

U.S. COMMISSION ON CIVIL RIGHTS

1 UNITED STATES COMMISSIN ON CIVIL RIGHTS

2 PENNSYLVANIA ADVISORY COMMITTEE

3 - - -

4 Thursday, July 23, 1987
5 William J. Green Federal Bldg.
6 600 Arch Street, Room 6310
7 Philadelphia, Pennsylvania
8 2:30 P.M.

9 - - -

PRESENT:

9

10

11 DR. SUSAN M. WACHTER, Chairperson

12 TINO CALBIA, Field Representative

13 JOSEPH FISHER

14 SIEGLINDE A. SHAPIRO

15 EUGENE HICCOCK

16 STEPHEN W. MAHON

17 MORRIS MILGRAM

18 CARL E. SINGLEY

19 M. MARK STOLARIK

20

21 - - -

22 Claudia L. Aden
23 Registered Professional Reporter
24 New Jersey Certified Shorthand Reporter
1420 Locust Street, Suite 23B
Philadelphia, Pennsylvania 19102
(215) 546-3267

1 APPEARANCES:

2 RICHARD B. ANLIOT, Pennsylvania's Inter-Agency Task
Force on Civil Tension

3 CHARLES LEE, Bureau of Community Services of the
4 Pennsylvania State Police

5 TROOPER DENNIS ECKENRODE, Bureau of Community
Services of the Pennsylvania State Police

6 FRANK TYLER, Community Relations Service of the
7 U.S. Department of Justice

8 EVELYN HULL WARNER, President, Ambler NAACP

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 DR. WACHTER: We will hear from Richard
2 Anliot first. And perhaps, Tino, you would like to
3 make some comments before we begin.

4 MR. CALABIA: Just to mention that there
5 are two states which are implementing such laws at
6 the moment, Maryland, which began in the early
7 80's, and, of course, this state began in January.
8 A number of other states have passed legislation
9 calling for the collection of such data, including
10 nearby Connecticut, where they are studying how to
11 do it and will be commencing, I think, in July of
12 next year.

13 Let me also mention, of course, that
14 Dick Anliot and his associate, Robert Clough, are
15 old friends to this committee and to our agency and
16 have helped us in the past. They've come together
17 to divide up the task of looking at what has been
18 done here in the state that they've been involved
19 with. And I'll leave it to Dick to start.

20 MR. ANLIOT: We appreciate the
21 opportunity to come back and kind of share our
22 experience and problems with this advisory
23 committee as we last did on June 20th, 1985. So
24 it's been just basically two years ago that we

1 shared with you. We realize your time is a little
2 shorter for this total portion of your meeting
3 than originally planned, so I'll say right out
4 front that we won't take more than fifteen minutes
5 in terms of what we're going to share with you and
6 then we will take whatever additional time you
7 wish for questions.

8 We brought particular items that I'll be
9 referring to all together in kind of a séquence in
10 which we'll be talking about them, so that may be
11 helpful. Just for the record, could I first
12 indicate by way of agency identity, both Mr.
13 Clough and myself, our salaries are paid by the
14 Pennsylvania Human Relations Commission and we are
15 respectively Director of Education and Community
16 Services, and Mr. Clough is Assistant to the
17 Director in that same division.

18 As a part of our duties we, in effect,
19 provide the primary staffing of, in Pennsylvania,
20 the Interagency Task Force on Civil Tension. That
21 task force doesn't pay us anything, just so you're
22 clear as to who we are.

23 Let me attempt to try to summarize the
24 basic sort of things we've been at in the past

1 couple years. Mr. Clough, in particular, will be
2 talking about a major activity of himself and our
3 agency office and the task force in terms of
4 training of law enforcement officials and training
5 of college security personnel with reference to
6 the ethnic intimidation/institutional vandalism
7 laws in Pennsylvania, and cultural awareness, that
8 is, what law enforcement officials should know
9 about primary minority groups in order to do their
10 law enforcement tasks more effectively.

11 Overall, let me say that in the past two
12 years, the Interagency Task Force has expanded in
13 terms of having added some additional State of
14 Pennsylvania -- Commonwealth of Pennsylvania
15 agencies, namely, the State System of Higher
16 Education which runs the fourteen state
17 universities in the Commonwealth. And our
18 agencies represented the Philadelphia Commission
19 on Human Relations and, in particular, the
20 Philadelphia Police Department by way of their
21 conflict prevention and resolution team, Lt.
22 Marshall Smith.

23 So that we think our participation of
24 agencies now is quite comprehensive. It's still

1 primarily Commonwealth of Pennsylvania agencies,
2 but also includes resource agencies represented in
3 this room. Anti-Defamation League. B'nai B'rith is
4 represented on the task force, the Community
5 Relations Service, U.S. Department of Justice is
6 similarly represented.

7 Let me say that particular kinds of
8 cooperation that we have been getting from these
9 participating agencies includes the Pennsylvania
10 Department of Community Affairs which is now, in
11 effect, underwriting some of the expenses of the
12 task of the training of law enforcement officials
13 and committing itself to paying the cost of some
14 of our training materials.

15 The legislation that we are working with
16 in Pennsylvania is there is one dimension which
17 has not been passed into law yet but has been
18 passed, in effect, by the Pennsylvania Senate this
19 past June and that is to amend the Institutional
20 Vandalism Law in Pennsylvania. Basically, you have
21 a copy of that in the materials which are before
22 you.

23 In effect, the problem was that that law
24 said that there had to be at least \$5,000 worth of

1 damage against places, public places, particularly
2 cemeteries, particularly religious institutions,
3 community centers, in order to raise the level of
4 the crime of damaging those kinds of institutions.
5 But the amendment which is now before the
6 Pennsylvania House would, in effect, remove that
7 limit when we're talking about damage to venerated
8 objects, namely, a public monument or structure or
9 place of worship or burial. It is with respect to
10 those kinds of institutions one would not have to
11 have over \$5,000.

12 MR. MILGRAM: Is that for institutions?

13 MR. ANLIOT: Yes, place of worship or
14 burial. So that is what the House is apt to act
15 on this fall. You have a copy of that. It is
16 Senate Bill No. 235 in your packet. House Bill
17 1337, this is the law that took effect this past
18 January about which representatives in the State
19 Police will be answering your specific questions.
20 And this is the one that most nearly parallels the
21 one that's been proposed at the federal level,
22 namely, requiring police departments to report
23 instances, and the language in our particular law
24 in Pennsylvania is crimes and incidents related to

1 the race, color, religion or national origin of
2 individuals or groups. That's the requirement of
3 reporting monthly to the State Police and, in
4 effect, it's the Uniform Crime Report.

5 Let me indicate an area of concern that
6 the task force has been getting into more and
7 more, and that is the relationships between the
8 black communities in the state and the Asian
9 communities. Perhaps most clearly here in
10 Philadelphia, this is the problem of, in effect,
11 attitudes within the black community where Asians
12 have successfully started up businesses and have
13 been successful in those businesses within the
14 black community. And there is, pretty obviously,
15 some pretty strong stereotyping between both
16 racial groups and about which -- the task force,
17 by the way, is taking a look at the whole pattern
18 and reasons for that pattern -- of applications
19 for assistance to start up business ventures, for
20 example, applications to the Federal Small
21 Business Administration, applications to, in
22 Pennsylvania, Pennsylvania Minority Business
23 Development Corporation.

24 We already have pulled together such

1 statistics for the most recent fiscal year
2 period,. And for example, at our Tension Task
3 Force meeting this Thursday we will be having
4 representatives from those two agencies come and
5 help the agencies on the task force understand
6 what are the criteria and procedure of getting
7 such guaranteed loans and such grants so that we
8 can, in effect, play our individual agency roles
9 in trying to create better understanding between
10 the two groups as to the truth of some of the
11 stereotypes about this.

12 Let me just quickly recite, I would say,
13 what has been a main activity of the task force,
14 which has been to educate the various sectors,
15 shall we say, of the public. That is absolutely
16 essential if you're going to have an ethnic
17 intimidation/institutional vandalism law that is
18 active and meaningful. One dimension of that has
19 been to publicize the task force and the Ethnic
20 Intimidation Act to the public.

21 You have in your packet a joint news
22 release at a particular point in time from the
23 office of the attorney general and in which quotes
24 from the Pennsylvania State Police, quotes from

1 the Pennsylvania Human Relations Commission are a
2 part. Very specifically, we have targeted the
3 potential victim groups of ethnic intimidation to
4 the extent of having not only published the basic
5 flyer about the ethnic intimidation/institutional
6 vandalism laws in English, but also in Hispanic,
7 in Laotian, in Hmong, Cambodian and Vietnamese
8 languages, and distributed those, made those
9 available with order blanks to some forty four
10 agencies that work with those constituencies.

11 A second area of major focus has been on
12 police departments. Mr. Clough is a former
13 policeman which uniquely qualifies him for this
14 kind of promotion work and, of course, on the task
15 force is the Pennsylvania Chiefs of Police
16 Association which has been very cooperative in,
17 particularly, starting right out with articles in
18 their Pennsylvania Chiefs of Police Association
19 bulletin, not only about the ethnic intimidation
20 law, but about the availability of that training.
21 A copy of that particular article is before you.

22 Another focus has been, within police
23 training, has been in the training of the State
24 Police. And there is in law ever since September

1 29, 1986, House bill 1553, which is in your
2 materials, which requires that the training of
3 State Police include identifying responding to
4 ethnic tension situations and complaints of
5 violation of the ethnic intimidation/institutional
6 vandalism laws.

7 A second target has been those involved
8 -- Mr. Clough will be talking in detail about
9 local law enforcement officials and the training
10 of them -- but has been about the other levels of
11 law enforcement here, the District Attorneys of
12 the state. And so as of April, 1986, president of
13 the State District Attorneys Association sent to
14 every District Attorney in the state, in effect, a
15 memorandum which summarized the law, urged
16 vigorous and consistent prosecution by District
17 Attorneys, and offered the opportunity for staff
18 briefing at District Attorneys meetings about that
19 law.

