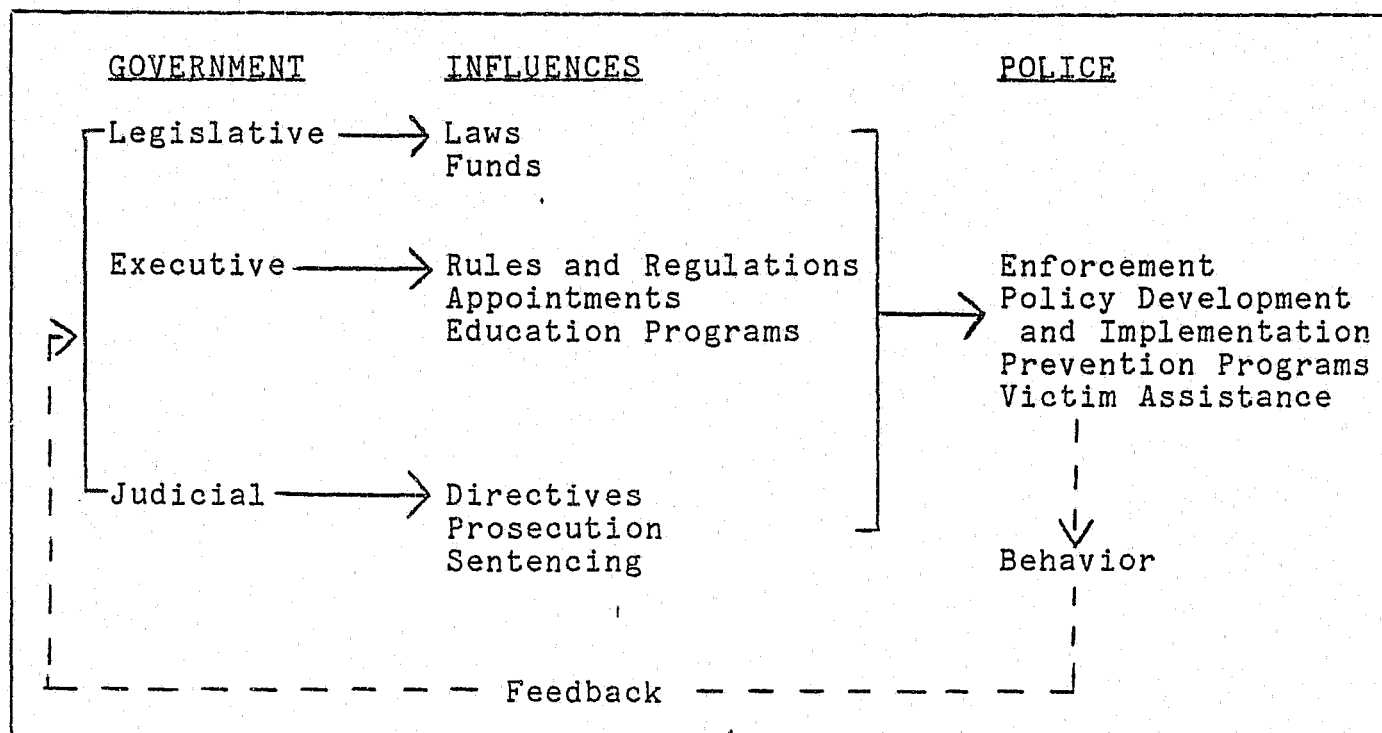
In the previous chapter of this report, the recommendations focused upon improving law enforcement's response to racial and religious violence. Although the law enforcement community plays an important role in reducing and preventing hate violence, the Federal, state and local governments provide the resources for effective law enforcement. At each level of government, the law enforcement community should be given direction for the development of law enforcement policies, practices and procedures. It is through government leadership that funds are allocated, legislation is passed, and programs are implemented which affect the actions of public servants, the services they deliver and the well-being of the citizenry. (See Figure 2). In its policy-making role, the government has a major responsibility to address and respond to the needs and concerns of its citizens. In responding to hate activity, it is recommended that governmental bodies prioritize the issue and respond accordingly. Like law enforcement officials, governmental representatives should be held accountable for their actions or their failure to act.

A. Prevention Programs

1. Recommendations

- a. Public officials should issue public statements denouncing violence targeted against racial and religious minorities.
- b. Officials should allocate funds to programs which address the "root causes" of hate violence such as:
 - (1) Housing concerns;

FIGURE 2. GOVERNMENTAL INFLUENCES ON LAW ENFORCEMENT



- (2) Employment and hiring practices;
- (3) Depiction of minorities in the print and electronic media.
- c. Education programs on the issue for adults and children should be implemented.
- d. Funds should be provided to conduct research on hate violence, its causes, its impact and possible solutions.

2. Commentary

Public denouncements made by those in authority inform perpetrators that their actions are not condoned and will be subject to legal action. In June 1981, President Reagan made the following statement at the NAACP's annual conference:

... to those who still adhere to senseless racism and religious prejudice
... who persist in such hateful behavior
... My administration will vigorously investigate and prosecute those, who by violence or intimidation, would attempt to deny Americans their constitutional rights.

It is recommended that governors, mayors and other elected officials make similar statements to reassure potential victims that their rights will be upheld and protected. Like law enforcement policy statements, public announcements by elected officials set the tone for others to respond appropriately.

Public statements should be buttressed by activities which provide remedies to the victims of hate violence, as well as programs which diminish the possibility of hate activity occurring. The social and economic conditions, for example, which may spark hate violence should be addressed and resolved. The government should do all that it can to

alleviate problems which aggravate tensions and increase the likelihood of hate activity.

As the country continues to become more diverse in its racial and ethnic population, government and private sector- sponsored programs which educate adults and children about racism and bigotry should be implemented. Educational programs should reaffirm the ideals of American democracy and the rights guaranteed to all citizens.

B. Legislation

1. Recommendations

- a. Legislators should enact laws that provide penalties for offenses that are determined to be racially or religiously motivated.
- b. State civil rights laws similar to the Federal statutes should be enacted.
- c. Legislation empowering individuals to bring suits for injunctive relief, monetary and punitive damages in racial and religious violence cases should be enacted.
- d. A program that reviews the adjudication of cases against persons charged with crimes against racial and religious minorities with emphasis on penalties imposed should be implemented.

2. Commentary

The recent attention to crimes motivated by racism and bigotry has encouraged legislators to review existing laws to determine their adequacy. The Federal statutes prohibiting hate activity are generally viewed as sufficient for Federal enforcement, but only a few cases are prosecuted under the Federal statutes. Representatives of community-based groups, including the NAACP, argue that such cases that could be prosecuted under the Federal statutes are usually referred to

the state for prosecution (Committee on the Judiciary Hearings, 1980).

While most states outlaw aspects of hate activity, such as homicide, vandalism and property defacement, only a few states have revised or enacted new legislation which specifically addresses hate activity. The major concern in enacting specific anti-hate legislation is whether First Amendment rights are threatened. It has been argued that legislators have enacted specific laws that are aimed at the beliefs of individuals rather than the actions of persons who perpetrate hate violence. While individual beliefs are protected under the Constitution, hate activity which abridges constitutional rights is prohibited. Some consideration should be given to enacting comprehensive state civil rights acts similar to the Federal civil rights statutes. The state of Massachusetts, for example, enacted a civil rights act which has been interpreted in the same manner as the Federal statutes regarding intent. Relying on Federal court interpretations, Massachusetts prosecuted approximately 31 criminal and 12 civil cases under the act during the period from 1980 through the spring of 1984.

The purpose of new laws is to emphasize the severity of the crimes and to provide victims with avenues for redress. The penalties imposed should be stiff enough to deter future transgressions. In addition to civil and criminal remedies, injunctive relief should be sought to provide immediate aid to victims. In order to assess the impact of new laws upon the problem, it is recommended that an organization such as

the National District Attorneys Association seek public funding for a program to compile cases adjudicated under the laws. The data collected would provide prosecutors with a history of such prosecutions and the penalties given.

C. Victim Assistance

1. Recommendations

- a. Restitution and compensation should be provided by all states for victims.
- b. A fund should be established to assist victims in relocating or repairing damage to property.
- c. Public funding should be provided to agencies that provide comprehensive victim assistance.
- d. A task force should be established to study the effects that racial and religious violence has upon victims.

2. Commentary

The President's Task Force on Victim Assistance has laid the foundation for Federal and state governments to develop and improve victim assistance services. Victims of crime have similar needs and concerns. While the burning of a cross or the painting of a swastika may not cause much physical damage or monetary loss to the victim, the psychological impact of such crimes cannot be assessed. In addition, continued harassment and other forms of hate violence can be quite costly in terms of property damage and human injury. For example, the replacement of a window or the removal of hate slogans from a house or synagogue three times can prove to be quite expensive. Assistance to victims of hate activity should be included in all public victim assistance programs. Compensation as well as protection and counseling

services should be extended to victims. Human relations commissions and similar agencies should be funded to provide comprehensive victim assistance services which support the victim from the initial attack to prosecution proceedings.

D. Reporting Procedures

1. Recommendations

a. Legislation:

- (1) Legislation should be enacted requiring the incidents of racial and religious violence at the Federal level.
- (2) State legislatures should enact legislation establishing statewide reporting systems.
- (3) An anti-hate violence fund should be legislated in each state.
- (4) Elected officials should plan and implement programs to increase reporting by victims.
- (5) Officials should lobby for legislation mandating law enforcement reporting systems.
- (6) Heads of law enforcement agencies should be required to develop and implement adequate reporting systems.

2. Commentary

Legislation was introduced during the 98th Congress that would require the inclusion of information on incidents of racial, ethnic or religious violence in the FBI Uniform Crime Reports. The legislation was modified to require the U.S. Department of Justice to issue a report on hate crimes, probably in the form of a report by the Attorney General. Legislation such as this is needed in order to develop a statistical data base for these types of crimes. Such legislation would permit a more accurate assessment of whether incidents are increasing or decreasing. In addition, an

official report by the Attorney General will heighten public awareness of the problem and elevate the issue to national attention.

Legislation establishing an anti-hate violence fund would allow for payment to witnesses who provide information leading to arrests or apprehensions. The fund could be administered by the local police and/or sheriff's department.

Elected officials should play a leadership role in ensuring that law enforcement agencies have special reporting systems within their jurisdictions and that the individual police officers are aware of the existence of the systems and of how to report an incident. Since most chief executives of municipal agencies are accountable to the mayor or city council, elected officials can play a proactive role in ensuring that adequate reporting procedures are developed and implemented. A local public official also can inspire other officials to become involved.

E. Prosecution

1. Recommendations

- a. Laws prohibiting violence against persons because of their race, religion, color or national origin should be vigorously enforced.
- b. Prosecution staff attorneys should be trained concerning effective strategies to secure convictions in hate violence cases.
- c. Alternative sentencing programs for hate violence offenders should be developed.
- d. Programs should be developed that encourage prosecutors to interact and cooperate at the Federal, state and local levels.

2. Commentary

Racial and religious violence is a very emotional issue which has caused many to attack the government for failing to prosecute perpetrators. The role of attorneys general as chief law enforcement officers is to influence the attitude and response of the law enforcement community. Attorneys general should inform their assistants that perpetrators of hate violence should be prosecuted to the fullest extent of the law. The seriousness of these crimes should be emphasized by stiff sentences and/or heavy fines. However, juveniles who are perpetrators of minor offenses should be directed into programs that are community service oriented and educational. Such programs should be designed to rehabilitate and deter perpetrators from repeating racial and religious violence and not just "make work" that is meaningless.

