

USCCR

A SUMMARY REPORT

JULY 1988

*Reporting
on
Bias-Related
Incidents
in
New York
State*

New York State Advisory Committee

To The U.S. Commission On

Civil Rights

This summary report of the New York State Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and

consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Com-

mittee, but only to individual participants in the community forum where the information was gathered.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the Civil Rights Commission Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

1121 Vermont Avenue, N.W.
Washington, D.C. 20425

DATE: June 28, 1988

FROM: New York State Advisory Committee

RE: Reporting on Bias-Related Incidents in New York State

TO: Murray Friedman, Acting Chairman
William B. Allen
Mary Frances Berry
Esther Gonzalez-Arroyo Buckley

Robert A. Destro
Francis S. Guess
Blandina Cardenas
Ramirez

Attached is a summary report on a forum held by the New York State Advisory Committee in New York City on June 25, 1987. The forum's purpose was to follow up on the interest of the Commission in legislation aimed at collecting data on racially or religiously motivated incidents. The Advisory Committee heard from the head of the Governor's Task Force on Bias-Related Violence (established by Governor Mario Cuomo after the 1986 Howard Beach incident); the head of the New York Civil Liberties Union active with a coalition of agencies sponsoring hearings on bigotry in New York City; and the commanding officer of the New York City Police Department unit in charge of investigating incidents and compiling statistics on them. (Post-forum developments are referenced in footnotes.)

The Governor's Task Force reported on nine days of public hearings around the State. In its interim report, the Task Force declared that bias-related incidents have occurred in urban, suburban, and rural communities throughout New York; that more public agencies need to be sensitized to the effects of such incidents; and that collecting data on incidents should be mandatory in the State and across the U.S. The ACLU head asserted that discrimination and incidents are on the rise, supported the goals of data collection and increasing penalties, but also called for an independent special prosecutor or statewide agency to deal with crimes of discrimination. The commander of the New York City police unit said that 600 arrests have been made in the 1,400 cases it has investigated and described the process and criteria it uses for defining incidents. He discussed the training his unit offers and urged establishment of a national uniform reporting system.

The Advisory Committee trusts that the Commission will find this report valuable since it reflects last year's hearings throughout the nation's second largest State--where the Howard Beach incident resulted in manslaughter convictions in December 1987--plus the work of a unit with over seven years experience in investigating bias. In addition, the report touches upon demands for a special prosecutor, a topic echoed in the continuing Tawana Brawley case.

Archer C. Puddington, Chair
Setsuko M. Nishi, Vice-Chair
Antonia C. Cortese

Edwin R. Espailat
Benjamin F. McLaurin
J. Iredelle Nixon

A.M. Stevens-
Arroyo

**New York State Advisory Committee to the
U.S. Commission on Civil Rights**

**Archer C. Puddington, Chairperson
New York City**

**Setsuko M. Nishi, Vice-Chairperson
Tappan**

**Benjamin F. McLaurin
New York City**

**Antonia C. Cortese
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New York City**

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Acknowledgements

The New York State Advisory Committee wishes to thank the staff of the Commission's Eastern Regional Division for its help in the preparation of this summary report. The summary report was the principal assignment of Tino Calabria with support from Linda Raufu and Tina James. The project was carried out under the overall supervision of John I. Binkley, Director, Eastern Regional Division.

TABLE OF CONTENTS

Transmittal Including Executive Summary

Background p. 1
Remarks by Task Force Chair p. 1
Other Interim Recommendation by State Task Force p. 2
Mid-1980s Count in S.E. New York State and Other Responses . p. 3
Views of New York Civil Liberties Union Head p. 4
Need for Independent Special Prosecutor or Center on Bias . p. 5
New York City Police Department Unit p. 7
Incidents, Arrests, and Uses of Data Collected p. 8
Training, Standardized Reporting, and Proactive Approach . . p. 10
Defining or Determining Motivation p. 11
Create Data Collection System, Refine It Through Experience p. 12

