

### What should I do if the Police do not Bring Charges?

If the person or persons who committed the crime can be identified but the police have not charged the individual, the victim may file a private criminal complaint with the local District Justice who will then contact the District Attorney's office to determine whether it will prosecute the case. If that office decides not to proceed, the victim has a right to appeal to the county's Court of Common Pleas. In Philadelphia, private criminal complaints should be filed directly with the District Attorney's office.

### What if I have been injured or my Property Damaged?

Under this legislation, victims have the right to file a complaint against the suspect "for injunction, damages or other appropriate civil or equitable relief." This may include recovery for damages, including damages for emotional distress, punitive damages and reasonable attorney fees and costs. The complainant may ask that the suspect cease the activities considered to be ethnic intimidation or institutional vandalism. This civil complaint may be filed whether or not there has been criminal prosecution.

There are additional state and federal laws that may provide remedies in these cases. A victim should consult an attorney to review these rights and remedies. If a victim does not have an attorney, the county bar association may help find one.

### Inter-Agency Task Force on Civil Tension

- Pennsylvania Human Relations Commission
- Pennsylvania Office of Attorney General
- Pennsylvania State Police
- Pennsylvania Department of Community Affairs
- Governor's Advisory Commission on Latino Affairs
- Pennsylvania Heritage Affairs Commission
- Pennsylvania Department of Education
- State System of Higher Education
- Pennsylvania Department of Public Welfare
- Community Relations Service, U.S. Department of Justice
- Anti-Defamation League of B'nai B'rith
- Pennsylvania Chiefs of Police Association
- Philadelphia Police Department
- Philadelphia Commission on Human Relations

**For further information, phone  
Pennsylvania Human Relations  
Commission  
(717) 783-8264**

*or*  
**Office of Attorney General  
Civil Rights Enforcement Section  
(717) 787-0822**

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# Ethnic Intimidation Is **ILLEGAL** In Pennsylvania



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## Ethnic Intimidation Is **ILLEGAL** in Pennsylvania

In June, 1982, the Ethnic Intimidation and Institutional Vandalism Act was signed into law. The Crimes Code provision regarding institutional vandalism was amended in 1983 and 1988.

Pennsylvania considers certain crimes to be more serious when motivated by hatred or malice toward the race, color, religion or national origin of another individual or group of individuals. When certain designated underlying offenses are committed and it can be shown that a motive for such crimes was hatred of the race, color, religion, or national origin of the victim, the offense of ethnic intimidation can also be charged, subjecting the perpetrator to more severe penalties. In summary, these underlying offenses include, but are not limited to, crimes against persons like harassment, terroristic threats, assault, criminal mischief and arson.

Vandalism causing damage or defacement to a church, synagogue, cemetery, mortuary, memorial to the dead, school, educational facility, community center, municipal building, courthouse, or juvenile detention center, grounds surrounding such places, or personal property located within such places, is an offense now punishable as a felony of the third degree if the offender knows that the damage will outrage persons who observe it or if the repair, replacement or other costs exceed \$5,000. Otherwise, the offense is a second-degree misdemeanor.

Any person who is injured or whose property is damaged by such actions can sue for damages, including damages for emotional distress, punitive damages and reasonable attorney fees and costs.

### Where can the Victim get Other Help in the Community?

Some communities have formed a local network of neighbors to assist victims of ethnic intimidation. Human relations and human rights agencies or religious organizations are also helpful.

### Is there a Statewide Effort to Combat Ethnic Intimidation?

Yes. In December 1971, the Governor, by Executive Order, created the Governor's Civil Tension Task Force. The original task force has been succeeded by an Inter-Agency Task Force on Civil Tension. State and federal agency representatives meet monthly, jointly investigate and monitor community tension situations that might involve racial, religious or nationality conflict, implement inter-agency plans to deal with the causes of such tension, and assist local police and community agencies in dealing with these problems.

### What should I do if I become a Victim of Ethnic Intimidation?

Victims should immediately report any and all such activities or crimes to their local police department or the Pennsylvania State Police for investigation and possible prosecution under this statute.

### What if I can't identify who Committed the Crime?

Unfortunately, most incidents are committed around few witnesses or under cover of nightfall. Nevertheless, the victim should report the crime and whatever information is available. Police have the best resources for identifying the offenders and are responsible for making every effort to do so.

### How should the Police Respond?

The initial response of the police to the incident is important in conveying the opposition of the police and local government officials to such illegal activities. Officers should respond with sensitivity to the victim's needs and be knowledgeable about the special provisions of this legislation. The police must respond promptly with a full professional investigation. The officers should question witnesses seeking information regarding whether the person responsible for committing the crime was motivated by hatred of the victim or institution because of race, color, religion or national origin. Law also requires police departments to report monthly ethnic intimidation incidents to the State Police.