20 District Justices is another level that
21 we have targeted. And their regular publication
22 which you have a copy of the actual -- you have a
23 copy, by the way, of the memorandum to the
24 District Attorneys Association in your packet.

1 And you also have an article which we prepared for
2 the Journal of the District Justices of the state.
3 And that went out to some twelve hundred district
4 justices in Pennsylvania.

5 Another level, another target, of our
6 activity has been -- let me say as a practical
7 day-by-day matter -- has been that when ethnic
8 intimidation incidents happen, has been contact
9 with police departments and even sometimes contact
10 with district justices to insure that they
11 understand the ethnic intimidation law, so that in
12 the process of dealing with a complaint about that
13 tension situation, they know there is that law
14 and, in hopes that if there has been ethnic
15 intimidation violation, that that's actually a
16 part of the charge, because if it doesn't, you
17 know, translate into an actual charge by the
18 victim either to the local police department or to
19 the district justice level, it's not going to be
20 handled with that opportunity for almost a double
21 possible punishment for the underlying offenses.

22 One area that we're on the brink of
23 doing something more about is the education of
24 school administrators, because many of the

1 incidents of ethnic intimidation violation are on
2 school property and between students. And that's
3 obviously a responsibility by school
4 administrators to deal with those situations. And
5 we have the complexity of -- school administrators
6 typically, even in the City of Philadelphia,
7 whether or not those violations -- whether or not
8 any Philadelphia Police unit is called into the
9 situation when this happens, is really a decision
10 that's made by the individual school principal.
11 We're not necessarily criticizing that carte
12 blanche, but saying that there are some tricky
13 sensitivities and procedures that we're exploring
14 and having our department of education which is
15 on the task force suggest guidelines and policies
16 and procedures whereby more of those instances can
17 end up being prosecuted in our courts of law.

18 The fact that assaults between
19 individuals happen in a school building
20 shouldn't, we believe, insulate that situation
21 from tough law enforcement, because it's been our
22 experience that that kind of consistent, tough
23 legal response to ethnic intimidation instances is
24 one of the best deterrents against that sort of

1 thing happening again.

2 I think basically that would be my
3 summary of the sort of things that we have
4 targeted, the sort of things we've tried to do
5 education-wise in order to make that ethnic
6 intimidation a serious offense, considered serious
7 at all levels of law enforcement.

8 And I do just throw out one instance
9 where there was a cross burning on the lawn of a
10 black family across the river from Harrisburg
11 where, in the final analysis, the victim urged the
12 Court not to sentence the individuals to any jail
13 terms. The Court insisted on handing down jail
14 terms to these individuals which is, I think,
15 indicative of the greater sensitivity on the part
16 of the final adjudication in court, in the
17 seriousness of these incidents and their potential
18 for serious disruption and increasing impatience
19 in Pennsylvania with that sort of -- with those
20 sort of actions. And I think maybe you had a
21 question.

22 MR. MILGRAM: Just one question, very
23 brief. Does the ethnic intimidation law include
24 minorities, such as handicapped of all kinds?

1 MR. ANLIOT: No, it does not.

2 MR. MILGRAM: In other words, you can
3 participate in intimidation of minorities such as
4 women, children, handicapped.

5 MR. ANLIOT: No. The essence in
6 Pennsylvania of ethnic intimidation violation is
7 that there has to be -- one of the underlying
8 offenses -- and this, by the way, is in your
9 packet, this pink group of materials -- there has
10 to be a specific underlying offense that's already
11 in the Pennsylvania Criminal Code and the motive
12 for that offense has to be hatred because of one's
13 race religion or --

14 MR. MILGRAM: I was going to suggest that
15 a description for the rights of minorities of any
16 kind, and certain minorities aren't clearly
17 identified in our society, like children,
18 alcoholics, diabetics who have special problems,
19 hypoglycemics, others whose reaction to specific
20 situations is different.

21 And to give you an idea of the kind of
22 intimidation that occurs, I participated in a
23 session honoring the Chief Justice of the
24 Pennsylvania Supreme Court and found there was no

1 water to drink by people except hard liquor or
2 maybe wine. And all efforts to get the hotel to
3 have children and diabetics or hypoglycemics, like
4 myself, or others who are tea totalers to have a
5 liquid they could eat along with refreshments at
6 this situation went to no avail, until I finally
7 walked out after imploring the former president of
8 the American Bar Association how serious I thought
9 this violation of the rights of people and
10 especially children and alcoholics and others was
11 to have a reception with hundreds and hundreds of
12 key leaders in the state, and minorities,
13 including children, having no liquid that it can
14 reasonably drink.

15 MR. ANLIOT: By the way, in Pennsylvania,
16 we also have -- Pennsylvania Human Relations Act
17 and those laws do protect not only with respect to
18 race, religion, nationality, handicapped, but age,
19 sex, so that would be --

20 MR. MILGRAM: Would that be -- running a
21 public situation like this without any beverages
22 like water, or that only alcoholic beverages
23 served at a public function, would that violate
24 the rights of minorities?

1 MR. ANLIOT: Might well be in terms,
2 particularly, against individuals who are
3 handicapped. The requirement of the law is equal
4 service, is non-discriminatory service by all
5 places of public accommodation, which include
6 hotels, based on one's handicap.

7 MR. CLOUGH: In a situation like that,
8 there may not be water on the agenda. There's
9 water on the premises.

10 MR. MILGRAM: I pleaded with them to get
11 pitchers of water out because there were
12 youngsters around, people who I'm sure -- the
13 father, for example, of one of the leader
14 participants there was -- had a long career in
15 public service and yet was also a well-known
16 alcoholic.

17 MR. CLOUGH: Presumably he was there and
18 it was a tragedy that there were only alcoholic
19 beverages.

20 MS. SHAPIRO: What's the name of this
21 hotel again?

22 MR. MILGRAM: I think it was the
23 Belleview Stratford, and the former president of
24 the American Bar Association, Bernie Segal, will

1 bear me out that I raised the issue with him
2 before I walked out in disgust because I myself
3 could not drink alcohol and don't want to because
4 I am hypoglycemic and also believe alcohol is a
5 dangerous drug.

6 MR. FISHER: Was this in Philadelphia?

7 DR. WACHTER: The Belleview Stratford,
8 before it closed.

9 MR. MILGRAM: It's Chief Justice Nix,
10 shortly after he was elevated to the head of the
11 Pennsylvania Supreme Court, in his honor.

12 MR. ANLIOT: Were there any particular
13 questions?

14 MS. SHAPIRO: I had one brief question,
15 if I might. I'm sorry. I'd like to know what's
16 happened in the year since this public education
17 and information effort began, district attorneys
18 and police, et cetera. Has it made a difference?
19 Has enforcement really taken place and has there
20 been an impact?

21 MR. ANLIOT: I think the first quick
22 answer to that is if you watch the newspapers in
23 terms of these incidents and you note the charges
24 that they list, much more frequently those charges

1 are including ethnic intimidation. That's for
2 sure. And translated into the process, it means
3 that, in fact, there has been a significant
4 increase in convictions for this reason.

5 The thing we're fighting and the reason
6 why this education activity is continuing is still
7 a strong tendency on the part of a police
8 department not to include that charge,
9 particularly if the victim doesn't insist on it,
10 and even if the victim makes the charge, still
11 it's a great temptation and still happens too
12 frequently that the charge gets dropped, either at
13 the level of the police department in writing up
14 the charges or if it gets to another level. So
15 that's the thing we're constantly working on.

16 MS. SHAPIRO: Can you just tell me what
17 significant means, significant increase?

18 MR. ANLIOT: I can't give you the precise
19 figures, though that is one of the tasks that we
20 are about is trying to monitor. And there's some
21 real difficulties there. But to monitor through
22 the aid of the information which the State Police
23 are gathering from local police departments and
24 through checking with the court records in terms

1 of what's happened to these charges in terms of
2 their action. So that's something we're in the
3 process of.

4 MR. FISHER: I believe I understood you
5 to say that one of the things you may be doing
6 would be analyzing applications or methods of
7 applying for aid in terms of Small Business
8 Administration and others. I'm just curious, have
9 you had an opportunity to analyze these kind of
10 things and are you at a position that you have any
11 feeling in terms of what you're finding, or did I
12 not hear you correctly?

13 MR. ANLIOT: Well, yes, we have. We've
14 gotten some figures together. They have not been
15 released to the public. In terms of numbers of
16 applications from -- by separate racial ethnic
17 groups and the success rate in terms of what
18 numbers and percentages of those applications for
19 guaranteed loans or for grants have been
20 approved. But we're not ready at this -- I would
21 say at this point to issue any kind of a public
22 statement on that.

23 MR. FISHER: One of the reasons I raised
24 that is because in terms of this, I guess,

1 "conflict" between blacks and Asians and others, I
2 believe there is a lot of misunderstanding and a
3 lot of bad information being circulated all
4 around. And there are a number of blacks that
5 feel, rightly or wrongly, that there's somebody or
6 some organization that, as these people come in,
7 right away they're being targeted and they're
8 getting special aid and special treatment which
9 adds to their success rate, if I may use that term
10 in terms of these businesses. And I think to the
11 extent that data can be compiled to refute these
12 allegations or actually get the truth out, it may
13 be a step in the right direction in reducing some
14 of this conflict.

15 MR. ANLIOT: That's precisely why we've
16 done this and why this Thursday we will have
17 representatives of those two agencies.

18 DR. WACHTER: Mr. Hickock?

19 MR. HICKOCK: I had a question of the
20 overall thrust of the ethnic intimidation statute
21 because it seems to me we've had an interest in
22 this group for a long time on strategies. And
23 this would seem to epitomize what I would consider
24 to be a new strategy in that what you're trying to

1 get at is an area that, up until this time, we
2 haven't be able to study, and that is not just the
3 fact that a building is destroyed or a cross is
4 burned, but the motivations behind it. . What we're
5 trying to find out is the degree to which that
6 damage is done because of racism.