APPENDICES

Appendix A

H.R. 993, "A Bill to Provide for the Collection of Data About Crimes Motivated by Racial, Religious, or Ethnic Hatred"

Appendix B

S. 797, "A Bill to Require the Attorney General to Collect Data and Report Annually About Hate Crimes"

REPORTING ON BIAS-RELATED INCIDENTS IN NEW YORK STATE¹

Background

On June 25, 1987, the New York State Advisory Committee to the U.S. Commission on Civil Rights held a forum at the Javits Federal Building in New York City. The forum focused on bias-related incidents and the collection of data on such incidents. Two weeks earlier, a Gubernatorial Task Force on Bias-Related Violence had issued an interim report based on six hearings held in the spring of 1987; that report recommended strengthening the laws intended to combat racially and religiously motivated intimidation and violence. The interim report also recommended that the State of New York set up a system for collecting data on bias-related incidents.² The Advisory Committee invited guest speakers familiar with these issues in New York State to share their knowledge and views on the subject.

Remarks by Task Force Chair

Mr. Kevin Fox, the Executive Director of the Governor's Task Force on Bias Related Violence, delivered the remarks of Mr. Douglas H. White, the Chairperson of the Task Force and also Chairperson of the State Division of Human Rights (SDHR). According to Mr. White,

There are various estimates of the extent of bias-related crime in America. . . . But there [are] so few statistics available that no one [knows] for sure.³ Following the Howard Beach incident, Governor Mario M. Cuomo established a Task Force on bias-related violence and charged it with investigating the extent of the problem and proposing

¹This summary is based on the official transcript of the forum which is on file in the Eastern Regional Division office. To update developments, other more recent documents are cited throughout the report.

²See "Tougher Punishment, More Data on Bias," New York Times, June 14, 1987, p. E-24.

³A March 1988 poll of 1,063 New Yorkers indicated that: "most New Yorkers say important divisions between blacks and whites are now as wide or wider than they were a decade ago. And there is a widespread perception that racial tension in the New York area has increased markedly in the last several months. . . ." Samuel G. Freedman, "New York Race Tension Is Rising Despite Gains," New York Times, Mar. 29, 1988, p. A-1.

programs and solutions.⁴

After nine days of public hearings around New York State, the Task Force drafted these preliminary conclusions: Incidents have occurred in every region of the State, including urban, suburban, and rural areas. There is a need for mandatory collection of data on incidents both in the State and across the U.S. "so that accurate comparisons can be made and particular problems of various localities can be clearly seen." From the testimony of victims, the Task Force said, it is clear that the police, courts, and social service agencies must be alerted to the physical and psychological damage caused by bias-related violence. To reduce the problem, efforts must be carried out in schools from the earliest grades, and mediation and tension reduction programs should be set up to deal with current and future problems.

Other Interim Recommendations by State Task Force

Mr. White stated that the Task Force's interim report called for training police officers around the State in how to identify and classify bias-related crimes, assigning experienced supervisory personnel in all law enforcement agencies to investigate complaints of bias violence and to implement a uniform reporting system. Finally, it recommended supporting the State's Comprehensive Civil Rights Bill to enhance civil remedies available to victims and increase criminal penalties for bias-related crimes.

He added that the Task Force continues to be interested in police training and prosecutorial procedures, the need for a permanent special State prosecutor, and a statewide civilian complaint review board. In addition, more effective responses by school officials and staff to tensions in the schools and review of the policies

⁴A June 1988 New York Times article reported that "The panel said it could not determine the extent of the bias-related crime problem, but believed it was extensive and widespread." James Barron, "Cuomo Panel Urges Stiffer Penalties in Bias-Related Violence," New York Times, June 21, 1988, p. B-2 (hereafter cited as "Cuomo Panel Urges Stiffer Penalties").

and procedures "to prepare teachers, human service professionals, and community leaders for living and working in an increasingly diverse society," are needed, as well as programs for youths and an examination of the roles of the religious community and private business in reducing bias violence and of the media in educating communities about the problem.