Both Federal and state prosecutors may have jurisdiction in a hate violence case, particularly when a firebombing has occurred. To ensure that victims are provided with all legal remedies, prosecutors should develop a program that encourages an exchange of information on the state and Federal level. Prosecutors on the state level should be instructed to cooperate with Federal agencies instead of viewing Federal involvement as outside intervention.

CHAPTER V

RECOMMENDATIONS: COMMUNITY-BASED ORGANIZATIONS

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Community-based organizations can be instrumental in the fight against hate activity. The daily activities of these groups can encourage other efforts within the community to address the problem. Publicly-funded groups which address discrimination, unemployment or housing concerns can disseminate information promoting equal rights for persons, regardless of race, color, religion or national origin. Private community groups can engage in similar public awareness programs to prevent or reduce the occurrence of incidents. Community-based organizations can also influence elected officials and other public servants to take appropriate action.

A. Prevention Programs

1. Recommendations

- a. Community organizations should form networks with other groups to exchange information, share resources, and develop programs.
- b. Community organizations should publish and disseminate materials to the public on hate violence and ways to prevent it.
- c. State and local legislative bodies should be lobbied for additional funds to provide services to victims.
- d. Community organizations should integrate their efforts with police and others in the criminal justice system.
- e. Programs should be implemented which involve all members of the community.

2. Commentary

The most notable example, and the first of its kind, of a comprehensive community-based approach to hate violence is

the program established in Montgomery County, Maryland. The community-based organizations formed the Coordinating Council on Hate Violence. The Council is comprised of community leaders representing education, religion, business, government and labor groups. The Council's objectives are to assess needs, obtain a commitment of action from the community, educate the community and implement activity to respond to hate violence. The results have included: (1) greater participation by the community; (2) improved response by the police and criminal justice employees; and (3) active involvement by local elected officials. Workshops and conferences have been held on the problem and programs have been developed by participating groups. As a result of the Council's activities, a state task force was formed.

B. Reporting Procedures

1. Recommendations

a. Community organizations should:

- (1) Encourage the chief executive of their local law enforcement agency to:
 - (a) Develop or improve special reporting procedures for racially and religiously targeted incidents; and
 - (b) Establish reporting procedure training programs for potential victims and community group representatives.
- (2) Actively encourage minority persons to report incidents by:
 - (a) Sponsoring conferences, seminars and workshops to discuss the issue;
 - (b) Providing information on reporting in organizational publications and minority focused newspapers as well as through other media sources; and

- (c) Informing their members concerning proper reporting procedures.
- (3) Develop reporting forms that can be used by citizens that prefer to report to an organization.
- (4) Prepare annual reports of incidents that the organization is aware of, along with an analysis of the problem.

2. Commentary

Community-based organizations can play a major role in improving the quality of law enforcement reporting systems. One of the major problems of law enforcement has been the lack of reporting by victims. Since many victims are more likely to have contact with community-based organizations than they are with law enforcement agencies, these organizations can play a leading role in encouraging more reporting. Victims can be assured that their complaint will receive immediate attention. Organizations can instruct victims concerning the proper procedures for reporting. Through daily contact with minority persons, organizations can provide information to potential victims so that they will be more likely to report to the police if they become victimized.

Some human relations commissions (HRC) are actively involved in reporting and other aspects of improving response to hate violence. The establishment of reporting procedures has been one of the successful programs implemented by HRCs. These commissions can assist law enforcement agencies not only by encouraging victims to report, but also by publicizing incidents that are reported through their offices.

Increased reporting by community-based organizations will be meaningless, however, if law enforcement agencies do not have adequate reporting systems. Organizational representatives can encourage agency heads to review their systems and revise them to reflect the needs of the community. Once a system is in place, organizational representatives should be trained in proper reporting procedures so that they can train others.

Only one national organization, the Anti-Defamation League (ADL), has a formal reporting system. The system operates through 30 regional offices and a national office that compiles and analyses data on anti-semitic violence. A standard reporting form is used by all offices to report to the national headquarters. The reports from the regional offices form the body of data for an annual audit of incidents. Organizations that service racial and nationalistic groups should review the ADL model, and a similar system could be adopted by an organization for each racial/nationalistic group that has experienced hate violence.

C. Legislation

1. Recommendations

a. Community organizations should:

- (1) Develop model legislation addressing hate activity;
- (2) Coordinate lobbying activities to encourage elected officials to enact appropriate legislation;
- (3) Disseminate information on legislation to the public; and

- (4) Provide instruction to police, prosecutors and others in using new laws.

2. Commentary

The adequacy of existing state laws to address hate violence has been debated by various community-based groups. Community-based groups like the Anti-Defamation League (ADL) and the Southern Poverty Law Center (SPLC) have taken the initiative to design "model statutes" and specific legislation to address aspects of hate violence like vandalism, assault and harassment. Legislation has also been drafted by both groups to prohibit paramilitary activity. Since 1981, at least 20 states have passed relevant legislation drafted by the ADL and other groups. Lobbying efforts by community groups have been a major influence in getting legislation enacted.

In addition to contacting elected officials to enact legislation, community-based groups should provide data and research on hate violence activity which support the need for legislation. Legal counsel should be used to draft legislation that is constitutionally valid and specific. Community-based groups should also disseminate information on proposed legislation through the media, brochures, and public announcements. If legislation is enacted, community groups should develop special programs with the police and prosecutors to ensure that legislation is used effectively. Such programs can include: training, information exchange and data collection.

APPENDIX A

HISTORICAL OVERVIEW OF LAW ENFORCEMENT RESPONSE

APPENDIX A

HISTORICAL OVERVIEW OF LAW ENFORCEMENT RESPONSE

The present cannot be adequately understood or its problems properly addressed without a knowledge of the past. A review of the history of police response to racial and religious violence revealed how much the police system has improved its response.

During the course of the research, relevant books, articles, government reports and other publications were used to obtain information on research findings, recommendations and practices with an emphasis on police response to racial and religious violence. A considerable amount of literature dealing with the causes of hate violence, its victims and its perpetrators (Boskin, 1976; Brown, 1975; Grimshaw, 1969), was found, while substantially less was found that specifically addressed the police or the local law enforcement officer's role in reducing and responding to such violence. When accounts of police response to hate violence were found embedded within the literature, the discussion was usually inadequate.

The role and functions of law enforcement officials include law enforcement, crime prevention, order maintenance and social control (Municipal Police Administration, 1969; Wilson, 1968). By nature of their order maintenance and social control functions in society, law enforcement officials have often been called upon to mediate between the parties in race-related disputes. Yet, racial minorities have frequently accused police officials of failing to protect them and of supporting perpetrators of hate activity. The literature cites a number of instances of law enforcement officials

abandoning the neutral role of mediator or protector, thus failing to carry out their sworn duties (Berry, 1971; Brown, 1975). For example, during the 1871 anti-Chinese riots, some police officials protected jailed Chinese, but others participated in the riots or refused to become involved (Trojanowicz and Dixon, 1974). In the early years of this century, it was reported that police officers did nothing to protect East Indian workers from white mobs who sought to expel the Indians from Oregon (Melandy, 1977).

During the pre-Civil Rights Era, numerous examples of southern police support of local whites in hate activity perpetrated against blacks, Jews, and Hispanics can be found in the literature. The race riots during the World War I and II periods were reportedly aggravated by police officers. For example, it was reported that police failure to investigate a series of bombings of black homes and threats made against blacks in Chicago may have led to the escalation of attacks by some whites in 1919 (Spear, 1967). Boskin (1976) states that there were instances of actual police participation in the rioting as well as instances of neglect of duty. Accusations of police inaction or failure to protect black and Mexican American citizens were also made after other riots such as the 1943 Detroit riots (Boskin, 1976) and the Zoot Suit riots of 1943 (Adler, 1974; McWilliams, 1968).

Most of the condemnation of the role played by law enforcement officials in mediating hate activity has been leveled against local officials, but Federal and state officials have also been criticized. For example, during the East St. Louis riot, guns were taken from troopers and used to fire upon blacks (Grimshaw, 1969).

While historical attention was focused predominantly on the order maintenance and social control functions, contemporary attention has centered on deterrence and crime prevention. The state reports on racial and religious violence prepared for the U.S. Commission on Civil Rights emphasized the fact that law enforcement agencies play a major role in curtailing such violence (Connecticut report, 1982; Michigan report, 1982). The U.S. Commission on Civil Rights (1983) found that greater police intervention in communities plagued by hate violence helps to reduce such incidents. The Anti-Defamation League (ADL) of B'nai B'rith (1983) attributes an overall decline in anti-Semitic acts in part to increased efforts by the law enforcement community. The Michigan Advisory Committee was more specific in its findings on law enforcement response. It concluded that the racial and ethnic composition of the Detroit Police Department is a key factor in bringing about an effective police response.

Nevertheless, law enforcement personnel have identified several limitations on their role: restrictions on intelligence gathering; lack of specific legislation; and lack of specific policies, procedures or guidelines (Connecticut report, 1982; Michigan report, 1982). There is disagreement in the law enforcement community regarding the impact of restrictions placed on intelligence gathering in 1976. Some officials argue that the 1976 guidelines seriously limit the ability of agencies to prevent and curtail hate activity; others argue the opposite view. Similarly, opinions vary concerning the need for specific and additional legislation. There is, however, less debate over the impact of a lack of established policies and procedures. The

effect of this limitation has been noted in historical as well as contemporary literature (Grimshaw, 1969).

Since the 1970s the law enforcement community has made great strides in controlling and/or abating police participation in hate violence and harassment activity. Now the law enforcement community is faced with the problem of developing policy to assure an appropriate response. The great challenge facing law enforcement is how to strengthen its role in the fight against hate violence. To accomplish this, law enforcement must clarify the apparent confusion concerning what its role should be.

APPENDIX B

SUMMARY OF LAW ENFORCEMENT SURVEY

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SUMMARY OF LAW ENFORCEMENT SURVEY

A telephone survey of law enforcement agencies was conducted to gain insight into current policies, practices and procedures for responding to hate violence activity. The survey also sought information on the nature and extent of the problem, perceptions and awareness of the problem, existing legislation, and the presence of hate groups. Some demographic data were solicited for comparative purposes.

In an effort to obtain standard answers and to make coding easier, most of the questions on the survey instrument were closed-ended. Nevertheless, a number of open-ended questions were included in order to allow the respondent to be more detailed and to clarify his answer.

A random sample was not drawn because of the expense involved and because there was a need to select agencies in jurisdictions that had had incidents of hate violence. A nonprobability judgment sample was selected with the criterion that each agency be located within a jurisdiction where the news media, police department or human relations agency/organization had reported incidents within the past five years. Other factors used in the selection of the sample were: regional location and type of agency. The regional definition was taken from the U.S. Bureau of Census' categorization of states into Northeast, South, North Central and West. Type of agency was divided into municipal, county, and state categories.

Since the survey sample was not randomly chosen, the findings are not generalizable to all agencies. Instead of showing what the average agency is doing to respond to hate violence activity, the survey probably is more of a reflection of the "better than average" agency. By systematically including only agencies in jurisdictions that seemed to have a problem (or to have had at least one incident), agencies that have developed an organized response were probably overrepresented in the sample.

Fifty agencies were initially asked to participate. An additional ten were added to the sample after nine agencies either refused to participate or the designated respondent did not complete the survey. Forty-one interviews -- 25 municipal, 11 county and 5 state -- were completed. The geographical breakdown was as follows: 17 in the Southern states, 11 in the Northeastern states, 8 in the North Central states and 5 in the Western states. Three agencies have less than 50 sworn officers; 16 have more than 50 but less than 100 officers; 10 have from 500 to 1,000 officers; and 12 have over 1,000 officers.