7 And what I guess I'm kind of curious to
8 get at is whether you feel, in your attempt to get
9 at that problem, those individuals who enforce
10 these laws, those individuals who are learning
11 about how to deal with the problem have themselves
12 undergone somewhat of a transformation in their
13 understanding of the relations among ethnic
14 groups.

15 MR. CLOUGH: I have to talk like a
16 machine gun because we can't take all the time.
17 But training has been a big part. Since 1984 when
18 I got involved with this particular training
19 period, we've done a lot of things. We've trained
20 over fifteen hundred police officers. We have
21 trained over seventy seven police departments. We
22 have trained prison guards, prison officials at
23 the request --

24 MR. MILGRAM: Repeat your name again.

1 MR. CLOUGH: My name is Robert A. Clough.
2 I'm not on the program.

3 MR. MILGRAM: You're taking the place of
4 Charles Lee?

5 MR. CALABIA: He's accompanying.

6 MR. CLOUGH: At count now, seventy nine.
7 And it probably was more, but sometimes we give
8 out certificates, because of the fact that we are
9 certified, that I am a certified instructor, which
10 means that Municipal Police Association has said
11 that our program meets its requirements and
12 standards of their training so that we can give
13 certificates. And they come from the Human
14 Relations Commission.

15 What we have done is we have taken that
16 law in this pamphlet and broken it down into
17 language that's understandable by police officers
18 at the level of a police officer. They don't have
19 to be attorneys. Then we have broken down the
20 sections of the crimes code.

21 MR. FISHER: Do you have more of those
22 pamphlets?

23 DR. WACHTER: They're not pink.

24 MR. CLOUGH: This is done especially for

1 training purposes.

2 MR. FISHER: What is that document
3 called?

4 MR. CLOUGH: It's called Ethnic Intimidation
5 Institutional Vandalism Laws, Training Materials
6 for Public Safety Training. Do you have one? Okay.

7 MR. CALABIA: Towards the back.

8 MR. CLOUGH: As you see, we have taken
9 the law -- and while you're here, you should
10 underline malicious intention. That's ill will or
11 hatred. So that when you read it, you'll
12 understand how police officers have to understand
13 exactly what the motive is, the only motive. And
14 then on the other end, you'll see it says race,
15 color, religion or national origin. That's
16 extremely important because those are the only
17 four areas -- I heard the gentleman talk about
18 handicapped, sex, gays. That does not apply. Only
19 what the law says applies for enforcing this law.
20 And, lastly, there must be an underlying offense.

21 So if you turn to page two, you'll see,
22 under the crimes code, the underlying offenses are
23 only those that are listed on this page two and
24 page three. But we do not include 3307 because

1 3307 is institutional vandalism. That's the law
2 itself and the penalty has already been imposed
3 within the writing of that law. That's why we
4 don't do that.

5 But we've also included criminal
6 trespass because, as you see, we don't include
7 burglary. And a lot of policeman say why don't
8 you include burglary. Because the law didn't say
9 so. Only those that are designated within the
10 law.

11 Then they say harrassment by
12 communication or duress, why is that important.
13 Hate mail and telephone threats. U.S. Justice.
14 That's one of the reasons, and not the only
15 reason, that they are part of our tension task
16 force. Federal law we're dealing with. Post
17 Office, and we're dealing with federal
18 communications laws.

19 We also have maximum potentials, which
20 means if you are convicted with a charge of ethnic
21 intimidation, your sentence would jump one degree
22 higher, and that would be, for instance, from a
23 summary offense, which is ninety days, \$300 fine,
24 to a thirty day misdemeanor, you find out on page

1 four, which could be one year imprisonment and
2 \$2,500 fine. That's significant.

3 Last but not least, we have evaluation
4 sheets in our program to allow them to tell us
5 where we fall short in our programs. Now, we have
6 programs, but we set up a program specifically for
7 the department in which we're going to train, and
8 as we do so, we utilize the members of our tension
9 task force. We utilize the Chiefs of Police. We
10 utilize our legal department, the State Police, on
11 all of our programs.

12 Also we include a Hispanic person to do
13 Hispanic culture. We have a Southeast Asian who
14 does Southeast Asian culture. We have a Korean who
15 does Korean culture. We also have black culture
16 being taught by a person of the black race. We
17 also have Jewish culture, usually taught by ADL or
18 some designee that's sent to our program.

19 But as you see, we include all aspects,
20 so that the police departments get at least a
21 cosmic view of what their requirements are in
22 enforcing this law and also something about the
23 people that are involved.

24 Now, we've also extended ourselves to

1 try to educate the newspapers. Every time there is
2 a Klan rally, it was on the first page. But now
3 on the first page it shows our training people
4 teaching police officers the law. And also in the
5 Bristol Times it tells about us, using pictures of
6 our people, instead of a Klan person, to tell them
7 that we're trying to educate the police and
8 inviting the community to participate with the
9 police in our training session. We are going to
10 educational facilities.

11 As you see, we have gotten sophisticated
12 and we have a program set up specifically for that
13 institution. In this case it's Kutztown
14 University. We had a hundred thirty people there.
15 Then we had one at Slippery Rock a week ago in
16 which ADL brought in Doctor Jeffrey Ross, the
17 national campus coordinator for Anti-Defamation
18 League out of New York, on our program. And he
19 was so impressed that I've gotten calls from Ohio
20 and from Wisconsin wanting the same kind of
21 training that Doctor Ross said was an asset to the
22 police and other security people who were
23 involved.

24 Now, the other thing that we found is

1 that when we educate police departments, here's
2 what we find. Darby or Upper Darby had one of the
3 highest rates in Delaware County for incidents. We
4 trained them. This is a case -- I can't show it to
5 you because it's still confidential, but an arrest
6 has been made. From the beginning to the end, we
7 monitored this case. Included in this
8 investigation were four agencies, the Human
9 Relations Commission, the local police department,
10 the U.S. Justice and Attorney General's Office.
11 Jurisdiction to the local police department in
12 which they made the arrest by a warrant, very
13 significant. We also notified the State Police who
14 offered technical assistance. But the local
15 police have an option. If they want it, they ask
16 for it. If they don't want it, then they say no.
17 The State Police will monitor through our agency,
18 and if they do need it, provide the technical
19 assistance necessary or can take over the total
20 investigation if asked to do so.

21 As you see here, Mr. Morrison will
22 testify. He called this office and gave us the
23 fact that there was going to be a KKK rally in
24 York last week in plenty of time for us to notify

1 State Police, Attorney General, U.S. Justice, our
2 regional personnel.

3 By the time it happened, we had as
4 coordinator Captain of the State Police, who is the
5 troop commander, the Chief of Police from York, and
6 U.S. Justice Mr. Tyler were notified and available
7 to provide technical assistance if a problem would
8 occur.

9 Now Mr. Ross, his counterpart in Western
10 Pennsylvania ADL, notified our office of a cross
11 burning and a Klan rally that will take place this
12 weekend in Masontown. But meanwhile, the Chief of
13 Police in Masontown who we had trained called the
14 office and gave us the same information and asked
15 us what he could do to help us get the information
16 we needed about what the rally was all about. This
17 is what we asked for. He called us because he
18 wanted to help us, the Chief of Police. This is
19 rare. Meanwhile, I notified ADL who was going to
20 coordinate this by sending someone to the rally
21 with the State Police and U.S. Justice and our
22 regional staff.

23 So, as you see, we never get involved in
24 a situation unless we have a unified effort by all

1 agencies involved in our tension task force, even
2 though Human Relations Commission has to bear the
3 brunt. Now, any questions?

4 MR. HICKOCK: The only thing I would
5 recommend or make recommendations like that is
6 that at the end of the first year, when you get
7 statistics on the number of cases of ethnic
8 intimidation and how many are tried and convicted
9 that the word go out pretty strong on that because
10 that's really almost an ideal way of highlighting
11 what a lot of us consider a problem of civil
12 rights and nobody knows about. I mean we now have
13 statistics. We have police departments, evidence,
14 and there's a way of really measuring the quality
15 of the problem of civil rights at least in this
16 dimension, ethnicity, which we haven't had up
17 until now. Up until now, if we felt there was a
18 problem, we couldn't point to any concrete
19 evidence. We didn't have a law to give it to us.
20 And I'm sure this group would look very much
21 forward to this kind of information.

22 MR. CLOUGH: We've found out that there's
23 no one agency that can do it all. We can't, but it's
24 easier when everyone works together, and this is

1 what we try to do in Pennsylvania now. Frank Tyler
2 is excellent. He can get in and do things we can't
3 do. But we also have regional personnel. We have
4 State Police intelligence people. We have State
5 Police community relations people. We have
6 Attorney General who have investigated. They all
7 work with us, with him or with the community in
8 the areas of expertise in which they can handle.
9 And to me that's a significant part of it all.
10 But the key to it all is the local police are
11 always on the spot and they must respond
12 immediately favorably or it could occur into a
13 community tension situation which has occurred in
14 the past.

15 If you read your papers, it's not the
16 same anymore. They do happen, but it's not because
17 of the laxity of the law enforcement people to get
18 involved.

19 MR. MAHON: Are we making progress in the
20 State of Pennsylvania on the whole thrust of
21 exactly what you've been testifying to today on
22 ethnic intimidation? Our group has met year after
23 year and we hear the same kind of thing. And I
24 think, by the way, you've done quite a job in

1 training and everything which really sounds
2 impressive.

3 On the other hand, we've got a new Act
4 which requires the reporting of incidents. On the
5 one hand, back to what Gene is talking about,
6 maybe the number of incidents has risen because
7 they have to be reported. But what is your gut
8 sense, you know, if you look at the entire state?
9 Are we making progress on this whole front toward
10 the goal of reducing the number of incidents of
11 ethnic intimidation?

12 MR. ANLIOT: I'll speak for myself. It
13 seems to me we are making progress. It seems to me
14 that across the Commonwealth there is much more
15 awareness that, I would say, it's a more serious
16 crime to commit these offenses. It's not just
17 juvenile pranks. The punishment is very much more
18 serious and there's second thoughts about it, is
19 the gut feeling about committing some of these
20 acts for these kinds of reasons.