Mid-1980s Count in Southeast New York State and Other Responses

Mr. White pointed out that uniform data on bias-related incidents across the State remain unavailable, though in 1985 the SDHR had begun seeking from 175 law enforcement agencies information to be added to that collected by the police in New York City and Nassau and Suffolk Counties. (Those three police jurisdictions in southeastern New York State reported more than 2,100 investigations of bias crimes, resulting in more than 700 arrests, in the five years between 1982 through 1986.)

During its 1985 survey, the SDHR "received less than 20 reports of such crimes, some of which occurred up to five years prior to the survey." According to Mr. White, frequently the response was one of denial or "comments like 'We don't have that problem here.' One chief even went so far as to say that it is not possible to gather such information because you cannot tell if a crime was motivated by prejudice." At any rate, after participating in a conference on the problem held in Washington, D.C., last year, the SDHR wrote to the 45-member New York State congressional delegation and urged them to support a House-passed bill mandating the collection of data by the U.S. Department of Justice. Mr. White then urged the New York State Advisory Committee to support H.R. 993 and S. 797 (see appendices), new measures now in the 100th Congress, adding in his prepared text:

It is important that the Federal criminal justice system establish such a recordkeeping system in order to assess

the phenomenon of prejudice-motivated crime on a national scale. This would also serve to stimulate States to act in establishing law enforcement procedures and, equally important, training of police officers and prosecutors.

Regarding the value of statistics, Mr. White asserted that there seems to be an "attitude that 'something does not exist until you can count it.'" In any case, the State of Maryland started collecting data in 1981, when 23 crossburnings were reported. The Maryland Legislature made cross burning a felony, the police began issuing stern warnings, and by 1985, only two cross burnings were reported in Maryland. Speaking for Mr. White, Mr. Fox indicated that besides Maryland, the States of California and Pennsylvania have begun to look into counting bias-related incidents.

Views of New York Civil Liberties Union Head

Mr. Norman Siegel, Executive Director of the New York Civil Liberties Union, suggested that the grassroots, nonviolent civil rights movement which overcame enforced segregation in the South 25 years ago needs to be brought

to New York City and other northern locales where, it is apparent, that acts of racial harassment and discrimination are on the rise. . . . In the North, the problem to be confronted is not the law but racial attitudes. For example, although there are no laws separating blacks from whites in this town, I submit that New York City is a segregated town. Our schools are segregated; our neighborhoods are segregated; and so many of the policies in New York City have, unfortunately, racial overtones.

On the other hand, he maintained that 25 years ago in the South, when civil rights activists were pitted against State and local officials, the Federal Government could be looked to for intervention and a resolution to conflicts, but today there is no such Federal leadership. Moreover, in the earlier period, there were only two racial groups--blacks and whites--engaged in a struggle; today in the North, "there are a multiplicity of racial and ethnic groups with varying interests and needs, which at

times have conflicted among themselves." Lastly, in the 1960s, the movement for change focused on racial equality for southern blacks, whereas the movement today needs to address racism, sexism, sexual orientation, and handicap bias, said Mr. Siegel.

To combat racism and bias tensions, he reported, the New York Civil Rights Coalition was formed by approximately 60 civil rights and civil liberties and religious groups. In June 1987, it was to hold hearings on racism in five communities with another 20 communities targeted for hearings over the summer. Approximately 90 people attended the South Bronx and Chinatown hearings, and 21 gave testimony. The Coalition had asked that testimony focus on schools, housing, and criminal justice, but the largest amount of testimony fell into the criminal justice category. Mr. Siegel said that acts of violence frequently go unnoticed or are not effectively prosecuted and consequently go unchecked and that:

We must begin to recognize, analyze and draw conclusions about patterns of both racially motivated and bias-related instances. . . . Although there can be no guarantee that racism or bias has caused the incident, history teaches us that prejudice may well have been the motivation.