A. Nature and Extent of the Problem

When asked if they knew of any racially or religiously targeted incidents that had occurred within their jurisdiction during the past five years, twelve respondents replied, "No". This response was not expected because our preliminary research had indicated that each sample jurisdiction had at least one incident. The twelve responses were not accurate because six of the twelve that reportedly had no incident stated that they had had racially or religiously targeted vandalism during the past

year. The discrepancy probably resulted from a lack of definition and/or a misunderstanding of the initial question.

Vandalism was the most common hate violence offense reported by the respondents (Table 1). Close to two-thirds (66%) reported that they had had vandalism incidents within the past twelve months. Forty-four percent reported assault incidents and one-fourth (25%) reported arson incidents. Homicides had occurred in six of the jurisdictions, while only two respondents reported bombings. Vandalism was very prevalent in the Western and Northeastern agencies where over 70 percent of the agencies reported that at least one incident had occurred during the past year. Only one-fourth of the North Central agencies reported assault incidents, but 60 percent of the Western agencies reported assault occurrences. It should be noted that 30 percent or more of the respondents could not give an estimate of each of the offense categories. This finding indicates that such incidents are not differentiated from other offenses. As a result, the extent of the problem can not be clearly articulated.

B. Perception of the Problem

Over 70 percent of the respondents perceive racial and religious violence to be a serious or very serious problem. Only six respondents stated that it is not a problem at all. Since five of the six were agencies that had no incidents, it is assumed that the question was interpreted to be applicable to their jurisdiction only.

C. Special Policies and Procedures

Twenty agencies reported that they had a special written policy or directive aimed at reducing racially and religiously

TABLE 1. NUMBER AND TYPES OF INCIDENTS REPORTED

TYPE OF INCIDENT	NUMBER OF AGENCIES REPORTING INCIDENTS AND ESTIMATED NUMBER OF INCIDENTS	FREQUENCY PERCENTAGES
ASSAULT	5 agencies reported 5 or less 1 " " 6 - 10 2 " " 11 - 20 3 " " over 20 7 " " don't know <u>18 (43.90%)</u>	27.78 5.56 11.11 16.66 38.89 100.00
ARSON	4 agencies reported 5 or less 2 " " 6 - 10 1 " " 11 - 20 0 " " over 20 3 " " don't know <u>10 (24.39%)</u>	40.00 20.00 10.00 0.00 30.00 100.00
VANDALISM	13 agencies reported 5 or less 2 " " 6 - 10 0 " " 11 - 20 4 " " over 20 8 " " don't know <u>27 (65.85%)</u>	48.15 7.40 0.00 14.81 29.63 99.99
BOMBINGS	1 agency reported 5 or less 0 " " 6 - 10 0 " " 11 - 20 0 " " over 20 1 " " don't know <u>2 (4.88%)</u>	50.00 0.00 0.00 0.00 50.00 100.00
HOMICIDES	3 agencies reported 5 or less 0 " " 6 - 10 0 " " 11 - 20 0 " " over 20 3 " " don't know <u>6 (14.63%)</u>	50.00 0.00 0.00 0.00 50.00 100.00

targeted violence (Table 2). Over two-thirds of the sample agencies that have 500 or more officers had a policy, while neither of the small agencies, and only 37 percent of the agencies that have 100 to 499 officers had such a policy. County agencies were more likely to have policies (55%) than municipal (48%) and state (40%) agencies. North Central agencies were the least likely of any region to have policies. Over half of the Western and Eastern agencies, and 47 percent of the Southern agencies, had policies. On the other hand, only 37.5 percent of the agencies located in the North Central region had policies.

Three-fourths of the agencies without policies stated that the reason why they did not have a policy is that they do not have enough reported incidents or they do not see the need for a special policy or directive. The most common reason given for adopting a policy was that the agency believed it had a problem or it felt there was a need for a directive. Three agencies stated that the directive was developed after a new chief was appointed or the jurisdiction elected a new chief executive. Most of the directives (90%) have been in existence for more than one year.

Special procedures were defined as special record keeping, special investigation and special reporting. The findings were as follows: 20 agencies use special record keeping; 24 use special investigation; and 21 use special reporting. The three components of special procedures were not defined for the respondents.

Little regional difference was found in the use of special record keeping in that 40 to 50 percent of the agencies in each region reported using special record keeping. A greater percent-

TABLE 2. LOCATION OF AGENCY BY SPECIAL
PROCEDURES, UNIT AND POLICY

<u>LOCATION</u> <u>FREQUENCY</u> % ROW % COL %	<u>SPECIAL PROCEDURES</u>			<u>SPECIAL</u> <u>UNIT</u>	<u>SPECIAL</u> <u>POLICY</u>
	<u>SPECIAL</u> <u>RECORD</u> <u>KEEPING</u>	<u>SPECIAL</u> <u>INVESTIGATION</u>	<u>SPECIAL</u> <u>REPORTING</u>		
NORTHEAST (N=11)	5 12.19 45.45 25.00	6 14.63 54.54 25.00	5 12.19 45.45 23.81	5 12.19 45.45 33.33	6 14.63 54.54 30.00
SOUTH (N=17)	9 21.95 52.94 45.00	9 21.95 52.94 37.50	8 19.51 47.06 38.10	6 14.63 35.29 40.00	8 19.51 47.06 40.00
NORTH CENTRAL (N=8)	4 9.76 50.00 20.00	6 14.63 75.00 25.00	5 12.19 62.50 23.81	3 7.32 37.50 20.00	3 7.32 37.50 15.00
WEST (N=5)	2 4.88 40.00 10.00	3 7.32 60.00 12.50	3 7.32 60.00 14.28	1 2.44 20.00 6.67	3 7.32 60.00 15.00
TOTAL	20 48.78	24 58.54	21 51.22	15 36.58	20 48.78

age of agencies in the North Central area use special investigation (75%); Southern agencies were least likely to use special investigation (53%). Northeastern agencies were the least likely (45%) and North Central agencies were most likely to use special reporting (62%).

None of the small agencies reported that they use special procedures, but two-thirds or more of the largest agencies (500-1,000 officers) use each of the types of special procedures. Thirty-one percent of the other agencies use special reporting, and 44 percent use special investigation.

Despite the fact that fewer of the sample state agencies have special policies, only one of the sample state agencies did not use some type of special procedure. It should not be concluded from this finding that state agencies are more likely to use special procedures, because the sample was not randomly chosen. Less than half of the municipal agencies use special record keeping and special reporting. Over half of the county agencies use each type of special procedure.

The most common reason given for not using special procedures was the same given for not having a special policy -- they do not have enough reported incidents.

Fifteen agencies reported that they had a special unit to handle racially and/or religiously targeted cases. Two agencies reported that they had once had a special unit but had disbanded it after the number of incidents declined. Only one Western agency reported that it had a special unit, but five of the Northeastern, six of the Southern and three of the North Central agencies use special units. The largest agencies were more likely

to have special units than the other agencies. (Neither of the small agencies had a special unit.) Forty percent of the municipal and state agencies use special units compared to 28 percent of the county agencies.

Eighty percent of the agencies with special units had had their unit for more than one year. One-third of the units had five or fewer members and one-third had over 12 members. One-third of the respondents with special units could not estimate the number of cases handled by the unit. Only two of the agencies said that the special unit was established as a preventive measure. Most of the other agencies stated that the unit was established in response to an increase in incidents or a perceived need.

The agencies were questioned concerning special response methods being used. Close to one-half were using discussions with community groups/leaders or intelligence gathering on hate groups (Table 3). Sixteen agencies had cooperative programs or arrangements with other law enforcement agencies; three reported that they use special training; three monitor incidents; and three reported that they work with human relations agencies. It is believed that other methods are being used, but the telephone survey did not allow enough time to recall the various methods being used.

D. Existing Legislation

More than half of the agencies reported that their jurisdictions have legislation in the following categories: property defacement and desecration (76%); intimidation and harassment (59%); cross burning (56%); and anti-mask/concealment

TABLE 3. SPECIAL RESPONSE METHODS USED

	<u>N</u>	<u>%</u>
1. Discussions With Community	20	48.78
2. Intelligence Gathering	19	46.34
3. Victim Assistance	1	2.44
4. Work With Human Relations Agencies	3	7.32
5. Cooperation With Other Law Enforcement Agencies	16	39.02
6. Special Procedures	3	7.31
7. Special Units	6	14.63
8. Special Training	3	7.32
9. Incident Monitoring	3	7.32
10. No Response - No Special Method	6	14.63

(54%). Only 10 and 27 percent, respectively, reported that they have legislation outlawing paramilitary camps and laws imposing stiffer penalties for racially/religiously targeted offenses.

The level of awareness of laws seemed to be high. Only one agency did not know if its jurisdiction had property defacement legislation, and only two were unaware of concealment laws. Respondents were least knowledgeable concerning laws outlawing paramilitary camps; 17 percent did not know if their state had such legislation.

E. Presence of Hate Groups

Over half of the agencies (59%) reported that the Ku Klux Klan operates or meets within their jurisdictions. Slightly fewer, 49 percent, reported the presence of the American Nazi Party, while only 17 and 10 percent, respectively, reported the presence of the Posse Comitatus and the Aryan Nations, respectively. Despite the fact that most respondents could state whether or not specific hate groups operate within their jurisdiction, most could not estimate the size of the membership.

Of the agencies that reported incidents within the past 12 months, 62 percent stated that the Klan operates or meets within their jurisdiction, and 53 percent reported the presence of the Nazi Party.

Most agencies felt that hate group activity was either declining (44%) or remaining the same (39%). It is interesting to note that one-half of the agencies that use special procedures reported that there had been a decrease in hate group activity during the past year. Perhaps the use of special procedures contributed to the decrease.

F. Minority Population

The largest minority group found in the various jurisdictions was black people. Blacks make up 30 percent or more of the population in 42 percent of the jurisdictions. Only one jurisdiction reported that Jews, Hispanics or Indians make up 30 percent or more of the population. None of the sample jurisdictions has an Asian population of 30 percent or more. Close to half of the respondents could not estimate the Jewish percentage of their populations. The lack of awareness may be due in part to the fact that statistical data on the Jewish size of the population are not readily available.

The survey results seem to indicate that law enforcement agencies are responsive to the problem of hate violence. Yet, the response appears to be uneven, informal and insufficient. The respondents suggested that the response could be improved with uniform, formal response procedures; special training for officers; special units to handle cases; special investigation; and more work with community groups and victims. The survey could have been improved if some of the respondents had been more knowledgeable concerning hate violence and what their agency is doing to combat it.