21 There is better reporting of those kinds
22 of incidents. This is not to say that there isn't
23 plenty of antipathy out there. But I guess the
24 kind of progress which we feel confident about is

1 maybe the individual instances of prejudices
2 haven't been reduced, but as with other laws
3 against discrimination, there's less translating
4 of those kinds of prejudices into unlawful acts.
5 And that's the main thing that we can have
6 something to do with.

7 MR. CLOUGH: Immediately you're going to
8 get an increase because before they weren't
9 reported. Now they are. But as we get a high after
10 the training increased, because of the reporting,
11 next year we'll be able more or less to see
12 whether they're going down or up or remaining the
13 same.

14 One thing we do know, organized kinds of
15 situations are not on the increase. And I know
16 that we are monitoring most of those hate
17 organizations in Pennsylvania that we know of
18 continually.

19 MR. HICKOCK: You've been doing that
20 quite awhile, long before the statute.

21 MR. CLOUGH: We have. The State
22 Police --

23 MR. ANLIOT: The task force existed for
24 many years prior to the ethnic intimidation --

1 MR. MAHON: That's exactly what I'm
2 trying to get at. And I'm really glad to hear
3 your answer. We're all hoping, obviously, for
4 progress and I think you've contributed toward
5 that.

6 DR. WACHTER: Mr. Anliot and Mr. Clough,
7 and I speak for myself and I believe the community
8 as a whole, thank you for being here today and for
9 the work that you are doing. And I assume that
10 you will be able to stay. There may be questions
11 that come up again -- I assume that there will be
12 -- that we would like to address to you as well.
13 And now we would like to turn to --

14 MR. CLOUGH: Thank you.

15 DR. WACHTER: -- Mr. Charles Lee and Mr.
16 Dennis Eckenrode of the Bureau of Community
17 Services of the Pennsylvania State Police. And
18 may I remind the committee that the letter that we
19 used to invite the people who are here right now
20 included twelve questions. These questions are
21 specific to these people's new responsibilities of
22 the state law of 1986-129, and perhaps in your
23 comments or afterwards we can refer to these
24 questions. Thank you.

1 MR. LEE: I am Charles Lee. That's
2 Dennis Eckenrode, so you know. I'm a Corporal.
3 He's a Trooper. Very briefly, to start with, the
4 collection of this data started January the 1st of
5 1987, and we instituted -- the collecting
6 instrument is an additional form to the Uniform
7 Crime Report disseminated to every police
8 department and every law enforcement agency in
9 Pennsylvania for the use when they turn in their
10 Uniform Crime Report at the end of the month.

11 So far we have only counted fifty four
12 incidents of ethnic intimidation from these
13 reports. The requirement is that if you have
14 investigation of an ethnic intimidation, it comes
15 in on this form J. If you have none, there's no
16 negative reporting.

17 Personally, I think that we might miss a
18 few because they're not reported for some reason
19 or other. They just don't get on form J. We don't
20 know that because we don't get the form, if
21 they're not required to send a form anyhow,
22 negative or not. If we don't get the form, we
23 assume it's negative. That's only personal.

24 That's the only comments I have right

1 offhand, if you want to get into the specific
2 questions.

3 DR. WACHTER: Very quickly, do you feel
4 it would help if they had to send form or report J
5 one way or the other to report zero --

6 MR. LEE: Yes, so far as collecting the
7 data and knowing that we have all of it. No,
8 because it's more paperwork for them and us. Only
9 thing we would do, I would assume what we would do
10 with any negative reports, throw them in the trash
11 can as they come in. But at least we know every
12 police department in the state -- if you go to
13 every police department in the state, there are
14 quite a few, somewhere around 1,300 police
15 departments in the State of Pennsylvania.

16 MR. MILGRAM: How many?

17 MR. LEE: Fifty four incidents of ethnic
18 intimidation.

19 MR. MILGRAM: In how many areas?

20 MR. LEE: I don't know.

21 MR. MILGRAM: Twenty two or more?

22 MR. LEE: I'll say it covers
23 Pennsylvania. How many specific jurisdictions, I
24 don't know, but it --

1 MR. HICKOCK: When you start getting
2 these statistics down the road, do you anticipate
3 trying to group types of ethnic intimidation by
4 ethnicity or by type of crime?

5 MR. LEE: As the form is made out, what
6 we intend to do, and we have not analyzed any of
7 this information because it has only been six
8 months and only fifty four incidents -- the trend
9 would be to get fifty four incidents. But as the
10 report is made out, of course, you give date,
11 time, type of incident, type of incident being
12 whatever the other crime is, not the ethnic
13 intimidation law or the institutional vandalism
14 law, but whatever the other incident that was
15 listed in that paper you have. Victim information
16 is race, ethnicity, age, sex and religious
17 affiliation. That's victim information. Offender
18 information, the same. Arrest, that is yes or no,
19 whether they're arrested, for what crime, then the
20 weapons, if they are used, what type, injuries, if
21 there is any, what it is, and property damage, if
22 there is any, what type. And that's all. We
23 don't get into names, addresses, phone numbers.

24 MR. HICKOCK: What about the convictions?

1 MR. LEE: That is not a part of this,
2 because this is the report of the incident
3 occurring. If there is an arrest at that time,
4 it's on here. If not, some of them would come in
5 and say pending. But, no, we do not have an
6 instrument to collect convictions.

7 MR. HICKOCK: Where would that be?

8 MR. LEE: Courts of record would have
9 them.

10 MR. HICKOCK: No central place that would
11 collect them?

12 MR. LEE: It would come on the UCR report
13 but it would not say it was specifically in
14 reference --

15 MR. MILGRAM: Law doesn't require them to
16 make more than one report.

17 MR. LEE: Right.

18 DR. WACHTER: This is not commuterized
19 information. This is in paper.

20 MR. LEE: So far it's only on paper.

21 DR. WACHTER: But it will eventually be
22 computerized.

23 MR. LEE: As soon as the state gives us a
24 computer.

1 MR. FISHER: Are there penalties under
2 this law or any of the laws for failing to report
3 or falsifying this informational report?

4 MR. LEE: No, no. That is in that House
5 Bill which you have a copy of. And it says no
6 penalty required.

7 MR. MILGRAM: Let's assume the City of
8 Philadelphia Police Department -- I'm exaggerating
9 -- failed ever to file any reports. I assume
10 you've gotten some from the police department.

11 MR. LEE: Yes, they have their own unit.

12 MR. MILGRAM: Let's assume you had not
13 been getting any from any of the other major
14 cities of Pennsylvania. Would you do anything
15 about it? In other words, you've gotten reports,
16 and nothing would come from Pittsburgh or
17 Harrisburg.

18 MR. LEE: Definitely, we would make
19 inquiries and probably more through the Human
20 Rights Commission, the task force. Bob Clough
21 would be doing some of that.

22 MR. CLOUGH: I would contact Community
23 Services. And the director or his designee would
24 go out to their area and teach that particular

1 municipality how to fill out the forms, instruct
2 them when to send in the forms. Then, if they
3 still didn't do it, I'd go out there and they'd do
4 it.

5 MR. FISHER: My question was more
6 directed, not in terms of needing teaching or not
7 knowing the form, but, for an example, if I'm a
8 police officer in Philadelphia involved in many of
9 these and I choose not to report them, even after
10 it's investigated and it has been discovered that
11 I have not been reporting that there are some,
12 even though -- is there anything that can happen
13 to me?

14 MR. LEE: No, nothing written in the law
15 as penalty or being taken out of office or
16 anything like that, no. I think what happens is
17 it's not the individual officer doing the
18 investigation out at the scene who is responsible
19 for filling out this form anyway. This is done by
20 a supervisor. Generally speaking, there is someone
21 in the police department who is assigned and
22 that's all he does is Uniform Crime Report,
23 because there's so many criminal incidents that
24 are put on that constantly. That's all he does

1 all day, all month. And at the end of the month,
2 he has to get the report.

3 MR. FISHER: He gets that information
4 from the reports that come in from the people out
5 in the field.

6 MR. LEE: Right. That would come across
7 his desk. If he saw a cross burning incident, for
8 instance, or a synagogue torn down or something
9 like this, then he would see that in the report.
10 Then it would then be incumbent on him to fill it
11 out.

12 DR. WACHTER: Is it not the local police
13 officer making the arrest that determines that
14 this is an act that fits in under the Ethnic
15 Intimidation Act?

16 MR. LEE: Generally speaking, yes, he
17 would be the one who makes that determination.
18 And that would be in the report, additional
19 charge, ethnic intimidation would be in his
20 report. But that information is taken from his
21 report and put into this by a man who does a
22 Uniform Crime Report.

23 DR. WACHTER: What criteria are used by
24 the officer to determine that, whether it is an

1 ethnic intimidation act? What kind of --

2 MR. ECKENRODE: They go after whether
3 there are racial slurs, whether there were
4 swastikas put there, cross burning or any number
5 of different things they'll look at to see what
6 brought this crime to their notice. Also in any
7 type of crime, there are usually interviews made
8 with neighbors, people in the neighborhood,
9 children, different things like that, and they can
10 say, well, so and so always said that he didn't
11 want that black family to move in down the street
12 or things like that. Then it becomes ethnic
13 intimidation. Or they say, no, they've always
14 gotten along fine and they just had a few, then
15 maybe it isn't. So it really deals a lot on the
16 individual officer's -- what he is seeing at the
17 scene and how good of an investigation he does.

18 I might just jump back and add something
19 that Charlie said. When this information comes in
20 -- and I don't know if you're familiar with how
21 the Uniform Crime Report gets to where it gets to
22 -- basically what happens is, within a given area,
23 the local police departments collect the
24 information of their crimes. It is then turned

1 into the Uniform Crime Officer of a given State
2 Police barracks that covers that area. At that
3 point, what happens now is this form J which we
4 use for ethnic intimidation is removed, separated
5 from that Uniform Crime Report and given to the
6 community relations officer. It is then the
7 community relations officer's responsibility to
8 send that to us at the Bureau of Community
9 Services in Harrisburg where we file and collect
10 the data information.