Need for Independent Special Prosecutor or Center on Bias

Mr. Siegel called for substantial, systemic affirmative action in the New York City Police Department; although the Police Commissioner is black, 79 percent of the 27,000 police department employees are white, as are 77 percent of the police officers, and 99 percent of the captains. He also emphasized the need for a permanent special prosecutor to deal with bias-related violence and police abuse of victims falling under the protected classes listed in the State's Human Rights Law.⁵

⁵A June 1988 New York Times/WCBS-TV poll indicated that 37 percent of all New York City residents favored a special prosecutor for racial violence cases, with 28 percent of whites and 24 percent of blacks agreeing. Ralph Blumenthal, "Blacks and Whites, in a Survey, Are Critical of Brawley Advisers," New York Times, June 28, 1988, p. A-1 and p. B-5.

As to the recommendations in the Task Force's interim report, he said that simply collecting data and increasing the severity of crimes associated with bias are not sufficient. He supported those recommendations plus the proposal for collecting bias-incident data at the Federal level. On the question of a special prosecutor, one independent of the Attorney General's Office must be appointed to be free of the political pressures exerted on district attorneys in local communities, stated Mr. Siegel.⁶

As an alternative to a special prosecutor or to supplement one, a statewide agency should be created to augment the criminal justice system, Mr. Siegel added. It would deal with bias violence and police abuse and bring together lawyers, paralegals, and criminologists to investigate and prosecute specific occurrences of violence caused by intolerance and discrimination. It would analyze each case and seek to recognize patterns, and then educate the public about the scope of the problem and possible solutions while also serving as a consultant to local law enforcement agencies. In specific instances, one of its attorneys could be called upon by the Governor and the Attorney General to serve as special prosecutor, superseding a local law enforcement agency.⁷

⁶The controversial Tawana Brawley case--involving a Wappinger Falls black teenager who was allegedly raped by six whites in late November 1987 but whose family and attorneys later refused to cooperate with State prosecutors--triggered renewed demands for the appointment of a special prosecutor. Marianne Yen, "N.Y. Rape Probe Becomes Rallying Point; Cuomo Drawn Into Stalemate Between Victim's Family, Local Police," Washington Post, Jan. 27, 1988, p. A-9; Esther Iverem, "Questions Persist in Assault of Girl, 15," New York Times, Feb. 4, 1988, p. B-3; and Douglas L. Colbert, Professor, Hofstra Law School, "Justice in the Brawley Case," New York Times, Mar. 10, 1988, p. A-31.

⁷In its June 1988 final report, the Task Force did not recommend a permanent special prosecutor. "[Governor] Cuomo opposes a special prosecutor. The [Task Force], made up of his appointees, said it had been unable to reach a consensus on the issue. Its report, without giving a breakdown, said a majority had voted against recommending a permanent special prosecutor." James Barron, "Cuomo Panel Urges Stiffer Penalties in Bias-Related Violence," New York Times, June 21, 1988, p. B-2, (hereafter cited as "Cuomo Panel Urges Stiffer Penalties.") Barron quotes Mr. Siegel as saying: "A permanent special prosecutor is the single most important issue. For them not to address this issue

In New York City, a "real Civilian Complaint Review Board" is also needed, asserted Mr. Siegel, an independent board which would replace the existing one. The latter is mainly operated by New York City Police Department employees, and for the most part, it relies upon police officers to investigate complaints. Although changes in the direction of increasing the role of civilians have recently been made, Mr. Siegel stressed the need for even more civilians. He also voiced the belief that the New York City Human Rights Commission and the SDHR should be strengthened by increased funding, noting that the SDHR houses a Bias Crime Unit consisting of only one employee.⁸ Lastly, he urged the creation of mediation councils throughout the city, the State, and the Nation.

New York City Police Department Unit

Inspector Michael A. Markman, Commanding Officer of the Bias Incident Investigating Unit of the New York City Police Department, was accompanied by Ms. Susan Herman, Assistant to Police Commissioner Benjamin Ward. Inspector Markman explained that, as a result of a study requested by the police commissioner at that time, his unit was established in December 1980. One of the first to be set up in a major metropolitan police department, it consists of the commanding officer--who reports to the police chief, the highest ranking uniformed officer--three sergeants, who supervise 18 investigators, one civilian senior police administrative aide, and two civilian assistant police administrative aides. The unit was formed to strengthen the Department's capability for both preventing and responding to criminal incidents and acts which were racially, ethnically, or

is to ignore and misunderstand the depth of bias in the state." See also Governor's Task Force on Bias-Related Violence, **Final Report**, Mar. 1988, which on p. 169 states that "the Task Force was more divided on this issue than on any other."