TABLE 4. LOCATION OF AGENCY BY TYPE OF INCIDENT REPORTED

LOCATION	ASSAULT	ARSON	VANDALISM	BOMBINGS	HOMICIDES
NORTHEAST (N=11)	5	5	8	1	3
SOUTH (N=17)	8	1	10	0	1
NORTH CENTRAL (N=8)	2	2	5	1	1
WEST (N=5)	3	2	4	0	1
TOTAL N	18	10	27	2	6
%	43.90	24.39	65.85	4.88	14.63

TABLE 5. TYPE OF AGENCY BY SPECIAL PROCEDURES,
UNIT, AND POLICY

<u>TYPE OF AGENCY</u>		<u>SPECIAL PROCEDURES</u>			<u>SPECIAL</u> <u>UNIT</u>	<u>SPECIAL</u> <u>POLICY</u>
% ROW % COL %		SPECIAL RECORD KEEPING	SPECIAL INVESTIGATION	SPECIAL REPORTING		
MUNICIPAL (N=25)		24.39	31.71	24.39	24.39	29.27
		40.00	52.00	40.00	40.00	48.00
		50.00	54.17	47.62	66.67	60.00
COUNTY (N=11)		14.63	19.51	17.07	7.32	14.63
		54.54	72.73	63.64	27.27	54.54
		30.00	33.33	33.33	20.00	30.00
STATE (N=5)		9.76	7.32	9.76	4.88	4.88
		80.00	60.00	80.00	40.00	40.00
		20.00	12.50	19.04	13.33	10.00
TOTAL		48.78	58.54	51.22	36.58	48.78

TABLE 6. INCIDENTS DURING THE PAST YEAR BY
SPECIAL PROCEDURES * (in percentages)

<u>INCIDENTS</u>	<u>SPECIAL PROCEDURES</u>		
	YES	NO	TOTAL
YES (N=23)	73.91	26.09	100.00
NO (N=5)	100.00	0.00	100.00

* The missing cases either did not have incidents within the past 5 years or gave "DON'T KNOW" responses.

TABLE 7. INCIDENTS DURING THE PAST YEAR BY PERCEPTION
OF SERIOUSNESS OF THE PROBLEM * (in percentages)

<u>INCIDENTS</u>	<u>SERIOUSNESS</u>				
	VERY	SERIOUS	SOMEWHAT	NO PROBLEM	TOTAL
YES (N=23)	65.22	17.39	13.04	4.35	100.00
NO (N=6)	50.00	16.67	33.33	0.00	100.00

* The missing cases reported no incidents within the past 5 years.

TABLE 8. INCIDENTS DURING THE PAST 5 YEARS BY PERCEPTION
OF SERIOUSNESS OF THE PROBLEM (in percentages)

<u>INCIDENTS</u>	<u>SERIOUSNESS</u>				
	VERY	SERIOUS	SOMEWHAT	NO PROBLEM	TOTAL
YES (N=29)	62.07	17.24	17.24	3.45	100.00
NO (N=12)	50.00	0.00	8.33	41.67	100.00

TABLE 9. VANDALISM INCIDENTS DURING THE PAST YEAR BY PRESENCE
OF THE KU KLUX KLAN AND AMERICAN NAZI PARTY
(in percentages)

<u>INCIDENTS</u>	<u>PRESENCE OF KU KLUX KLAN</u>			<u>PRESENCE OF NAZI PARTY</u>			
	YES	NO	TOTAL	YES	NO	DON'T KNOW	TOTAL
YES (N=27)	59.26	40.74	100.00	51.85	40.74	7.41	100.00
NO (N=11)	54.54	45.45	99.99	36.36	45.45	18.18	99.99
DON'T KNOW (N=3)	33.33	66.67	100.00	66.67	33.33	0.00	100.00

TABLE 10. EFFECTIVENESS OF EFFORTS BY TYPE OF AGENCY *
(in percentages)

<u>EFFECTIVENESS</u>	<u>TYPE OF AGENCY</u>			
	MUNICIPAL	COUNTY	STATE	TOTAL
VERY EFFECTIVE (N=16)	62.50	12.50	25.00	100.00
EFFECTIVE (N=15)	66.67	33.33	0.00	100.00
SOMEWHAT EFFECTIVE (N=9)	44.44	44.44	11.11	99.99

* The missing case gave a "DON'T KNOW" response.

TABLE 11. EFFECTIVENESS OF EFFORTS BY SPECIAL PROCEDURES *
(in percentages)

<u>EFFECTIVENESS</u>	<u>SPECIAL PROCEDURES</u>		
	YES	NO	TOTAL
VERY EFFECTIVE (N=16)	81.25	18.75	100.00
EFFECTIVE (N=14)	42.85	57.14	99.99
SOMEWHAT EFFECTIVE (N=9)	77.78	22.22	100.00

* The missing cases gave "DON'T KNOW" responses.

TABLE 12. EFFECTIVENESS OF EFFORTS BY SPECIAL POLICIES *
(in percentages)

<u>EFFECTIVENESS</u>	<u>SPECIAL POLICIES</u>		
	YES	NO	TOTAL
VERY EFFECTIVE (N=16)	68.75	31.25	100.00
EFFECTIVE (N=14)	21.43	78.57	100.00
SOMEWHAT EFFECTIVE (N=9)	66.67	33.33	100.00

* The missing cases gave "DON'T KNOW" responses.

TABLE 13. SPECIAL PROCEDURES BY PERCEIVED INCREASE IN
HATE GROUP ACTIVITY * (in percentages)

<u>SPECIAL PROCEDURES</u>	<u>INCREASE IN HATE ACTIVITY</u>			
	INCREASE	REMAINED THE SAME	DECREASED	TOTAL
YES (N=26)	15.38	34.61	50.00	99.99
NO (N=13)	7.69	53.84	38.46	99.99

* The missing cases gave "DON'T KNOW" responses.

TABLE 14. SPECIAL POLICIES BY PERCEIVED INCREASE IN HATE
GROUP ACTIVITY * (in percentages)

<u>SPECIAL POLICIES</u>	<u>INCREASE IN HATE ACTIVITY</u>			
	INCREASE	REMAINED THE SAME	DECREASED	TOTAL
YES (N=19)	10.53	36.84	52.63	100.00
NO (N=20)	15.00	45.00	40.00	100.00

* The missing cases gave "DON'T KNOW" responses.

TABLE 15. SPECIAL UNIT BY PERCEIVED INCREASE IN HATE
GROUP ACTIVITY * (in percentages)

<u>SPECIAL UNIT</u>	<u>INCREASE IN HATE ACTIVITY</u>			
	INCREASE	REMAINED THE SAME	DECREASED	TOTAL
YES (N=14)	14.29	42.86	42.86	100.01
NO (N=26)	11.54	42.31	46.15	100.00

* The missing case gave a "DON'T KNOW" response.

APPENDIX C

SUMMARY OF COMMUNITY-BASED ORGANIZATIONS SURVEY

APPENDIX C

SUMMARY OF COMMUNITY-BASED ORGANIZATIONS SURVEY

A similar telephone survey of public and private community-based organizations was conducted to obtain information about hate violence from a community perspective. The participating organizations were primarily selected from areas in which law enforcement agencies had participated in the earlier telephone survey. Like the law enforcement agencies, the primary consideration for selecting the community groups was their location in areas that have experienced racially and religiously targeted acts of violence and harassment. Selection was also based upon an organization's knowledge of the problem and programs it had implemented to address the problem.

Of the 24 community-based organizations that were asked to participate in the survey, 20 responded. Fifteen of the groups are private and 5 are sponsored by the state or local government. Geographically, 9 are located in the Northeast; 5 are in the South; 2 are in the North Central; and 4 are in the West.

Representatives of community-based organizations were questioned about the nature and extent of the problem, their perception of the problem local law enforcement agency's response, and of their the presence of hate groups, and procedures they would recommend to respond to the problem. Other questions focused on cooperation between community groups and local law enforcement agencies, implemented to address hate violence in their area. A few general attitudinal questions were asked regarding police behavior toward hate violence and the impact

minority personnel in police departments would have upon reducing hate violence.

Some comparative analyses were conducted with the responses received from law enforcement agencies to determine conflicting views. The major objective of the survey, however, was to collect additional information that would assist in the development of comprehensive policies and procedures for law enforcement agencies to adopt as an appropriate response to racially and religiously targeted incidents.

A. Nature and Extent of the Problem

All the participants stated that during the last five years their community had had incidents stemming from racism and bigotry. In the twelve months prior to the survey, 80 percent of the participants reported that racially or religiously targeted incidents had occurred. Of those that reported that they had had incidents, 80 percent stated that incidents of property defacement and vandalism have occurred, 70 percent reported incidents of assault; 65 percent reported arson incidents; 35 percent reported that religiously or racially targeted homicides have occurred; and none of the participants reported that bombings have occurred. When questioned about the number of times each type of incident occurred, most of the participants did not know, with the exception of those groups reporting that there had been incidents of arson and homicide during the previous 12 months. More than seventy-five percent (76.1 percent) of the groups stated that incidents had decreased or remained the same.

B. Perception of the Problem

Eighty-five percent (85%) of the community organizations consider racially and religiously targeted incidents to be a serious to a very serious problem. Law enforcement agencies, on the other hand, were less likely to state that the problem is serious. These conflicting perceptions of the problem need to be addressed to avoid obstacles in developing an appropriate response to the problem.

C. Presence of Hate Groups

Seventy-five percent (75%) of the participants stated that hate groups operate or meet within their communities. More than half (55%) of the participants reported that the Ku Klux Klan operates or meets inside their communities; 15 percent of the participants reported the presence of the American Nazi Party and only 5 percent reported the presence of the Aryan Nations.

D. Legislation

In general, community groups feel that their state and local laws are adequate to address hate activity. On the state level, two groups recommended that civil rights laws be enacted, and one group recommended that laws prohibiting paramilitary activity be passed. One group recommended that the states require law enforcement agencies to record incidents in a uniform manner.

E. Assessment of Law Enforcement Response to the Problem

Overall, community-based organizations feel that their local law enforcement officials' efforts to curtail incidents against racial and religious minorities have been positive. In fact, 20 percent consider law enforcement efforts exceptional. Thirty-five percent (35%) of the participants view law enforcement

efforts to be good; 20 percent consider law enforcement efforts to be fair; and 25 percent consider their efforts to be poor. Attitudinal questions asked of the participants revealed that 55 percent feel that the police could do more to fight the problem in their communities, enforce the law better in regard to this problem and recruit more minorities on the police force.

According to the survey participants, victims of racially or religiously targeted incidents will report such incidents to the police. While 45 percent of the participants stated that victims will report incidents of violence most of the time, only 30 percent of the participants stated that incidents of harassment are reported most of the time. In general, the participants stated that racially or religiously targeted acts of violence and harassment are reported only sometimes to the police.

It appears, nonetheless, that when incidents are reported, community groups feel that the police respond promptly. Of the 55 percent that stated the police respond promptly, 36 percent rated the department's efforts exceptional; 54 percent rated the department's efforts good; and 9 percent gave the department's efforts a fair rating.

When questioned about special law enforcement procedures and methods to respond to hate violence, 70 percent of the participants stated that local law enforcement officials use special investigation; 45 percent stated that they provide victim assistance; and 70 percent stated that the local law enforcement agency makes contact with community groups. Additionally, 75 percent of the community groups stated that they refer victims to the local law enforcement authorities.

F. Recommended Law Enforcement Procedures to Respond to the Problem

When participants were given the opportunity to recommend procedures for law enforcement agencies to adopt, 45 percent recommended greater cooperation with community-based organizations. Twenty-five percent (25%) of the participants recommended human relations training and serious attention and prompt response to incidents; 15 percent recommended accurate identification, recording and reporting of incidents, special units and recruitment of minority personnel. Only 5 percent recommended cooperation with other law enforcement agencies. Additionally, 15 percent recommended the formation of special units and vigorous prosecutions.

General prevention measures recommended by the participants included: education and information exchange, legislation enactment, coalition formation, and public announcements opposing racist behavior.

G. Response of Community-Based Organizations to the Problem

The community-based organizations that participated in the survey rated themselves very high in their efforts to combat racially and religiously targeted incidents. Forty percent (40%) of the participants rated their efforts exceptional; 45 percent gave themselves a good rating; 10 percent rated themselves fair; and only 5 percent rated their efforts as poor. In regard to methods community groups use to combat hate violence, 40 percent stated that they provide educational programs; 30 percent stated that they provide legal assistance; 25 percent have issued announcements to the media; 15 percent provide victim assistance,

draft legislation, and have established a telephone hotline; and 5 percent stated that they have monitored hate group activity and investigated incidents.