11 We have had some problems with it. I
12 will tell you that we've had some problems with
13 it. But we think we've found a way to rectify
14 them and we think it's through that community
15 relations officer that's out in the field. And
16 basically what we're anticipating doing in the
17 very near future is sending them a directive that
18 they will keep aware of what's going on in terms
19 of ethnic intimidation. And should a form J
20 report fail to come in, they would check on it
21 from there. And also should a form J report come
22 in with the wrong information on, which we've
23 seen, too, or with not adequate information for us
24 to get the statistics off of, it would then be his

1 responsibility to get that corrected before it
2 came to us. And we think once that's implemented,
3 it's going to alleviate a lot of these problems
4 that we have right now.

5 DR. WACHTER: Could you expand on the
6 problems?

7 MR. ECKENRODE: Some of the minor
8 problems are we've gotten some forms in, for
9 example -- on this form which I'm sorry you don't
10 have a copy in front of you.

11 DR. WACHTER: Pass it around.

12 MR. ECKENRODE: There is a code here that
13 says victim information. Now there's criteria
14 under that victim information that is to be put in
15 there. It's to be put in, the victim's race, his
16 religion, nationality, age, and sex. However, on
17 the form itself, it doesn't say that. It just
18 says victim information. And we've seen some come
19 in with a person's name and address on it, which
20 gives us nothing. It would not tell us Jewish,
21 black, white, Caucasian.

22 MR. MILGRAM: Does anybody have time to
23 phone them and try to fill it out?

24 MR. ECKENRODE: Charlie and I here have

1 -- all the ones that are in now we have called up
2 and we have them up-to-date. But I think through
3 getting back to our community relations officers
4 in the field I think we can get this problem
5 corrected before it gets out of hand.

6 DR. WACHTER: You're changing the form in
7 the future to include this?

8 MR. LEE: There is instructions which go
9 with the form, which apparently will be the next
10 page, instruction on how the form is filled out.
11 But, of course, you know when you give
12 instructions on how to fill out the form, nobody
13 knows how to fill out the form anyway.

14 MR. CLOUGH: One of the things that we
15 have been asked to do is to include how to fill
16 those forms out in our training program. So our
17 community relations person from the State Police
18 has a form and he shows them exactly how to fill
19 it out and what criteria to use. And since then,
20 those who have been trained, the instances of
21 having them filled out wrongly has decreased. They
22 were adding charges that were not underlying
23 offenses and saying ethnic intimidation because it
24 was a black and white fight.

1 The law is not black and white. The law
2 deals with religion, race, color and national
3 origin. And it could be two Southeast Asians
4 fighting, one Vietnamese and one Cambodian. And
5 it could be ethnic intimidation because of
6 religion, not because of race or because of
7 national origin. And it could be race and it
8 could be national origin. So one of the things
9 they were confused with is is it like the Civil
10 Rights Law, any black and white in a fight, is
11 that ethnic intimidation? No, it is not. It has a
12 criteria. Hatred motivated, motivated hatred. And
13 those four criteria --

14 MS. SHAPIRO: Just a quick question. Mr.
15 Clough mentioned that 1,500 police officers have
16 been trained so far. How many police are there in
17 Pennsylvania?

18 MR. LEE: 1,300 police departments.

19 MR. FISHER: That includes
20 Philadelphia's, right?

21 MR. LEE: That includes every police
22 department in Pennsylvania. That is 1,300 police
23 departments. And they go from one man up to --
24 State Police has 4,000. And Philadelphia,

1 Pittsburgh have that many or more. But quite a
2 few police officers. I don't know how many.

3 MR. MILGRAM: There might be 25 or 35,000
4 at least.

5 MR. LEE: Yes, could be. Could be.

6 MS. SHAPIRO: Thank you.

7 MR. ANLIOT: Could I add with respect to
8 convictions there is a handle on this. As a matter
9 of fact, we have asked and received from the --
10 trying to think whether the Pennsylvania Crime
11 Commission gets reports from all of the courts in
12 Pennsylvania. That isn't the precise name of the
13 agency, but whatever. They get reports from the
14 courts on every conceivable kind of conviction.
15 We've asked for and already gotten, in effect, a
16 regular printout in terms of convictions for
17 ethnic intimidation, beginning from the date that
18 the law was passed, not up to and including this
19 current point in time, but for the first period
20 during which that law was in effect. So that is
21 being reported and is available with computer
22 assistance and we're taking advantage of it.

23 MR. FISHER: I believe you said that
24 there have been fifty four cases of ethnic

1 intimidation reported. What was that time scale
2 again? Was that for the first six months of '87?

3 MR. LEE: Yes, since the 1st of January.
4 Actually, it would be the first five months
5 because the June UCR reports are not fully in. So
6 I guess that would be the first five months of
7 1987.

8 MR. MILGRAM: Would it be useful to ask
9 if these agencies, and perhaps other friendly
10 agencies, that might have shown their friendliness
11 to what we're trying to do by being at this
12 meeting like, for example, head of the Newtown
13 Chief of Police who has never -- I have a hunch
14 Newtown never reported anything since the first of
15 the year because there probably were none. But
16 what if Newtown was investigating something that
17 had occurred in the previous year but still had
18 not come to a conviction, you see, or action,
19 would the fact that it's still under investigation
20 be warranted to be added to the report?

21 MR. LEE: Not in this report. This would
22 have been effective since the 1st of January, if
23 the incident occurred since the 1st of January,
24 1987.

1 MR. MILGRAM: But not the conviction.

2 MR. CALABIA: With respect to the
3 criteria, let's hypothesize that there's been
4 altercation between two whites, and the officer
5 comes to the conclusion that it's simple assault
6 and battery. But one of the whites who is really
7 beaten up says, " Well, this is ethnic
8 intimidation. I swear that that fellow has seen me
9 go to my synagogue and I think that's really why
10 he picked this fight with me. "

11 And the officer says -- well, supposing
12 he disagrees with the victim, what happens in that
13 case?

14 MR. LEE: The victim can report it to the
15 Civil Rights Commission or to the Tension Task
16 Force, who then -- they, through the State Police
17 and/or the local police, wherever this may have
18 occurred, check into it further and see if there
19 was actually, in fact.

20 If someone says, I think possibly he
21 might have seen me go to synagogue and doesn't
22 like Jewish people, maybe the man has never said
23 he doesn't like -- it would be more like Dennis
24 said, go talk to neighbors and see if this man

1 ever made comments about I don't like Jews.

2 DR. WACHTER: So it would end up on form
3 J if somebody else came back --

4 MR. LEE: Yes, right, because if it's
5 reported to the Tension Task Force, any member of
6 the task force or coordinator or any member of the
7 State Police, it does get thoroughly investigated
8 to see whether it belongs on this.

9 MR. CALABIA: This could be despite the
10 fact that the original investigating officer may
11 disagree.

12 MR. LEE: Yes.

13 MR. CLOUGH: There are civil remedies, if
14 a person is not satisfied with the actions of a
15 police officer. They can always go through the
16 District Justice and take out a criminal warrant
17 against that individual or they can take out civil
18 warrant by going through the District Attorney's
19 office. But this is in the provision that allows
20 a citizen, if they are not satisfied, to get
21 further consideration by the court.

22 DR. WACHTER: After the experience of the
23 last six months, do you feel that the U.S.
24 Government should have similar legislation? Do you

1 feel you can answer that?

2 MR. LEE: The official State Police
3 position is if the Federal Government was to
4 institute such a reporting system, we would
5 certainly comply and report in to them without any
6 problem. If every state was to take up a law
7 similar to Pennsylvania's and do the reporting on
8 a state basis and it is reported into such places
9 as Civil Rights Commission, I don't know that
10 there would need be a federal requirement being as
11 there's already a state requirement. The
12 information could be available and gathered for
13 federal purposes anyway.

14 DR. WACHTER: Related to another
15 question, is the system of data comparable to, for
16 example, Maryland's legislation which I guess is
17 being implemented right now?

18 MR. CALABIA: Yes. Several years --

19 DR. WACHTER: Is it similar data --
20 similar form?

21 MR. LEE: That I don't know.

22 DR. WACHTER: Maybe Mr. Tyler or Mr.
23 Clough can --

24 MR. TYLER: In Pennsylvania, at least

1 that that we worked on was drafted after the
2 Maryland form. The difference would be is that
3 your consolidated crimes are different. For
4 instance -- I forget what it is for assaults. You
5 might have another number for Maryland. I'm
6 prepared to present to you what another state has
7 thought about Pennsylvania and Maryland and I'll
8 give you that.

9 DR. WACHTER: Mr. Tyler, thank you very
10 much for being here and please interject as we go
11 along any thoughts that you have. And let's call
12 then -- if there are no other direct questions at
13 this point for Mr. Lee and Eckenrode, again, thank
14 you very much. We appreciate it.

15 And Mr. Tyler who is our last presenter
16 is conciliator of the community relations service
17 of the U.S. Department of Justice. Welcome.

18 MR. TYLER: I'm sorry I didn't have my
19 colleague with me here. Let me state that we've
20 had a very wholesome experience working with the
21 Pennsylvania Task Force, I guess almost for eleven
22 years now, and with the State Police and various
23 law enforcement agencies throughout the
24 Commonwealth of Pennsylvania and, indeed, in other

1 states in the middle Atlantic region. Very early
2 on we were involved in some questions about how
3 would the ethnic intimidation bill be implemented,
4 how would it be implemented in police academies.
5 How would information get down to your various
6 degrees in the criminal justice system.