⁸In August 1987, the City of New York began staffing a new five-person unit, the Bias Response and Prevention Team, reportedly pursuing goals similar to those pursued by the SDHR Bias Crime Unit. Sandra Bodovitz, "Team Is Formed to Prevent Bias in New York," New York Times, Aug. 2, 1987, p. 33.

religiously motivated. In 1985, gay and lesbian persons were added to the victims covered by the unit.

The unit investigates all incidents confirmed as bias motivated by the commanding officer of the precinct in which they occur, said the Inspector. Only incidents involving civilians against civilians come under his unit; allegations against police are investigated by a separate unit or units. An officer who suspects that a crime involves some aspect of bias is to notify the patrol supervisor who notifies the precinct commander or, in the absence of the precinct commander, a predesignated duty captain. The captain then conducts a preliminary investigation and determines whether the crime was motivated by bias. If the determination seems positive, the captain notifies the Operations Unit which notifies the Bias Unit. The latter functions around the clock, and Inspector Markman is outfitted with a beeper to be notified at home if he is immediately needed at the scene of an incident.

Incidents, Arrests, and Uses of Data Collected

Since its inception, the unit has investigated approximately 1,400 incidents. Acknowledging that underreporting of crime happens in about 50 percent of all crime, the Inspector said that 600 arrests were effected out of the 1,400 cases worked on by his unit since December 1980.⁹ The Inspector believed that: "This quick and effective response has acted as a positive deterrent to all those contemplating similar acts. In addition, it tells the victim and the community of our total commitment and concern. No case is considered too trivial to pursue to its successful completion." For one case, the unit interviewed 750 neighborhood persons, although the Inspector admitted that in the end the unit "was not successful in completing the investigation with the results that

⁹By late September 1987, Inspector Markman was reported as having recorded 1,595 cases with 697 arrests. George James, "Reports of Racial Assaults Rise Significantly in New York City," New York Times, Sept. 23, 1987, p. B-1.

we wanted." During the process, the investigator maintains weekly contact with the complainant.

Besides field investigations, the unit analyzes its data to ascertain any citywide trends. For example, anti-Semitic cases made up 50 percent of all cases over the past two years, and most involved crimes against property. On the other hand, antiblack cases made up 30 percent of the cases, but a majority were crimes against the person.¹⁰ Few cases involved Hispanics.

After investigations, the unit provides support and assistance to victims by continuing contact with the victims for two months after completion of the case. Such followup, said the Inspector, is meant to reassure victims of the unit's concern and to ensure that no other incidents have occurred. The Inspector reported that a Good Neighbor Program was instituted the evening before the Advisory Committee's forum "to convey a sense of community concern, remove the feeling of isolation that many bias victims feel, and make suggestions about other systems which may be needed."

Liaison is also maintained with the five district attorneys serving the five separate boroughs of New York City. Such liaison can lead to prompt response by an assistant district attorney for a lineup identification, for example. In a recent minor case, an assistant district attorney responded to the police precinct at 2 a.m. to help with the investigation of a possible misdemeanor. Liaison is maintained with other law enforcement and human relations agencies at the city, State, and Federal levels. For instance, the Inspector recently met with the city Probation

¹⁰During the March 3-4, 1988 Northeast Regional Conference held by the National Institute Against Prejudice and Violence, Inspector Markman reported that 1987 marked the first year in which the number of incidents involving black victims surpassed for the first time the number of incidents involving Jewish victims. "Recollections Drawn From Participation During Regional Conference Against Prejudice & Violence," a memorandum to U.S. Commission on Civil Rights Acting Staff Director Susan J. Prado from Civil Rights Analyst Tino Calabria, Mar. 15, 1988, p. 4.