H. Preliminary Conclusions

The survey results indicate that community groups' perceptions of the extent of the problem differ from those of law enforcement agencies. Whereas, all the community groups stated that racially or religiously targeted incidents have occurred within the past five years, one-third of the law enforcement agencies stated that they had not had incidents. Fifty-six percent (56%) of the law enforcement agencies reported that incidents had occurred during the past year, while 80 percent of the community groups reported incidents. Despite these conflicting views about the extent of the problem, community groups and law enforcement agencies share similar views on how to combat hate violence. As suggested by the community groups, these similar views must be discussed through a networking system.

Forty-five percent (45%) of the groups recommended greater cooperation between their group and the local law enforcement agency. According to 60 percent of the participants, a cooperative relationship currently exists. The nature of this cooperation includes: interagency task forces, information exchange, training programs, funding assistance, and education and awareness programs. Unfortunately, the effectiveness of these cooperative programs was not addressed in the survey questionnaire. It is safe to assume, nonetheless, that these programs need to be improved. In general, community-based groups feel that the police should assume a more active role in combating the problem, while

many law enforcement agencies only view their role as enforcers of the law. An attempt must be made to convince both groups of their interdependence to successfully combat the problem.

APPENDIX D

NOBLE EXECUTIVE BOARD RECOMMENDATIONS

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NOBLE EXECUTIVE BOARD RECOMMENDATIONS

1. Police departments should develop a well-defined working definition of the nature and elements of a racially and/or religiously targeted incident. This definition should be included in a written policy on the issue.
2. Mandatory training for all sworn personnel on the topic of racial and religious violence should be provided at the academy level.
3. Appeals should be made to elected officials to be outspoken on the issue and to enact laws at the state and local levels.
4. An emphasis should be placed on hiring more minority police officers.
5. Intelligence bureaus within local police departments should be aware of all terrorist and hate groups.
6. Cooperative programs for law enforcement agencies and community-based organizations should be established to exchange information and develop possible remedies.
7. The news media should be used to publicize incidents and successful prosecutions of perpetrators.
8. Accreditation and funding should be withheld from agencies that fail to adopt appropriate responses.
9. The community should be educated on the need to report and the proper reporting procedures.
10. There should be greater communication between the FBI and state and local law enforcement agencies.
11. Small police departments should be encouraged to use resources that may be available through state and Federal agencies.

APPENDIX E
SITE VISIT REPORTS

APPENDIX E
SITE VISIT REPORTS

I. NORTHEASTERN MUNICIPAL AGENCY (1)

A. Overview

The investigation of racially, ethnically or religiously motivated incidents is centralized within the office of the chief of operations. A special unit, was established in 1981 within the Operations Division to handle such cases. Specifically, the unit's responsibilities are to insure centralized crime analysis, pattern and trend identification, record keeping and comprehensive investigation of all racially, ethnically or religiously motivated incidents.

Twelve sworn personnel are assigned to the unit on a fulltime basis. All of the officers work out of headquarters. Each of the unit members had a background in detective work prior to joining the unit. The unit is headed by an inspector who reports directly to the chief of operations.

B. Specific Observations

1. Policy Statement

The general order which outlines the purpose for establishing the unit is comprehensive. It defines a bias incident as "a criminal occurrence or act that is racially, ethnically or religiously motivated". The statement includes procedures for reporting and responding to incidents that are proven to be bias in nature and those that are not. This seems to indicate that an incident will be considered serious and deserving of special attention until more information is

obtained. Recording and notification procedures are also outlined in the order.

2. Training

All recruits in the agency receive 106 hours of human relations training. The recruit training curriculum appears to be very comprehensive with courses in victimology, ethnic groups, communication and stress management. Both recruit and in-service personnel receive sensitivity training.

3. Procedures

The procedures for responding to a hate violence incident are outlined in the departmental directive. The initial patrol officer must contact the patrol supervisor and duty captain/precinct commander from the scene of the incident. The precinct commander/duty captain makes the determination that the occurrence is a racially, ethnically or religiously motivated incident.

The special unit may assume complete control of the investigation, work jointly with the Detective Bureau personnel or leave responsibility with the Detective Bureau. The investigations by the unit differ from regular investigations in that more emphasis is placed on the needs of the victim.

Despite the large number of incidents recorded by the unit, no computer analysis is used. The unit, however, maintains a special filing system on such incidents. Special report forms are used to record demographic information on victims and perpetrators. The filing system is updated

regularly and maintained by civilian personnel. Access to the records is limited to unit officers.

4. Special Methods

In addition to responding promptly to these incidents, officers of the unit are on-call 24 hours. The method used most often by officers to resolve conflicts is negotiation between opposing groups rather than apprehension of perpetrators. Cooperative programs with community groups have been established to provide a forum for grievances.

The Community Affairs Division works with the special unit by assisting in establishing a rapport with the affected communities. Each precinct has a community affairs officer assigned to it. The Division works with an interracial council made up of police officers and local leaders.

The Crime Prevention Section is responsible for victim assistance. The crime prevention officer conducts a survey of property; pays follow-up visits to the victim; interviews neighbors and links neighbors up with each other; and disseminates information.

The special unit maintains a liaison with the district attorney's office. In each office an assistant district attorney has been assigned to handle these types of cases.

C. Conclusion

Overall, the unit appears to be very effective. In light of the fact that the unit serves a large and very diverse population, the officers in the unit are representative and committed to the community in which they serve. There are, however, some concerns about whether officers outside the unit fully understand the

unit's function. Patrol officers may not be identifying all of the racially/religiously motivated incidents. As a result, the special unit may not be aware of all of the cases being reported. Additionally, more patrol and supervisory officers may take an interest in the work of the unit if unit members were assigned to precincts.

II. NORTHEASTERN MUNICIPAL AGENCY (2)

A. Overview

A special unit was established within the police department in 1978. The primary responsibility of the unit is to respond to incidents stemming from racial and religious prejudices and conflicts between different ethnic groups. One of the first of its kind, the unit has enjoyed a tremendous amount of success.

The unit has eleven (11) sworn officers who are full time. The officers, who are handpicked by the director, must be sensitive to the issue and must be knowledgeable of investigative techniques.

B. Specific Observations

1. Policy Statement

The policy statement of the unit is very clear concerning the agency's position in regard to the problem. Included in the policy is a definition of a community disorder: "conflict which disturbs the peace, and infringes upon a citizen's right to be free from violence, threats, or harassment." The department is especially concerned about harassment "due to race, color, creed, or desire to live or travel in any neighborhood." The policy also gives the

procedures for command-level notification of these incidents. In addition to stating the responsibilities of the unit, the policy clearly states that the assistance of state and Federal prosecutors will be used.

The policy was issued under a special order and disseminated to all personnel. Command-level staff members were required to mention the policy at roll call and post it for a period of two weeks.

2. Training

All officers in the agency are made aware of the special policy through recruit and follow-up training. Unit members are given on-the-job training by assignment to work with an experienced officer. Unit members train police officers in other jurisdictions to enforce the state's civil rights law.

3. Procedures

The policy statement clearly outlines the procedures for reporting and recording incidents. The patrol officer who initially encounters the incident completes an incident report form, checking the box labeled "community disorder." The system does not require additional paperwork which is a major advantage. Yet, if the officer does not indicate that an incident is of a bias nature, there does not seem to be a procedure which will doublecheck the officer's report to pinpoint those incidents which were not identified as a "disorder".

The Operations Division must be notified of all incidents classified as a community disorder. If a serious crime is involved, the district captain and area commander

are notified. The duty supervisor files a community disorder incident control sheet along with recommendations for preventing future incidents. The Operations Division notifies the special unit.

The recording procedures are unique and very adequate. Once an incident is referred to the unit, it is placed on file. The record keeping system is computerized which allows for data analysis and easy record retrieval. Only members of the unit are permitted to view the records. Information on the victim's race, sex and residence is recorded.

The special unit is in charge of the investigations. The investigations differ from regular investigations in that more resources are available, it has a higher priority, and the victim is the number one concern.

4. Special Methods

With the support of the chief executive of the agency, the mayor and local community groups, the unit has been involved in several programs which address the issue of hate violence. The unit also provides victim assistance and refers victims to private and public agencies.

The unit has a special phone number that victims can use to report incidents. The unit is publicized through the media and through brochures describing its function. Unit members have also visited homes in Southeast Asian communities to establish more trust in the police.

5. Incidents

The unit handled approximately 200 cases during 1983. There were increasing reports of Southeast Asians being

victimized; nevertheless, blacks and Jews were the primary target groups.

Most of the perpetrators tend to be youths between the ages of 15 and 21.

C. Conclusion

The unit rates very high in its response to the problem. The officers seem very committed and sensitive to this issue. Much of the unit's success can be attributed to the commitment displayed by the agency's administration and the dedication of the mayor to combating the problem. The unit had to establish its credibility within the department and the community. The acceptance of the unit is evident by increasing willingness of victims to report incidents.

Some of the problems that have been experienced by the unit are: (1) a lack of acceptance by other officers; (2) selection of the right officers for the unit (3) proper and adequate reporting by patrol officers; and (4) developing strong cases that will stand up in court.

III. SOUTHERN STATE AGENCY

A. Overview

In the summer of 1983, the state legislature enacted a law addressing the rise in violence targeted against racial and religious minorities. The act mandated the establishment of a special unit within the State Bureau of Investigation to respond to hate incidents. Operating independently of other investigative operations within the bureau, the special squad is devoted to the tasks of identifying, investigating, arresting and prosecuting

individuals or groups of individuals who perform terroristic acts, against a person or his residence on the basis of such person's race, national origin or religious association.

The squad is comprised of 24 agents, but only 4 are full time members. The members are handpicked by the director on the basis of maturity, compassion and attitudes on racial matters. Sensitivity training, however, is not included in the curriculum. Also, seniority is not a factor for selection.

B. Specific Observations

1. Policy Statement

A nine-point mission statement which outlines the duties and responsibilities of the unit can be considered the unit's policy statement. The mission statement outlines the general requirements for unit members to report, arrest, and investigate incidents; however, no guidelines are given for carrying out these responsibilities. The mission statement lacks a clear definition for racially or religiously targeted incidents.

The absence of a formal and detailed policy statement can be attributed to the fact that the unit does not have the authority to initiate an investigation. Cases are referred to the unit by the local law enforcement authorities. Local law enforcement officers make the determination that an incident is racially or religiously motivated. Consequently, the unit's policy is dependent upon the actions of the local law enforcement authorities.

2. Procedures

The unit, by nature of its role, has not established any special procedures beyond those used in other types of crimes. The mission statement suggests that the only special procedures are those used to collect data on persons who perpetrate such violence. A separate filing system is maintained on such incidents but no special report form is used to record incidents. The commander of the unit receives all case reports. He maintains a case file and makes a determination whether follow-up is needed. Only about three people have access to the file. No special reporting forms are used.

Both proactive and reactive investigations are conducted. Computerized crime analysis is used by the agency, but it is not used by the unit to establish patterns because they do not have enough cases.

3. Special Methods

The unit does not use any special methods such as victim assistance or the referral of victims to private or public agencies.

4. Incidents

It is felt that most victims call the press, legislative Black Caucus members, the Anti-Defamation League or the Anti-Klan Network instead of reporting to the police.

Most of the incidents occur between the spring and the fall. About 45% of all incidents are perpetrated by juveniles. Arrests have been made in approximately 95% of the cases referred to the unit.