7 Attached also to that we kind of also
8 not limited it to Pennsylvania, but in 1983, I
9 believe, the Maryland Task Force did a study and
10 sent out a questionnaire to all attorney generals
11 in the United States to find out what kind of
12 legislation they had on their books. And I
13 believe at that time, in the spring of '83, they
14 finished that questionnaire and that there were
15 forty four states in the United States that had
16 some type of legislation which dealt with
17 religious harrassment, institutional vandalism.
18 There were some states that have no laws
19 whatsoever and I have listed them for your
20 information. That's Alaska, Iowa, Montana, New
21 Hampshire, Utah, and Vermont. Now that
22 information --

23 MR. MILGRAM: No laws about ethnic
24 intimidation?

1 MR. TYLER: Or dealing with any types of
2 response to -- well, we call it ethnic intimidation
3 here in Pennsylvania, but racial/religious
4 violence or hate violence or organized hate
5 groups. You might be interested in getting that
6 kind of information because right now we're
7 looking at what types of laws are on the books in
8 each state here in the Midatlantic region.

9 Of course, we are very familiar with
10 Pennsylvania and Maryland. But now we're looking
11 at Virginia and West Virginia. And I just recently
12 received a copy of Virginia's law which was -- or
13 the Senate Bill which was approved by the Senate
14 on March 24th of this year. Now, in this instance,
15 we're going to be asking the same questions as we
16 asked here in Pennsylvania. How is this law going
17 to be implemented. And we have a staff person out
18 there in Charleston, West Virginia, today looking
19 at that.

20 I'll be in Virginia meeting with the
21 Virginia State Police tomorrow talking about what
22 kind of reporting system do they have. But what I
23 found most interesting is a report on draft
24 legislation for the State of Massachusetts which,

1 by the way, has a very stringent civil rights
2 law. But how does it deal with reporting of
3 incidences? And they have compared graciously
4 with Pennsylvania, and Maryland has assisted
5 them. But they're bringing up some questions that
6 they have. Let me just read you a few.

7 The purpose of this legislation is to
8 charge the State Police, already responsible for
9 collecting information on racketeering and
10 organized crime activity, but also with the
11 collection of racial incident data. As the
12 central police force, the State Police are in the
13 best position to perform this task. Following the
14 Pennsylvania statute, the law will require these
15 agencies -- and that means the State Fire
16 Marshal's Office, but en masse, they have what
17 they call registers, which is similar to our State
18 Police Division, that deals specifically with
19 motor vehicle codes. And you also have a MDC,
20 which is the Metropolitan District Commission
21 which deals with parks. So they're logged into
22 this system.

23 One of the things that they discussed is
24 the varying -- and I think that you kind of

1 touched upon it here -- the varying
2 interpretations of definitions of racial
3 incidences have proven to be a stumbling block in
4 the State of Maryland. The police agencies of many
5 localities that are well known for Klan activities
6 and racial violence appear to be defining the term
7 very narrowly in order to under report. The result
8 is that these communities appear to be more
9 harmonious than others which have reported more
10 honestly, a situation which creates a strong
11 incentive for originally well-intended agencies to
12 begin to under report so as to not to stigmatize
13 their communities as racist.

14 Statutory drafting cannot completely
15 solve this problem. But the provision of an
16 extremely broad definition of the term racial
17 incident as well as the enumeration of the type of
18 non-criminal activities requires that the reported
19 -- be provided in this proposed statute. And here
20 what we're saying, it's not just important because
21 I'm saying it, but those who have analyzed these
22 statutes are saying that there are some law
23 enforcement departments that the State Police will
24 never receive a report from them because they

1 don't want their particular area to be conceived
2 as or they may be seen as racist, so you have to
3 build in something.

4 The other feature that they're concerned
5 with there is the definition of incident. First it
6 makes clear that the non-criminal activity as well
7 as the criminal must be reported. Thus agencies
8 would be required to report racial name calling
9 incidences or Klan meetings of which they are
10 aware.

11 Second, an agency must consider an
12 incident racial if the objective witness or the
13 objective victim test is made. Thus evidence that
14 a perpetrator -- the motivation was not racial is
15 insufficient. And we've had incidences like that
16 where it's being termed -- well, it's not racial.

17 DR. WACHTER: May I interject and ask
18 what objective witness means. Is that a technical
19 term?

20 MR. TYLER: No, it's not a technical term
21 and I'm going to explain it. It's insufficient to
22 remove the incident from the reach of the statute.
23 This can be significant in many instances because
24 the victims are likely to stress the racial

1 overtone of the incident while the perpetrators
2 are likely to deny them. But an objective
3 witness, if you collect all your data you've got,
4 here's the witness and here's the victim and
5 they're saying because the perpetrator denies that
6 it wasn't racial -- you know, we've had some
7 incidences right here in Philadelphia that kind of
8 bears this out.

9 It was the incident where there was a
10 police officer, which was the first one in the
11 country that we've heard of, was arrested and he
12 was cleared after, but he was arrested and charged
13 with ethnic intimidation. If some of you from this
14 area would remember, perhaps -- I don't know
15 whether it was in the papers out in Pittsburgh,
16 but those charges were dropped against him.

17 And the third and broad description of
18 the type of non-criminal act must be part of the
19 report is intended to insure that the statute
20 requires the reporting of any act motivated by
21 racial hatred.

22 The other thing that we've been looking
23 at for quite some time is a project out in
24 California, and this may be of some assistance,

1 but in 1984, the California legislature recognized
2 the importance of accurate information when it
3 involves hate crimes and passed a Senate Bill 2080
4 which empowered the California Attorney General to
5 develop a program model to collect, compile and
6 analyze information about hate crimes.

7 You may wish to get that. And, most
8 assuredly, we're going to have it for the State
9 Police. But I just want to address some of the
10 limitations that they found in their research
11 project. And there was all sorts of things, if
12 you receive their final report, and the difficulty
13 that they've had, but just let me read a few.

14 The staff acknowledged several
15 limitations inherent in collecting hate crime
16 data. One, hate crimes are unreported and data
17 will not reflect all incidences.

18 Two, hate crimes cannot be analyzed
19 numerically only. The effects must also be
20 considered. We're talking about the effects on the
21 victim.

22 Three, data represents reported, not
23 verified, cases which is kind of important. I
24 think that was the question that you were asking.

1 Only represents reported cases.

2 It has to be verified. Hate crime data
3 does not document the level of bigotry in a
4 community, only the number of reported crimes.
5 We're really talking about what's the level of
6 bigotry and hatred in a given community.

7 Tino had asked me to get some kind of
8 feel for what's going on in other kinds of places.
9 I'm happy to report to you -- I don't know whether
10 I'm happy or not because we haven't been in there
11 -- but there was an announcement on July 11th that
12 the District government officials of the District
13 of Columbia announced today the introduction of a
14 system designed to collect and monitor information
15 of illegal incidences and violence that appear to
16 be racially, ethnically or religiously motivated.
17 So we'll be kind of keeping a tone on just what's
18 going down there in the District of Columbia.

19 Tino also asked me to say something
20 about some of the other agencies like ADL. And
21 I'm sorry that Barry left because he could well be
22 a spokesman for the ADL, as most of you know. But
23 they have been in the forefront in many states in
24 pushing for legislation which deals with hate

1 group activities. And one such report is, and I
2 think that was adopted here in Pennsylvania, was
3 their instructions on paramilitary or prohibiting
4 paramilitary training and we have adopted that
5 here in the Commonwealth of Pennsylvania. There
6 are many states that have not.

7 The ADL has some very good literature
8 that can be utilized in classrooms or just for
9 local police departments on extremism, on the
10 right and, of course, hate groups in America. And
11 we feel a need here in the Midatlantic region, for
12 instance, in the state of Delaware where you had a
13 toll free number by the Posse Commentados that was
14 set up in Delaware.

15 And, of course, these groups which
16 organize hate groups are beginning to come this
17 way. Bob sent me information that was going on in
18 -- what was that, to be going on this weekend.

19 MR. CLOUGH: Mason.

20 MR. TYLER: No, the Church of the
21 Identity, that's up in Carlisle, Pennsylvania.
22 And that's some information that we'll be sharing,
23 because on the 30th they'll be in Richmond,
24 Virginia. And if you know anything about the

1 Identity Church, which I think is explained right
2 in here -- in fact, I know it is -- there is
3 another organization that recently reported -- and
4 I think this kind of fits into our discussion
5 today, and this is a special report on move-in
6 violence. And, of course, Pennsylvania has been
7 involved in this for quite some time but they also
8 subtitled this white resistance to neighborhood
9 integration in the 80's. And this is a report
10 from the Southern Poverty Law Center. You may --
11 the author of which is Manny Dees who successfully
12 defended the black family down in Alabama, I
13 think, that they now own the Ku Klux Klan
14 headquarters down there.

15 But Manny, in his -- Morris Dees,
16 rather, is really suggesting some kind of
17 reporting system throughout the country.

18 And if you read this -- and maybe I'll
19 get you a copy of it, send you a copy, Tino -- but
20 the numbers of occasions where Philadelphia is
21 listed -- and I would like to speak for a moment
22 about the City of Philadelphia.

23 As all of us know, the City of
24 Philadelphia has been in the national spotlight as

1 it relates to minority affairs in the last few
2 years, to the extent that you've had some
3 incidences here where we've had to deal federally
4 through the office of the U.S. Attorney for the
5 Eastern District and the Federal Bureau of
6 Investigation because there was a lack of response
7 by local authorities. This was specifically true
8 with the situation out in West Philadelphia and
9 the Dempsey case.

10 I'm also happy to report, though, that
11 through that experience and through the positive
12 leadership of Commissioner Tucker we have
13 organized -- and I think Dick made reference to it
14 -- a unit here in Philadelphia that seemingly, I
15 hope, will be second to none in the United
16 States. And that is an eight person unit that's
17 headed by Lt. Marshall Smith. It's called the
18 Prevention Resolution Team and that's just what
19 they do, early activities in a neighborhood to
20 provide prevention.

21 But the unique thing about it is they
22 also have arrest power and they will not tolerate
23 any foolishness. We meet with them periodically. I
24 met with them last week because we have a visitor

1 here from London from the home office that wants
2 to look at the project here in Philadelphia. They
3 have some real racial problems there in London.
4 But I must say as we understood their statistics
5 last week, the rate of arrest for the Philadelphia
6 Police is something like 33 percent. For this
7 special unit, it's 50 percent and that's pretty
8 good. And you've only been in operation since
9 September.