Commissioner on the possible establishment of an alternate sentencing program for teenage offenders. Such alternative sentencing might include community service for some teenagers in certain kinds of cases.

Training, Standardized Reporting, and Proactive Approach

Regarding training about handling bias-related incidents and victims, the Inspector himself is directly involved in training lieutenants and sergeants four days every week at the Police Academy, and his unit assists each precinct with daily in-service training programs which each precinct offers. He argued that without training officers working at the street level how to identify bias motivation, many more incidents could go unreported.

Although his unit is one of the few bias-investigating units in the U.S., the Inspector reported that other police departments have expressed interest in the unit, and he anticipated that some departments will set up their own units. He then recommended to the Advisory Committee that all State and local law enforcement agencies should train their personnel to recognize and respond to bias-related incidents. He urged all State legislatures to pass laws requiring the development and implementation of a standardized system for reporting such incidents, noting that legislation to do so has been introduced in the New York State Senate and Assembly and that interagency responses among the States could be thereby enhanced. He said that State governments should encourage and in some cases fund local school boards to develop measures to promote racial, ethnic, and religious harmony. Lastly, he recommended that State and local governments should assist victims of bias-related incidents in taking all avenues of legal recourse, such as for New Yorkers to take their cases to the Crime Victims Compensation Board.

The Inspector then elaborated on the proactive approach of his

unit. Commanders or their deputies in the 75 precincts throughout New York City were asked in early 1987 to identify and prioritize "youth conflict locations" in their areas. Up to that point, the Inspector's unit had been dealing with incidents on a case-by-case basis. In one area, a roller skating rink was situated between neighborhoods of two different ethnic backgrounds. When activities at the rink ended at 3 a.m., youths of the different ethnic groups would come into conflict with each other. If youths from one group went north, they became "the assaultees"; if the same youths went south, they became "the assaulters." With new data on youth conflict locations, police are now stationed north and south of the rink, and the number of incidents has dropped.

Defining or Determining Motivation

On the question of what constitutes motivation, the Inspector said that "a lot of crime in the City . . . is interracial. Is every one of those crimes a bias motivated crime? I contend it is not. . . . I think the mere mention of a bias remark does not make it a bias case. I think the absence of a bias remark does not make it a nonbias case." Nevertheless, the Inspector told the Advisory Committee that during his training sessions: "What I do is leave [the trainees] one final point and that is, if there is any doubt whatsoever in your minds, it will be reported as a bias case. We can reclassify a case to nonbias [if investigation proves it to be such.] However, if the case is not reported in the first place, we cannot investigate it."¹¹

¹¹-----
 An April 1988 article quoted Inspector Markman as saying: "Bias incidents are like no other crime. Most crime victims know why they are being victimized--if it's a robbery, it's because you have money--but for bias incidents, there is no real motive, no reason that the crime occurred. In one year at the Bias Investigating Unit, I [have seen] more and more jurisdictions recognizing that bias victims suffer more than non-bias victims." "Northeast Law Officers Share Views on Bias Crimes," Klanwatch Intelligence Report, Project of the Southern Poverty Law Center, Apr. 1988, No. 37, p. 9.

He went on to illustrate how his unit might go beyond verbal clues in an investigation. For example, if ten equally vulnerable and isolated people are present--nine of one background and one person of a different background from the other nine--and, if two perpetrators enter the scene and assault that one person of the different background, "that leads us to believe it is a bias-motivated crime. Can we actually determine that it is? No. We have to apprehend the [perpetrators] and say, Why did you do it?" The Inspector added that the perception of the victim is also important. It may be that the victim has only a feeling that bias was a factor. Still, the Unit will investigate it as a nonbias case until it can be determined as to whether it remains a non bias case or is in fact a bias case.