5. Cooperation with Other Agencies

The unit has worked with individual FBI agents, and several cases have been referred to the Civil Rights Division of the U.S. Department of Justice. Generally the unit does not work with state prosecutors. Most local police agencies have been cooperative with the unit. More agencies are referring cases because it rids the local chief of community pressure and because it is politically unpopular to support hate activity.

C. Conclusion

The effectiveness of the unit is diminished by the absence of a mandatory state reporting system. Because local law enforcement officials are not required to report incidents, many incidents never receive the special attention the unit offers. The state does not have any specific anti-hate laws, therefore, local law enforcement authorities are not compelled to develop a formal and cooperative program with the unit. According to the director of the unit, the efforts of the unit have been effective. Yet, the director could not report whether incidents have increased or declined.

Overall, the unit is a giant step toward responding to incidents. Problems of the unit, as reported by the director, are funding and manpower.

IV. SOUTHERN COUNTY AGENCY

A. Overview

The department does not have written procedures for handling racially and religiously targeted incidents. It also does not

have a formal definition of a racially or religiously targeted incident. Officers look for evidence that seems to indicate that the incident has been racially or religiously inspired and they also consider the victim's assessment of the nature of the incident.

B. Specific Observations

1. Special Policy

The department does not have a policy statement on racial or religious violence.

2. Training

All officers receive civil disturbance training. Six hours of human relations training and ten hours in a related area are required for each recruit. The human relations course is team taught by the head of the department's community relations division and the executive director of the city's human relations commission. Each in-service officer also receives two hours of human relations training each year.

3. Procedures

The department does not have a formal procedure for handling such cases. Nevertheless, an informal procedure is presently in practice.

The same procedure used in handling routine cases is used. The patrol officer files a general report and conducts follow-up. If the patrol officer indicates in the narrative of his report that the case seems to be racially inspired, the chief of detectives may conduct a follow-up investiga-

tion. A copy of the report will be sent to the intelligence unit for further investigation.

The chief of community relations will be notified whenever an incident occurs. He has the option of reporting to the scene or waiting for the report. The role of the Community Relations Unit is to look for patterns and to monitor the handling of the case to make certain it is investigated. The unit makes referrals to victims advocate services. It also notifies the Human Relations Commission.

4. Victims and Perpetrators

Most of the victims of such crimes are black. They have had very few recent anti-Jewish incidents.

There has not been much Klan activity in the county. Nevertheless, an active Klansman was fired from the department.

C. Conclusion

The department does not have a written policy or a formal procedure. The informal procedure is working at the present time, but may not work in the future if the present executives leave the department.

The department has not had many reported incidents, but is sensitive to the problem. It sees its role as more prevention than response.

V. NORTH CENTRAL MUNICIPAL AGENCY

A. Overview

The Human Relations Section within the Police Department's Neighborhood Relations Division is responsible for investigating

incidents that are racial, religious or nationalistic. Generally, the section functions, more or less, as a mediator between opposing persons to prevent escalation of potentially volatile situations. If an investigation, however, reveals irreconcilable differences, criminal violations and a desire to pursue prosecution, the case is referred to the appropriate division. The position of the unit members, nonetheless, is to arrest incidents rather than perpetrators.

Eighteen (18) full-time officers are assigned to the section. Selected members are screened to determine whether their views are consistent with the section's policies and objectives. All members receive human relations training. Additionally, a one-week sensitivity training session which is conducted by the National Conference of Christians and Jews is required of all personnel. Daily in-service roll call training is also used.

B. Specific Observations

1. Policy Statement

Since 1964, the Department has had a general order on racial, religious or nationalistic incidents. The order defines such incidents, states the Department's policy and position and outlines the reporting procedures for such incidents. The policy has been updated with a few modifications. The most significant modification requires that a copy of the incident report be forwarded to the Human Relations Section, in addition to proper notification to the watch commander and the first deputy superintendent. When the report is forwarded, however, the policy does not outline the Human

Relations Section's operational procedures for investigating the incident.

2. Procedures

Except for the reporting procedures outlined in the general order, there are no formal written procedures for investigating and filing these incidents. According to a commanding officer of the section, specific written procedures in these areas are unnecessary because unit members communicate openly with each other on the status of their cases. Additionally, specific procedures would limit an individual officer's expertise in resolving conflicts. The filing system maintained by the section is accessible to the public.

3. Special Methods

The most unique component of the department is the Community Assessment Center that was established in 1981. The Assessment Center engages in crime analysis to some extent, but does not get involved in investigations. Racial, religious and nationalistic incidents are among the different categories of community disorders that the center evaluates. Even though the center manually compiles and analyses data on such incidents to determine trends and patterns, the main purpose of the center is to evaluate problems to develop preventive measures. The center is careful to avoid monitoring and surveillances that can be in violation of constitutional rights.

No victim assistance is provided by the department. Community groups are contacted regularly.

4. Incidents

Less than 10% of the incidents were perpetrated by juveniles. Young adults between the ages of 16 and 25 were usually responsible for disturbances. Thirty to forty percent of the cases last year resulted in arrests.

5. Cooperation With Other Agencies

The section has worked with other law enforcement agencies, primarily on the state level. The Community Relations Service of the U.S. Department of Justice has contacted the section on a few cases.

C. Conclusion

The commanding officer of the Human Relations Section feels that the unit has been effective. The most noteworthy aspect of the unit is that they provide a prompt response to incidents. The major concern is that beat officers are neglecting to indicate on report forms that a case should be forwarded to the unit. A general observation is that the department is overly sensitive to First Amendment issues as a result of losing a lawsuit.

VI. WESTERN MUNICIPAL AGENCY

A. Overview

This agency does not have a special unit, but it does have written procedures for responding to racial or ethnic harassment. The procedures are outlined in a departmental general information bulletin.

B. Specific Observations

1. Policy Statement

The departmental policy is contained in a special directive issued by the chief of police in August 1982. The directive was developed after an investigation of an incident "fell through the cracks". The local media were critical of police handling of such incidents because nobody was designated to conduct follow-up investigations.

Racial and/or ethnic harassment is defined by the departmental policy as: "criminal acts, such as cross burnings, firebombings, vandalism of property, physical assaults, hate mail, threatening telephone calls, and other acts committed with the intention of intimidating or harassing persons because of their race, creed, color, religion or national origin".

The directive states that the policy of the department is to regard these acts as serious and to respond decisively to all acts. The directive also gives the provisions of the state law on malicious harassment and outlines the procedures for handling cases.

2. Training

Police officers are trained at the state academy. They receive sensitivity training as part of their recruit training. New laws and procedures are introduced through roll call training.

3. Procedures

The procedures for handling harassment cases are outlined in the directive from the chief of police. When a

report is received or discovered, a patrol unit and a supervisor are dispatched to the scene to initiate the investigation. The ranking supervisor at the scene will notify the Public Information Unit and the assistant chief in charge of field support. The assistant chief may notify the Crime Prevention Division, especially if the victims need assistance. The Public Information Unit notifies the chief of police.

If the crime involves property damage, the Crimes Against Property Unit of the Detectives Bureau will investigate. If the crime involves personal injury, the Crimes Against Persons Unit will investigate. If explosives or burnings are involved, the bomb squad will investigate.

The assistant chief of field support and the assistant chief of investigation coordinate the files on such cases. A copy of all harassment reports is sent to the head of the crime prevention division. The crime prevention bureau assists the victim where appropriate and often assists in the investigation by uncovering relevant evidence.

4. Special Methods

There is regular communication with the U.S. Department of Justice, Community Relations Service. Some harassment cases that did not violate state law have been referred to the city's Human Rights Commission. One city councilman has worked closely with the department on such cases. When "all else fails", the department has on occasion turned to the block watch program for assistance.

C. Conclusion

The head of the Crime Prevention Unit keeps a tally of all racially and ethnically targeted offenses reported to the police. The most likely victim is a black person, but the number of incidents perpetrated against Indo-Chinese is increasing. There is a belief that for every case reported, ten cases go unreported. Thus, the department has only investigated 15 cases since 1982. Most incidents seem to be perpetrated by youngsters. Arrests have been made in only three cases.

A lack of reporting was identified as a major problem. There was a feeling that police officers would be more sensitive to the problem if there were more cases.

APPENDIX F
SYMPOSIUM PARTICIPANTS

APPENDIX F
SYMPOSIUM PARTICIPANTS

Commander Darryl Adams
Georgia Bureau of Investigations

Mr. Bob Angrisani
International Association of Chiefs
of Police

Ms. Mari Carmen Aponte
Hispanic Bar Association

Mr. Robert Blitzer
FBI Academy Training Division

Ms. Gail Bowman
U.S. House Subcommittee on Crime and
Criminal Justice

Undersheriff Larry Broadbent
Kootenai County (ID) Sheriff's Dept.

Mr. Zachary W. Carter
Kings County (NY) District Attorney

Mr. Paul Cascarano
National Institute of Justice

Mr. Jimmy Coleman
North Carolina Human Relations

Mr. George Dehardy
FBI Academy Training Division

Mr. William Delahunt
Norfolk County (MA) District Attorney

Ms. Carol Dorsey
National Institute of Justice

The Honorable Raymond Flynn
Mayor of Boston (MA)

Mr. Richard W. Friedman
Governor's (MD) Task Force on Violence
and Extremism,

Mr. Stephen Goldsmith
Marion County (IN) District Attorney

Chief Reuben M. Greenberg
Charleston (SC) Police Dept.

Ms. Sally Greenberg
Anti-Defamation League (D.C./MD)

Mr. Ronald Hampton
National Black Police Association

Asst. Superintendent Ira Harris
Chicago (IL) Police Dept.

Mr. David Hayes
Norfolk County (MA) District Attorney

Mr. Gary Hayes
Police Executive Research Forum

Chief Robert B. Ingram
Opa Locka (FL) Police Dept.

Ms. Wanda Johnson
U.S. Commission on Civil Rights

Professor Charles Jones
Rutgers University

Dr. Nolan E. Jones
National Governors' Association

Mr. Robert Lamb
Northwest Regional Office (WA)
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Chief William Logan
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Detective Patricia Maurice
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Mr. H.M. Michaux
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Mr. Patrick Murphy
Police Foundation

Sheriff Michael E. Norris
Alexandria County (VA) Sheriff's Dept.

Mr. Gilbert Pompa
Community Relations Service

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Ms. Frances Seward
Attorney General's Task Force
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Chief L. Jerome Spates
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Mr. Bill Stanton
Southern Poverty Law Center

Mr. John Stein
National Organization of Victims
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Asst. Chief Marty Tapscott
Metropolitan (D.C.) Police Dept.

Ms. Peggy Triplett
Metropolitan (D.C.) Police Dept.

Commissioner Benjamin Ward
New York City Police Dept.

Ms. Gail Weaver
Howard University

Ms. Joan Weiss
Montgomery County (MD) Human Relations
Commission

Ms. Lyn Wells
National Anti-Klan Network

Mr. S. Chuck Wexler
Boston (MA) Police Dept.

Director Hubert Williams
Newark (NJ) Police Dept.

Sergeant Richard Williams
Montgomery County (MD) Police Dept.

APPENDIX G

REVIEW OF FEDERAL AND STATE ANTI-HATE LEGISLATION

APPENDIX G

REVIEW OF FEDERAL AND STATE ANTI-HATE LEGISLATION

A. Introduction

Some acts of violence perpetrated against individuals because of their race, religion, color or national origin are crimes prohibited by Federal laws, and more recently by some state and local legislation. These laws are designed to provide some recourse for the victims as well as deter incidents of hate violence. The purpose of the legislative review was to provide law enforcement officials with an overview of the relevant legislation to assist them in developing a comprehensive response to hate activity.