10 One other thing, this is something
11 that's developed that we use quite a bit. In
12 unsophisticated towns -- what I mean by that is a
13 town like Colonial Heights, Virginia, close to
14 Petersburg, where not too long ago they had a Klan
15 demonstration, and a fairly large Klan
16 demonstration, and the chief just had no
17 experience in what to do. So there has been
18 developed When Hate Groups Come To Town, which is
19 a very interesting kind of thing about what you
20 should consider particularly from a law
21 enforcement aspect, the situation about the
22 Constitutional rights of a hate group.

23 But this is an excellent kind of thing
24 that we utilize in our training. I do have in here

1 some of our little propoganda because I don't
2 think I've met all of you but also a little
3 newspaper report on that new police unit here in
4 Philadelphia. And this is some latest information
5 that we've put out as Community Relations
6 Service. And while you notice the title,
7 Principles of Good Policing, Avoiding Violence
8 Between Police and Citizens, which is one of our
9 problems and we've had it here in Philadelphia.

10 But another division of the Justice
11 Department put out a report entitled, Responding
12 to Racial and Religious Violence, because we're
13 interested in having police respond. And it's a
14 step-by-step procedure that we recommend that
15 small and large police departments at least take a
16 look at. So I've brought that to you. And if
17 there are any questions.

18 DR. WACHTER: Yes. Thank you very much,
19 Mr. Tyler. Something that should have hit me a
20 long time ago but it just didn't is that the
21 federal legislation refers to statistics on crime,
22 in fact, the Hate Crime Statistics Act, whereas
23 the Pennsylvania Act is the Ethnic Intimidation
24 Statistics Act and we are to be collecting

1 information relating to crimes and incidents. How
2 do we define incidents?

3 MR. TYLER: As I mentioned, that's where
4 they have talked about non-criminal activity. You
5 have -- and I don't know whether I have it with me
6 but maybe one of the Troopers -- there are certain
7 criminal incidences that can be attached to hate
8 violence acts. For instance, it might involve
9 arson. That's a criminal offense and a number on
10 the criminal statutes of the Commonwealth of
11 Pennsylvania. If that criminal activity has been
12 arson or the propulsion of an incendiary device
13 which breaks down into a fire bomb, okay. They
14 also have one on the books in the Commonwealth of
15 harrassment by communications, I believe it's
16 called.

17 DR. WACHTER: Does our Act -- I'm sorry.
18 But does our Act mean that a Ku Klux Klan meeting
19 would be considered an incident?

20 MR. TYLER: It may not be.

21 DR. WACHTER: Does it have to be a crime
22 to be reported? It says crimes and incidents.

23 MR. TYLER: It doesn't have to be a crime
24 because, see, you've got to investigate it to

1 determine whether it's been a crime or not.

2 DR. WACHTER: Is that what that means, an
3 alleged crime? What does the word incident mean?
4 I'm trying to get a handle.

5 MR. TYLER: That's the problem that we
6 have.

7 MR. MILGRAM: State laws exist against
8 discrimination in housing. Let's assume various
9 developments, when blacks walk in, they are not
10 welcomed or talked to by the sales people and
11 their names are not taken, whereas if whites walk
12 in, they are welcomed, talked to, and encouraged
13 to leave their names. And it's not clear because
14 there's no major act, these are acts of omission,
15 failure to take the names, so that a black lawyer
16 trying to buy a house in white suburbia will come
17 in, and while they act cheerful, they'll never
18 take the name to follow up and so the person is
19 not followed up as a possible sale, whereas whites
20 coming in have their names taken, you see, and
21 they are followed up.

22 DR. WACHTER: Let me pursue this with Mr.
23 Eckenrode.

24 MR. ECKENRODE: Under form J reporting,

1 just to clear it up in terms of what we, the State
2 Police, are collecting from police departments,
3 that type of incident would never be reported. The
4 only thing I am saying is the only type of
5 incident that would be reported to us is a
6 violation of Pennsylvania law as enforced by
7 Pennsylvania law.

8 MR. MILGRAM: Let's assume that in that
9 same community one black family with children
10 moves in and they've lived there for awhile,
11 several years, and suddenly at some point
12 something happens and all four tires of the car of
13 the only black family in the community are
14 slashed. The police department is informed.
15 Commissioner is no bigot. Commissioner is
16 friendly. They do not ask the neighbors what could
17 have caused it. I, being a resident of that
18 community, ask the neighbors what could have
19 caused it. The neighbors say, well, only thing I
20 could think of was that one of the young men
21 living in this community had a white girlfriend
22 from another community visiting the home and,
23 shortly thereafter, the tires were slashed. And
24 the only reason he can conceive of is -- because

1 there's no racial bias that he knows of by the
2 residents -- but it might be a non-resident to the
3 community could have done it.

4 I called the Chief of Police. This
5 happened about a year ago, two years ago. He had
6 never dreamed of this being a racial incident. I
7 told him it probably was, in my opinion, a racial
8 incident. I asked him, did you have your office
9 check the neighbors. And he says he wasn't sure.
10 He looked into it. I had talked to at least one
11 neighbor, the one next door neighbor. The neighbor
12 never was questioned as to the possible cause, and
13 he gave me this one possible cause and that's as
14 far as I went on this issue because I'm a terribly
15 busy guy. And I just assumed the decent and
16 liberal Police Commissioner would have followed up
17 and I have no idea what happened. But I'm quite
18 certain nothing ever came of the police
19 investigation.

20 This family subsequently, for complex
21 reasons, moved away maybe a year or so later.

22 DR. WACHTER: Mr. Clough.

23 MR. CLOUGH: Yes. There's something here
24 we have to understand. In our Human Relations Act

1 which is legislative law, we have provisions for
2 fair housing. We also, in our ethnic intimidation
3 laws, have had interpretation by the Attorney
4 General, for instance, when the realtors came to
5 us and said, hey, we got a problem. If we show a
6 house to blacks, we start getting crank calls and
7 harrassment calls. Attorney General had said that
8 is ethnic intimidation, even though the
9 perpetrator or the victim is not the intended
10 person. If it occurs, charge them with ethnic
11 intimidation. That will be done.

12 Now one of the things I want to make
13 clear is we do, the Tension Task Force, check on
14 these areas where police fail to report. ADL has
15 reported incidents to me where the police never
16 filed reports. I then took the Tension Task Force
17 and our regional staff and as a result we made an
18 arrest in that particular situation.

19 The Darby situation was a move-in
20 situation where the person's property was
21 destroyed before he moved in. They made an arrest
22 because they investigated because there was a
23 whisper of racial. We teach that in our scenarios
24 in our training sessions. So now they are

1 starting to be aware of what they can and cannot
2 do. That's why it's important.

3 DR. WACHTER: It seems that if I'm
4 reading this federal legislation, proposed
5 legislation, correctly, it says crimes which
6 manifest racial, ethnic or religious prejudice
7 including, where appropriate, the crimes of
8 homicide, assault, robbery, burglary, theft,
9 arson, vandalism, trespass and threat. Do you see
10 this as being different from the Pennsylvania
11 legislation? Go ahead, Mr. Tyler.

12 MR. TYLER: You're dealing with criminal
13 activity. That's a general kind of statement, it
14 seems to me. But I mean that's a part one crime,
15 you know. It's listed as part one, part two
16 crimes. And when you examine the historical
17 background on the Uniform Crime Report that more
18 or less is dealing with what law enforcement
19 around the country currently reports to the FBI,
20 collection data which gives you overall crime
21 reports when you're dealing with those. I don't
22 see that dealing with those kind of incidents.

23 MR. CLOUGH: Homicide can be an
24 underlying offense for ethnic intimidation.

1 MR. TYLER: It's going to be listed as
2 homicide, not necessarily the race of the
3 individual.

4 MR. LEE: Insofar as the reporting of
5 ethnic intimidation violations, the ethnic
6 intimidation law, the way it's written, says it
7 has to be one of these other crimes involved in
8 it. And in the investigation, the officer should
9 certainly find whether this was ethnic or not, and
10 if it is, the additional charge of ethnic
11 intimidation would be listed in there.

12 But to be listed as an ethnic
13 intimidation violation, it has to be another
14 crime. There has to be another crime. There has
15 to be criminal mischief, kidnapping, arson, sexual
16 offenses, there's a whole list of them.

17 DR. WACHTER: So then it is the same.

18 MR. LEE: Pretty much is the same, yes.

19 MR. CALABIA: Getting back to Doctor
20 Wachter's other question about a KKK rally or some
21 other hate group.

22 MR. LEE: That would not be reported on
23 form J as ethnic intimidation violation if it's
24 just simply a meeting and nobody gets hurt and

1 nobody gets nothing. They have a meeting.

2 MR. CALABIA: What if neighbors who
3 happen to be black feel intimidated by that?

4 MR. LEE: There has to be another
5 underlying violation.

6 MR. CLOUGH: Can I give you an example,
7 sir? If you have a rally here on this corner with
8 a fence around it and nothing in the area but
9 that, they can have an assembly. If across the
10 street you have a synagogue and they start
11 pointing across the street at that synagogue,
12 yelling racial slurs and names, then you can say
13 they are taking that meeting into the rights of
14 that other organization. That could be a crime.
15 It could be a crime.

16 DR. WACHTER: Could be a threat.

17 MR. CLOUGH: Yes, harrassment.

18 DR. WACHTER: Mr. Fisher?

19 MR. FISHER: Yes. I would suspect that
20 one of the reasons for incorporating the law the
21 way it is which includes a crime, otherwise, the
22 whole system could be so loaded down with such
23 trivial little matters, you know, and the fact of
24 the matter is unless really a person feels

1 threatened physically or whatever, you know, all
2 the other stuff really is not that meaningful. And
3 I think if you didn't have that in there, you
4 could get thousands of calls and thousands of
5 complaints all day long because of perceived
6 incidents or things that may or may not even be a
7 reality.