The Inspector noted other clues as to motivation: offensive symbols; statements made by the suspects; a prior history of similar incidents in the same area affecting the same victim group; a victim different from most or all others in the area; a modus operandi similar to one used in other cases in the area; attacks of a similar nature repeated against the same victim; involvement of an organized hate group such as the Ku Klux Klan, American Nazi Party, and the like. At the same time, what must be weighed against the foregoing is whether or not any hate message or literature is printed or handwritten, whether use of the name of a hate group suggests a "copycat syndrome," whether the incident was a childish prank unrelated to vandalism, and whether the person responsible for an incident understands the full impact of the incident on the victim.

Create Data Collection System, Refine It Through Experience

The Inspector concluded that it would be a mistake to abandon the goal of creating a bias-incident reporting system at the State or Federal level because the question of determining motivation is difficult. "We cannot identify every bias-motivated crime to

everybody's satisfaction," acknowledged the Inspector. "I still feel we should have a system and refine it as we go along. It takes time and experience. I think it takes seeing cases and discussing [them.]"

At that point, Mr. Siegel told the Advisory Committee that, when he was preparing to come to the forum, colleagues asked why he was spending any time going to an activity of the U.S. Commission on Civil Rights. They asked whether there still is a U.S. Commission on Civil Rights. Mr. Siegel said that he replied that there is a Commission and that serious problems exist. He also told them that he was "sure that half a dozen people will be there and they care" and that was why he was going to participate in the forum. Despite an increase in racial tensions, all present at the forum would work together "to overcome," Mr. Siegel believed.

As the forum came to a close, the Advisory Committee composed the following statement:

That there is a climate in New York City of increased racial, ethnic, religious, and other forms of discrimination and bias; secondly, that the government agencies, City and State, have made appropriate efforts to address these problems . . . all of which we find very valuable but which require greater . . . public visibility, funding, outreach, recruitment, education and other such matters.

Lastly, we have heard direct testimony from one of the panel participants that the historic role of the U.S. Commission on Civil Rights has been extremely important in developing and focussing public consciousness on these issues and we, therefore, judge it would be an error of great magnitude to defund the U.S. Commission on Civil Rights at this time and thereby forestall the [kind of work in which the New York State Advisory Committee is engaged.]

Therefore, we call upon Congress to take actions appropriate to restore the United States Commission on Civil Rights to its historic leadership function in American society.

The Advisory Committee then unanimously voted that a summary report of the forum, including the above statement, should be submitted to the U.S. Commission on Civil Rights.

100TH CONGRESS
1ST SESSION

H. R. 993

To provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1987

Mrs. KENNELLY (for herself, Mr. CONYERS, Mr. MINETA, and Mr. GLICKMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

SEC. 2. ACQUISITION OF DATA AND REPORTS.

Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1986 and each of the succeeding 4 calendar years, about crimes which manifest racial, ethnic, or religious

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prejudice, including where appropriate the crimes of homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, and threat. The Attorney General shall publish annually a summary of such data.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, for fiscal year 1987 and each of the succeeding 4 fiscal years, such sums as may be necessary to carry out this Act.

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APPENDIX A

100TH CONGRESS
1ST SESSION

S. 797

To require the Attorney General to collect data and report annually about hate crimes.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 17), 1987

Mr. MATZENBAUM (for himself, Mr. LAUTENBERG, Mr. INOUE, Mr. SPECTER, Mr. WIRTH, Mr. WEICKER, Mr. SANFORD, and Mr. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Attorney General to collect data and report annually about hate crimes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. ACQUISITION OF DATA AND REPORTS

4 Under the authority of section 534 of title 28, United
5 States Code, the Attorney General shall develop a workable
6 reporting system for the acquisition of data, for the calendar
7 year 1988 and each of the succeeding 4 calendar years, about
8 crimes which manifest racial, ethnic, or religious prejudice,
9 including the crimes of homicide, assault, robbery, burglary,

1 theft, arson, vandalism, trespass, and threat. The Attorney

2 General shall annually publish a summary of such data.

3 SEC. 2. AUTHORIZATION OF APPROPRIATIONS

4 There is authorized to be appropriated for fiscal year

5 1988 and each of the succeeding four fiscal years, such sums

6 as may be necessary to carry out this Act.

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