The overview examines the applicability of the Federal statutes and identifies states which have pertinent legislation. In reviewing the legislation, the focus was upon the language, the penalties and remedies provided, and the adequacy of the legislation. Enforcement of the legislation was also examined.

The review of the Federal statutes draws largely upon a report by the Washington Lawyer's Committee for Civil Rights Under Law entitled, "Civil and Criminal Remedies for Racially and Religiously Motivated Violence." The report provides a comprehensive review of the Federal statutes and includes an overall evaluation of their applicability. Testimony provided by witnesses during the 1980 congressional hearings on the increasing violence against minorities proved to be a useful source of additional information on the Federal statutes.

After receiving copies of relevant state legislation from state attorneys general, persons who have drafted, enacted and enforced state anti-hate laws were contacted to obtain a better understanding of state laws. Additional assistance was provided by representatives of human relations commissions and the Community Relations Service of the U.S. Department of Justice.

B. Analysis of the Federal Statutes

Historically, racial and religious minorities have relied upon the Federal government for relief from violence targeted against them. This is especially true in the case of black Americans. After the 13th Amendment was ratified, Congress enacted the Civil Rights Act of 1866 in response to acts of violence committed against the newly emancipated slaves. Subsequently Federal laws were enacted to provide additional protection to blacks and other minorities.

There are eight principal Federal statutes which provide civil and criminal remedies to victims of hate violence. Criminal violations can be prosecuted under statutes 18 U.S.C. sections 241, 242, 245 and 42 U.S.C. section 3631. Civil causes of action for acts of hate violence are provided under 42 U.S.C. sections 1981, 1982, 1985(c) and 3617.

While debate on the Federal statutes usually centers on their enforcement rather than upon their adequacy, several scholars have stated that the Federal statutes are inadequate to prohibit the killing of blacks and other minorities unless they are engaged in a Federally protected activity like voting. Former Assistant Attorney General Drew Days, Jr. noted that under Federal statute 18 U.S.C. section 245, in particular, the shooting and killing of

a person solely because of his or her race may not necessarily be a Federal offense. Days' statement about the limitations of this statute was exemplified by the acquittal of John Franklin, the defendant in the shooting incident of Vernon Jordan, former president of the National Urban League. In that case, the jury had to prove that Franklin shot Jordan not only because Jordan was black, but that Franklin had the specific intent to deny Jordan his Federally protected right to use public lodgings.

In response to the concern about the limitations of the statutes, the NAACP has suggested that Title 18 U.S.C. section 241 be amended to include the following paragraph immediately after the second paragraph of the statute:

If two or more persons conspire to injure any person physically or in his or her property because of such person's race or because of his or her association with a person or persons of a different race or because of his or her advocacy of equality of the races or elimination of racial discrimination...

Additional changes to the statute by the NAACP provide for severability, appropriation of funds to carry out the purposes of this statute and identifies the act as the "Civil Rights Anti-Violence Act".

Despite the limitations of the Federal statutes, they are viewed as the strongest laws currently available to combat hate activity. Yet, prosecution of perpetrators under the statutes has been severely criticized. The caseload of the Civil Rights Division of the Justice Department may contribute in part to the small number of cases prosecuted under the Federal statutes. In addition to cases of hate violence, the Division also receives various civil rights complaints which include police brutality and

other types of discrimination. During the years between 1977-1982, the Division received over 64,000 complaints of civil rights violation. On the average, only 19 attorney positions were authorized for each of those years. In light of these facts and the concern about an increase in hate activity, the NAACP has urged the Civil Rights Division of the Department of Justice to increase its staff and budget to handle allegations of hate violence.

Enforcement of the Federal statutes has been a major concern because protection to minorities by some states has been inadequate. The Federal statutes provide the most recourse to victims, and failure to enforce them may signal to perpetrators that hate activity is condoned at the Federal level. While states are just beginning to enact appropriate legislation, the Federal statutes have an established record of enforceability and constitutional validity.

C. Analysis of State Statutes

Traditionally, state laws have not been considered effective in dealing with violence against racial and religious minorities. Even though states have always had laws prohibiting acts of vandalism, assault, arson or homicide, these laws, by and large, have not provided for any special considerations when acts of violence are deemed racially or religiously motivated. Furthermore, enforcement of state laws in regard to minorities has often been uneven and of low priority (Berry, 1975).

Due to changes in the political and social climate throughout the country, states have begun to take action in response to the resurgence in hate activity. Whereas, some states have enacted laws which impose stiffer penalties for violence that is racially

or religiously motivated, at least seven states have enacted comprehensive legislation specifically designed to curtail violence against racial and religious minorities. Other states have enacted laws that prohibit aspects of hate violence like cross burnings, wearing of masks or paramilitary training. The effectiveness of these new laws, in regard to enforcement, cannot be ascertained because of their recency.

According to Charles Jones, a Rutgers University law professor who has done a similar compilation of state anti-hate legislation, at least 25 states have laws prohibiting the wearing of hoods and masks to conceal one's identity. Even though the wearing of hoods or masks may not mean the hoods associated with Klan regalia, the laws have been interpreted to include Klan activity. Jones further notes that at least four states impose stiffer penalties on crimes of whipping and flogging if the perpetrators conceal their identity. To thwart Klan recruitment, at least 27 states have laws prohibiting illegal organizations, i.e., organizations that are unauthorized or unregistered with the state. Here again, these laws, by and large, do not specifically mention the Klan but have been interpreted to include them (Jones, 1983).

More extensive legislation has been passed in regard to acts of intimidation. Intimidation includes desecration, threats, and property defacement. While most of these laws do not solely address criminal conduct associated with racism and bigotry, a growing number of states explicitly prohibit acts of intimidation, particularly threats, when racially or religiously targeted.

In recent years, state legislatures have amended existing legislation to increase penalties for violations deemed racially or religiously motivated. Alaska's legislation, for example, states that a crime that interferes with constitutional rights is a class A misdemeanor. However, if one is convicted of an offense, the court may increase the term of imprisonment up to the maximum if the defendant knowingly committed the offense because of the victim's race, sex, color, creed, ancestry, or national origin. Oregon statutes prohibiting acts of intimidation were revised to create first and second degree offenses if the crimes are deemed religiously or racially motivated. The revised statutes also provide for civil relief. In Maryland, the penalty for cross burning was increased from a misdemeanor to a felony.

The amending of existing statutes to provide greater relief to victims of hate activity has impacted upon police departments. In Multnomah County, Oregon, the police department has implemented a policy consistent with state revision. Similarly, in Maryland, the state law enforcement agencies are required by law to report incidents of hate activity in a uniform manner. Overall, the greatest effect of amending existing laws has been an increased awareness of the problem of hate violence activity. An increased awareness has led to the development of other programs to combat hate activity.

The number of states which have a comprehensive anti-hate law is far less than the number of states which have laws prohibiting aspects of hate violence like cross burnings, and property defacement. Of the 14 states with anti-hate legislation cited by the U.S. Commission on Civil Rights, only seven states

have what may be called comprehensive anti-hate legislation. Unlike states which have laws which merely impose stiffer sentences for acts of violence when deemed to be racially or religiously motivated, states which have comprehensive anti-hate legislation have made a special effort to isolate the problem of hate violence. This type of legislation, referred to as Anti-Terrorism, Ethnic Intimidation, or Malicious Harassment Acts, specifically prohibits violence against individuals solely because of their race, religion, color or national origin. Under these laws, violence against minorities is defined as any act, physical or non-physical which interferes or attempts to interfere with a person's exercise or enjoyment of rights outlined in the Constitution. In addition, these comprehensive anti-hate laws may include stiffer penalties for property defacement, arson and homicide. Civil remedies are not precluded under these acts, and in states like Massachusetts and Illinois, the parents or legal guardians of a minor who violates these laws may be held liable for damages. Comprehensive anti-hate legislation in the states of Georgia and Rhode Island have directed state law enforcement agencies to develop specialized units to investigate and report religiously and racially motivated violence in a uniform manner.

Opponents of state legislation specifically designed to prohibit violence against racial and religious minorities argue that existing laws are sufficient to handle the problem. Opponents view any new legislation as redundant and possibly unconstitutional. Yet, given the history of state protection for minorities and the resurgence in hate activity, the need for accelerated efforts, i.e., stronger laws, becomes great. Further-

more, the tendency of the federal government to defer prosecution of civil rights violators to the states makes it incumbent upon states to have adequate legislation. Moreover, adequate legislation enables law enforcement officials to respond appropriately to incidents of violence and harassment against racial and religious minorities.

APPENDIX H
SELECTED LEGISLATION

APPENDIX H
SELECTED LEGISLATION

New York State Law

1981 REGULAR SESSION

HARASSMENT IN EXERCISE OF CIVIL RIGHTS -
PROHIBITION AND PENALTY

CHAPTER 870

Approved July 31, 1981, effective Sept. 1, 1981

AN ACT to ammend the civil rights law, in relation to discrimination and the penalties therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-c of the civil rights law, as added by chapter one thousand thirty-one of the laws of nineteen hundred sixt-five, is amended to read as follows:

40-c. Discrimination. 1. All persons within the jurisdiction of this state shall be entitled to the equal protection of the laws of this state or any subdivision thereof.

2. No person shall, because of race, creed, color or national origin, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

3. No person shall, because of race, creed, color or national origin, be subjected to any harassment, as definid in section 240.25 of the penal law, in the exercise of his civil rights by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

2. Section forty-d of such law, as added by chapter one thousand thirty-one of the laws of nineteen hundred sixty-five, is amended to read as follows:

40-d. Penalty for violation. Any person who shall violate any of the provisions of the foregoing section, or who shall aid or incite the violation of any of said provisions shall for each and every violation thereof be liable to a

penalty of not less than one hundred dollars nor more than five hundred dollars to be recovered by the person aggrieved thereby in any court of competent jurisdiction in the county in which the defendant shall reside; and shall, also, for every such offense be deemed guilty of a class A misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned not less than thirty days nor more than ninety days, or both such fine and imprisonment. At or before the commencement of any action under this section, notice thereof shall be served upon the attorney general.

3. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

NOTE: ETHNICALLY RELATED HARASSMENT IS NOW A CLASS A MISDEMEANOR UNDER THE NEW YORK STATE CIVIL RIGHTS LAW.

STATE OF WASHINGTON

MALICIOUS HARASSMENT ACT

9A.36.080 Malicious harassment. (1) A person is guilty of malicious harassment if he maliciously and with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin:

- (a) Causes physical injury to another person; or
- (b) By words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person; or
- (c) Causes physical damage to or destruction of the property of another person

(2) Malicious harassment is a class C felony.

(3) In addition to the criminal penalty provided in subsection (2) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.

(4) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law. [1981 c 267 § 1.]

9A.36.090 Threats against governor or family. (1) Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the governor of the state or his immediate family, the governor elect, the lieutenant governor, other officer next in the order of succession to the office of governor of the state, or the lieutenant governor elect, or knowingly and willfully otherwise makes any such threat against the governor, governor elect, lieutenant governor, other officer next in the order of succession to the office of governor, or lieutenant governor elect, shall be guilty of a class C felony.

(2) As used in this section, the term "governor elect" and "lieutenant governor elect" means such persons as are the successful candidates for the offices of governor and lieutenant governor, respectively, as ascertained from the results of the general election. As used in this section, the phrase "other officer next in the order of succession to the office of governor" means the person other than the lieutenant governor next in order of succession to the office of governor under Article 3, section 10 of the state Constitution.