8 DR. WACHTER: Will you be reporting this
9 to the public, this data, these fifty four
10 incidents? Will you be correlating them in any
11 way as the year goes on and reporting them to the
12 public and in what form?

13 MR. LEE: No, not to the public, no,
14 because as it is mandated in that particular law
15 it says that it can only be disseminated through
16 written request on letterhead to the Commissioner
17 of the State Police, and that he would give the
18 information out through our Bureau but only to
19 contributing agencies for their use.

20 MR. MAHON: I think you were here, Mr.
21 Tyler, when you were asked the question earlier
22 whether or not Pennsylvania is making progress in
23 reducing ethnic intimidation. Were you here at
24 that time?

1 MR. TYLER: Yes, sir.

2 MR. MAHON: Okay. What is your sense
3 from an overall standpoint? Again, we have a new
4 law which may be raising the number of incidents.
5 But I'm interested in our sense of making progress
6 in Pennsylvania and then how Pennsylvania may
7 compare with other states.

8 MR. TYLER: Well, first of all,
9 Pennsylvania cannot compare with Georgia because
10 of the numbers of -- Georgia and North Carolina,
11 we're finding more activity of organized Klan --
12 hate groups like the Patriot Party and what have
13 you. I'm finding decrease to the extent that our
14 participation with the Commonwealth has lessened
15 because you have a network here. When we talk
16 about here in Philadelphia, you haven't heard --
17 as an example, since this new unit, because
18 they've made some arrests and people know that
19 they are not going to take any stuff. And these
20 officers go around and train other officers and
21 that word is getting home. So we're finding a
22 decrease, I think.

23 Now, we don't have any statistics to
24 back that up. But we look at it from our own, at

1 least since 1971, when I've been involved and the
2 number of reported incidences that we've
3 received. I don't know whether that means that
4 the local police departments or state is more
5 responsive, but our statistics are dropping here
6 in Pennsylvania, and we're picking them up more in
7 Maryland. And they have had a reporting system
8 longer, so I don't know what that means. But I
9 just think that you've got some excellent law
10 enforcement response.

11 DR. WACHTER: Mr. Tyler, may I ask, do
12 you feel, or anybody else as well, that what you
13 reported earlier, that the difference in the
14 Maryland statistics and ours, simply because our
15 laws are different, so that they are separately
16 reported, means that it would be a good idea to
17 have federal legislation so that we would have a
18 uniform reporting system so that we could make
19 comparisons across states?

20 MR. TYLER: It's my understanding that
21 it's UCR, uniform reporting system.

22 DR. WACHTER: On ethnic incidents.

23 MR. TYLER: I don't know. You've got the
24 same kind of problem, and it depends upon who's

1 collecting that data. We automatically think
2 because uniform reporting system now goes to the
3 FBI -- I don't know necessarily whether the FBI
4 would be the collector of that kind of information
5 or whether it might well be the Justice Department
6 Bureau of Statistics, and that's kind of up in the
7 air. And it seems to me that something is going
8 to have to be done with the definition and
9 interpretation so we get some kind of overall view
10 that we're also in the same thing. That might
11 help. But still it's going to come right back to
12 the responsibilities to the states to do the
13 reporting, it seems to me.

14 DR. WACHTER: It is my pleasure to
15 welcome Miss Evelyn Hull Warner.

16 MS. WARNER: I've been sitting here --
17 I'm President of NAACP in Montgomery County. But
18 I brought some stuff to show, and he's confiscated
19 it. I'll pass this around to those of you that
20 want to look at it. One of my members gave me
21 this, the Lower Providence Police Department.
22 Well, you can read it. And the other one is from
23 Bucks County in relation to our racially mixed
24 couple.

1 One of the things about when the
2 question was asked by you, I think, in reference
3 to racial intimidation and in reference to
4 decrease or increase, we find a very profound
5 increase and we find that it's the discretion of
6 the individual police departments to report it
7 since there is a varied vocabulary in which police
8 can report intimidation. So they use all the
9 other terminologies to identify the crime if, in
10 fact, they even allow it to be as a crime or as a
11 warning, okay.

12 Now, what do you do when police are
13 vulgar and racially slurring victims? You know,
14 you could have a criminal and, for example, the
15 last time I was here two years ago I reported how
16 the Norristown Police have a bad habit of calling
17 blacks all kinds of -- you know, whatever. Now,
18 how do you deal with that, because that's
19 rampant?

20 MR. MILGRAM: Is that on the increase?

21 MS. WARNER: Certainly, it's on the
22 increase. You always have people coming back and
23 telling you -- you have wardens in prisons, all
24 kinds of people, calling --

1 MR. MILGRAM: Policeman treating blacks
2 worse --

3 MS. WARNER: I doubt seriously if it's an
4 increase. It's just a way of life that's never
5 been dealt with.

6 DR. WACHTER: Thank you. Mr. Fisher?

7 MR. FISHER: That's one of the reasons I
8 asked the question earlier whether or not there
9 are any penalties for incomplete or inaccurate
10 reporting, because I think the whole reporting
11 system is a total waste and a total farce unless
12 there is some control and some penalty and some
13 disincentive to keep people from not reporting,
14 because if there is ethnic intimidation and any of
15 the law enforcement officers have any sympathy
16 toward them, then, obviously, they're going to do
17 whatever they can do to get around ethnic
18 intimidation. And unless the police officer on
19 the street or whomever it is knows that if he or
20 she is caught that there are severe penalties, as
21 severe as the rest of the law, then I think the
22 whole thing is going to be a farce as far as your
23 reporting.

24 MS. WARNER: There's a political end,

1 too, which you must realize. In Montgomery
2 County, it's a Republican stronghold. And those
3 folks in Montgomery County in the social service
4 agencies and in the police departments think
5 they're so secure and nobody can touch them, they
6 can do anything they want to do.

7 DR. WACHTER: Mr. Clough?

8 MR. CLOUGH: Unfortunately, and this is
9 part of the things I try to teach police, you
10 cannot legislate morality, nor can you change
11 behavior by one training session. It has to be
12 continual effort, not only on the part of the
13 Tension Task Force, but also the municipalities,
14 the community in trying to change the behavior so
15 that these kinds of things do not occur, and if
16 they do, what you should do about it.

17 A lot of people allow it to occur and
18 say, oh, what's the use. And then after the fact
19 they say, so and so did something to me.

20 Now, as an ex-police officer, very
21 seldom you will get a police officer to testify
22 against another police officer. But you're
23 looking at a situation right there, and that's why
24 I had that in my bag because I just had a meeting

1 with Chief Rogers and he says, Bob, there's no
2 problem. I sent a couple of men to your training
3 session. They said it was really great. And when
4 I saw their names in the paper, a couple of those
5 names in the paper were some of the people I just
6 sent a certificate to. And I am upset about it
7 and I want to find out what the heck is going on
8 and, if necessary, we have to go back and re-train
9 them again.

10 MS. WARNER: Training ain't got nothing
11 to do with it.

12 MR. FISHER: I think the training is
13 good. And I think it's a separate situation. But
14 I don't think the training is going to be the
15 answer. I think even in this situation here, if
16 there were laws on the books in terms of the
17 reporting and this, obviously, indicates that
18 either through incorrect reporting or no
19 reporting, that if communities notice that, once
20 it's found out, as it was here, that your
21 organization or some organization can come in and
22 do investigation, and upon completion of that
23 investigation, find out that there was not correct
24 reporting or whatever, we're going to get reports

1 that tell us everything is beautiful and all of
2 these incidents are being reduced. But in the
3 meantime they're going to be growing like crazy.
4 And by the time we wake up, we're going to be in
5 one big hell of a mess here.

6 DR. WACHTER: It's very late and I do
7 want do stop certainly by 4:30. I thank everyone
8 for staying so long. But to follow Mr. Fisher's
9 point, is there not some penalty for violating
10 uniform reporting?

11 MR. ANLIOT: Even now there is no penalty
12 against any police department for not reporting
13 anything on the uniform crime report. It's a
14 completely voluntary system, as I understand it,
15 as we have come to understand it. They get about
16 80, 85 to 90 percent reporting from Pennsylvania
17 police jurisdiction. But it is, in fact -- I
18 don't know whether it is on the federal -- you
19 know, with other states or from the FBI or what.
20 I don't know whether there are penalties attached
21 to failure to report in that kind of system. But
22 there is not in Pennsylvania. If a local police
23 department doesn't want to report a murder to the
24 State Police, there's no penalty for not

1 reporting.

2 MR. MILGRAM: Some town could have twenty
3 murders and not report one to the State Police?

4 MR. ANLIOT: That's correct.

5 DR. WACHTER: No case of reporting to the
6 Federal Government?

7 MR. ANLIOT: My own understanding is the
8 only way they report to the federal government is
9 through the State Police. If they don't report it
10 to the Pennsylvania State Police, it doesn't get
11 reported any further than that.

12 MR. MILGRAM: Let's assume there was a
13 fire, a series of fires. Aren't fires supposed to
14 be reported to the state Fire Marshal? Who do
15 they get reported to?

16 MR. CLOUGH: If they're arson, they get
17 reported to the State Police or Fire Marshal.

18 MR. MILGRAM: If they don't think it's
19 arson --

20 MR. CLOUGH: It's at their discretion.
21 If it's obviously a fire, if it's obviously a
22 murder, there are no penalties for their not
23 reporting that.

24 DR. WACHTER: I think we have found at

1 least one interesting loophole in terms of any
2 federal legislation. And I'm sorry to stop it
3 here, but I must thank everybody for their great
4 patience for staying so long. And I think it's
5 been a very informative session. I hope you feel
6 so. And I thank you all for being here.

7 HEARING CONCLUDED AT 4:45 P.M.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

C E R T I F I C A T I O N

I, Claudia L. Aden, hereby
certify the foregoing to be a true and
accurate transscript of testimony in the
foregoing matter. This certification does
not apply to reproduction of the
aforementioned without my personal consent.

-----*Claudia L. Aden*-----

CLAUDIA L. ADEN
Registered Professional Reporter
New Jersey CSR
Commissioner

DATED: *Aug. 7, 1987*