(3) The Washington state patrol may investigate for violations of this section. [1982 c 185 § 1.]

Reviser's note: 1982 c 185 § 2 directed that this section constitute a new chapter in Title 9 RCW. Since this placement appears inappropriate, this section has been codified as part of chapter 9A.36 RCW.

ADL "MODEL" STATUTES

1. Institutional Vandalism

A. A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging:

- i. Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
- ii. Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;
- iii. Any school, educational facility or community center;
- iv. The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subsections (i), (ii), or (iii) above; or
- v. Any personal property contained in any institution, facility, building, structure or place described in subsections (i), (ii) or (iii) above.

B. Institutional vandalism is punishable as follows:

- i. Institutional vandalism is a _____ misdemeanor if the person does any act described in Subsection A which causes damages to, or loss of, the property of another.
- ii. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in an amount in excess of five hundred dollars.
- iii. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damages to, or loss of, the property of another in an amount in excess of one thousand five hundred dollars.

iv. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in excess of five thousand dollars.

C. In determining the amount of damage to, or loss of, property, damage includes the cost of repair or replacement of the property that was damaged or lost.

2. Ethnic Intimidation

A. A person commits the crime of ethnic intimidation if, by reason of the race, color, religion or national origin of another individual or group of individuals, he violates Section _____ of the Penal Code (insert code provisions for criminal trespass, criminal mischief, harassment, menacing, assault and/or any other appropriate statutorily proscribed criminal conduct).

B. Ethnic intimidation is a _____ misdemeanor/felony (the degree of criminal liability should be made contingent upon the severity of the injury incurred or property lost or damaged).

3. Civil Action for Institutional Vandalism and Ethnic Intimidation

A. Irrespective of any criminal prosecution or the result thereof, any person incurring injury to his person or damage or loss to his property as a result of conduct in violation of Sections 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other appropriate relief in law or in equity against any and all persons who have violated sections 1 or 2 of this Act.

B. In any such action, whether a violation of Section 1 or 2 of this Act has occurred shall be determined according to the burden of proof used in other civil actions for similar relief.

C. Upon prevailing in such civil action, the plaintiff may recover:

(i) Both special and general damages, including damages for emotional distress;

(ii) Punitive damages; and/or

(iii) Reasonable attorney fees and costs.

D. Notwithstanding any other provision of the law to the contrary, the parent(s) or legal guardian(s) of an unemancipated minor shall be liable for any judgment rendered against such minor under this section.

ADL MODEL PARAMILITARY TRAINING STATUTE

A. (1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder; or

(2) Whoever assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ unlawfully the same for use in, or in furtherance of, a civil disorder --

Shall be fined not more than \$ _____ or imprisoned not more than _____ years, or both.

B. Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

C. As used in this section:

(1) The term "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(3) The term "explosive or incendiary device" means (a) dynamite and all other forms of high explosives, (b) any explosive bomb, grenade, missile, or similar device, and (c) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(4) The term "law enforcement officer" means any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia, and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States.

THE COMMONWEALTH OF MASSACHUSETTS
ADVANCE COPY 1983 ACTS AND RESOLVES
MICHAEL JOSEPH CONNOLLY SECRETARY OF STATE

Chap. 165. AN ACT PROHIBITING CERTAIN ACTS AGAINST
PERSONS AND PROPERTIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 39. Whoever commits an assault or a battery upon a person or damages the real or personal property of another for the purpose of intimidation because of said person's race, color, religion, or national origin, shall be punished by a fine of not more than five thousand dollars or not more than three times the value of the property destroyed or damaged, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years, or both.

SECTION 2. Chapter 266 of the General Laws is hereby amended by inserting after section 127 the following two sections:-

Section 127A. Any person who willfully, intentionally and without right, or wantonly and without cause, destroys, defaces, mars, or injures a church, synagogue or other building, structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility or community center or the grounds adjacent to and owned or leased by any of the foregoing or any personal property contained in any of the foregoing shall be punished by a fine of not more than two thousand dollars or not more than three times the value of the property so destroyed, defaced, marred or injured, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years, or both; provided, however, that-if the damage to or loss of such property exceeds five thousand dollars, such person shall be punished by a fine of not more than three times the value of the property so destroyed, defaced, marred or injured or by imprisonment in a state prison for not more than five years, or both.

Section 127B. Any person incurring injury to his person or damage or loss to his property as a result of conduct in violation of section one hundred and twenty-seven A or of section thirty-nine of chapter two hundred and sixty-five shall have a civil action to secure injunctive relief, special and general damages, reasonable attorney fees and costs against the person whose conduct has violated said section one hundred and twenty-seven A of this chapter or of section thirty-nine of chapter two hundred and sixty-five. In any such action the burden of proof shall be the same as in other civil actions for similar relief.

Notwithstanding any other provision of law to the contrary, the parent or legal guardian of an unemancipated minor child shall be liable for any judgment rendered against such minor under the provisions of this section.

MASSACHUSETTS

Massachusetts Civil Rights Law

AN ACT FOR THE PROTECTION OF THE CIVIL RIGHTS OF PERSONS IN THE COMMONWEALTH.

Section 11 H. Whenever any persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the attorney general may bring a civil suit for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or persons whose conduct complained of reside (or) have their principal place of business.

Section 11 I. Any person whose exercise or enjoyment of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, has been interfered with, or attempted to be interfered with, as described in section 11 H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages. Any aggrieved person or persons who prevail in an action authorized by this section shall

SELECTED BIBLIOGRAPHY

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- Adler, P.R. The 1943 Zoot-Suit Riots: Brief episode in a long conflict. In M.P. Servin (Ed.), An awakened minority: The Mexican Americans. Beverly Hills: Glencoe Press, 1974.
- Anti-Defamation League of B'nai B'rith. 1982 audit of anti-Semitic incidents. Unpublished paper, 1983.
- Anti-Defamation League of B'nai B'rith. 1983 audit of anti-Semitic incidents. Unpublished paper, 1984.
- Berry, M.F. Black resistance/white law: A history of constitutional racism in America. New York: Appleton Century Crofts, 1971.
- Boskin, J. Urban racial violence in the twentieth century (2nd ed.). Beverly Hills: Glencoe Press, 1976.
- Bigotry and Violence in New York State. A summary of a conference cosponsored by the office of the Governor of the State of New York and the New York State Advisory Committee to the U.S. Commission on Civil Rights, 1983.
- Brown, R.M. Strain of violence: Historical studies of American violence and vigilantism. New York: Oxford University Press, 1975.
- Civil and criminal remedies for racially and religiously motivated violence. Washington, D.C.: Washington Lawyers' Committee for Civil Rights Under Law, 1983.
- Commission for accreditation for Law Enforcement Agencies. Standards for law enforcement agencies. Commission for Accreditation for Law Enforcement Agencies, 1983.
- Delgado, R. Words that wound: A tort action for racial insults, epithets and name-calling. Harvard Civil Rights-Civil Liberties Law Review, 1982, 17, 135-178.
- Fowler, F.J. Black and white perceptions of quality of life in Boston. Boston: Center for Survey Research, 1982.
- French, L. (Ed.). Indians and criminal justice. Totowa, NJ: Allanheld, Osmun & Co., 1982.
- Governor's Civil Tension Task Force (Commonwealth of Pennsylvania). Summary report, August 10, 1979.
- Governor's Task Force on Civil Rights. Report on racial, ethnic and religious violence in California 1982: Summary and recommendations. Unpublished mimeo.

Governor's Task Force on Violence and Extremism. Interim Report, 1983 (State of Maryland).

Grimshaw, A.D. Racial violence in the United States. Chicago: Aldine Publishing Co., 1969.

Hate groups and acts of bigotry: Connecticut's response. Report prepared by the Connecticut Advisory Committee to the U.S. Commission on Civil Rights, 1982. (Referred to as the Connecticut Report.)

Hate groups in America: A record of bigotry and violence. New York: Anti-Defamation League of B'nai B'rith.

Hate groups in Michigan: A sham or a shame. Report prepared by the Michigan Advisory Committee to the U.S. Commission on Civil Rights, 1982. (Referred to as the Michigan Report.)

Jones, C.H. Racially motivated violence. Unpublished paper prepared for the Human Rights and Governance Project of the Ford Foundation, New York, NY, 1983.

Lamb, R. Non-physical assaults on blacks. In L.P. Brown (Ed.), Violent crime: Who are the victims? Landover, MD: National Organization of Black Law Enforcement Executives, 1981.

Law Enforcement Assistance Administration. Victim/witness services: A review of the model. U.S. Department of Justice, Law Enforcement Assistance Administration, 1979.

McWilliams, C. North from Mexico: The Spanish-speaking people of the United States. New York: Greenwood Press, 1968.

Melendy, H.B. Asians in America: Filipinos, Koreans, and East Indians. Boston: G.K. Hall & Co., 1977.

Myrdal, G. An American dilemma: The Negro problem and modern democracy. New York: Harper and Row, 1962.

National Advisory Commission on Civil Disorders. Report of the National Advisory Commission on Civil Disorders. Washington, D.C.: U.S. Government Printing Office, 1968.

Perceptions of Hate Group Activity In Georgia. A report prepared by the Georgia Advisory Committee to the U.S. Commission on Civil Rights, 1982.

President's Commission on Law Enforcement and Administration of Justice. Task force report: The police. Washington, D.C.: U.S. Government Printing Office, 1967.

President's Task Force on Victims of Crime. Final report, December 1982.

- Radelet, L.A. The police and the community. 3rd ed. Encino, CA: Glencoe Publishing Co., 1980.
- Raper, A.F. The tragedy of lynching. New York: Negro Universities Press, 1969.
- Report to the Governor's Task Force on Violence and Extremism. Prepared by the Survey Research Center, University of Maryland, 1982.
- Rhode Island Commission on Religious, Racial and Ethnic Harassment. Second Annual Report, 1983.
- Rhode Island Commission on Religious, Racial and Ethnic Harassment. First Annual Report, 1982.
- Scott, E.L. Violence against blacks in the United States, 1979-1981. Washington, D.C.: Howard University, Institute for Urban and Research, 1983.
- Servin, M.P. The Mexican-Americans: An awakening minority. Beverly Hills: Glencoe Press, 1970.
- Spear, A.H. Black Chicago: The making of a Negro ghetto, 1890-1920. Chicago: University of Chicago Press, 1967.
- Swanson, C.R.; Chamelin, N.C. & Territo, L. Criminal investigation. Santa Monica: Goodyear Publishing Co., 1977.
- Trojanowicz, R.C. & Dixon, S.L. Criminal justice and the community. Englewood Cliffs, NJ: Prentice-Hall, 1974.
- U.S. Commission on Civil Rights. Intimidation and violence: Racial and religious bigotry in America. A statement of the U.S. Commission on Civil Rights, 1983.
- U.S. House Committee on the Judiciary. Hearings before the House Subcommittee on Crime, Increasing violence against minorities. December 1980.
- Viano, E.C. (Ed.). Victim/witness programs: Human services of the 80s. Alexandria, VA: National Victim/Witness Resource Center, 1980.
- Washington Lawyers' Committee for Civil Rights Under Law. Civil and criminal remedies for racially and religiously motivated violence. Washington, D.C.: Washington Lawyers' Committee for Civil Rights Under Law, 1983.
- Wasserman, R. & Couper, D. Training and Education. In O.G. Stahl & R.A. Staufenberger (Eds.), Police personnel administration. Washington, D.C.: Police Foundation, 1974.

Westley, W.A. Violence and the police: A sociological study of law, custom and morality. Cambridge, MA: MIT Press, 1970.