

The Increase of Hate Crime in Indiana

**Indiana Advisory Committee
to the United States Commission
on Civil Rights**

August 1992

A report of the Indiana Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction.

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 United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, 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 United States Commission on Civil Rights 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 that the Commission may hold within the State.

The Increase of Hate Crime in Indiana

**Indiana Advisory Committee
to the United States Commission
on Civil Rights**

August 1992

A report of the Indiana Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction.

Letter of Transmittal

Indiana Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission

Arthur A. Fletcher, *Chairman*
Charles Pei Wang, *Vice Chairman*
William B. Allen
Carl A. Anderson
Mary Frances Berry
Esther G. Buckley
Blandina Cardenas Ramirez
Russell G. Redenbaugh

Wilfredo J. Gonzalez, *Staff Director*

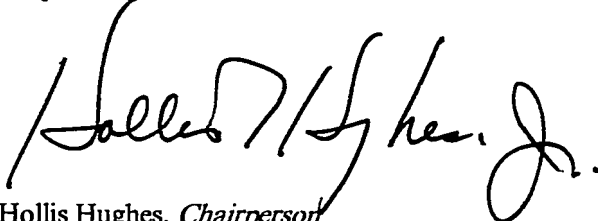
The Indiana Advisory Committee submits this report, *The Increase of Hate Crime in Indiana*, as part of its responsibility to advise the Commission on civil rights issues within the State.

The Advisory Committee and staff of the Midwestern Regional Office held a community forum on August 8, 1991, in Indianapolis, Indiana, to obtain various perspectives and facts on hate crime in Indiana. Those invited to participate included government officials, elected leaders, representatives of community organizations, law enforcement agencies, and other knowledgeable citizens in the community.

The Committee believes that there is a real problem of hate crime in the State and that much of it is unidentified as such by law enforcement agencies. It also observes that today's youth are involved in much of the hate crime and are unaware of the history of the civil rights struggle in this country. Finally, it sees those running for office who use *politics of resentment and divisiveness* exacerbating racial polarization in this society.

Although the report does not reflect an exhaustive analysis of the subject, the Committee hopes the Commission will find it of value in its monitoring of racial, ethnic, and religious tensions nationwide. Please note that Asian and Hispanic organizations throughout the State, including those in Indianapolis, Fort Wayne, and the East Chicago-Gary region, were contacted to participate in the forum but declined citing a lack of hate crimes against their community.

Respectfully,



Hollis Hughes, *Chairperson*
Indiana Advisory Committee

Indiana Advisory Committee to the U.S. Commission on Civil Rights

Hollis E. Hughes, Jr., *Chairperson*
South Bend

Katherine M. Blanks
Fort Wayne

Michael Lee Gradison
Indianapolis

Judith Hawley
Indianapolis

Doris S. Parker
Indianapolis

Irwin R. Rose
Indianapolis

Julie Z. Schmitt
Indianapolis

Contents

Introduction	1
Recent Hate Crime Activity	2
The Forum	4
The Trend of Hate Crime in Indiana	5
The Nature and Extent of Hate Crime in Indiana	9
Causes and Contributing Circumstances	12
Recent Hate Crime Legislation in Indiana	15
Indiana Law Enforcement Agencies and Hate Crime Reporting	16
Recommendations to Eliminate Hate Crime	17
Committee Observations	19
Appendix I—Incidents of Potential Hate Crime Monitored by the Indianapolis Police in 1991	20
Appendix II—Hate Crime Legislation	29
Amendment to Indiana House Bill 1267	
Indiana House Bill 1842	
1990 Hate Crimes Statistics Act	

Definitions of Hate Crime

Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding four calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

Hate Crimes Statistics Act, Pub. L. No. 101-275
28 U.S.C. §534 note (West Supp. 1991)

...convictions under IC 35-42, IC 35-43-1, IC 35-43-2 and IC 35-45-2 in the county served by the prosecuting attorney in which the court has found that

malice aforethought toward a:

(1) person based on the person's membership in or association with a group or class of persons; or

(2) group or class of persons;

is evident in the commission of the crime.

Proposed Indiana House Bill No. 1842 (1991), amending IC 5-2-5-14, §14(a).

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, or sexual orientation group.

United States Department of Justice
Federal Bureau of Investigation
Hate Crime Data Collection Guidelines, p. 4

Introduction

In July 1988 the United States Commission on Civil Rights (USCCR) passed a resolution encouraging its State Advisory Committees to review the subject of bias-related violence. The Commission itself had reviewed the issue and in 1990 published *Intimidation and Violence, Racial and Religious Bigotry in America* concluding:

[T]he phenomenon of racial and religious violence and harassment is a continuing threat to the maintenance of a peaceful, democratic, and pluralistic soci-

ety. Bigotry-bred violence and intimidation are manifestations of racism, anti-Semitism, and other forms of religious bigotry that still survive even after the years of effort spent on their eradication.¹

The Indiana Advisory Committee to the USCCR recognized that hate crime was a serious problem in the State. The nature and extent of hate crime in Indiana was researched, and a community forum held on the topic in Indianapolis, Indiana, on August 8, 1991.

¹ USCCR, *Intimidation and Violence, Racial and Religious Bigotry in America*, A Restatement of the United States Commission on Civil Rights, Clearinghouse Publication 96 (1990), p. 26.

Recent Hate Crime Activity

In recent years there have been documented incidents of hate crime throughout Indiana. In Indianapolis, a white man, distraught because blacks were visiting at a neighbor's house, fired shots into the home wounding an infant and her babysitter.¹ In another Indianapolis incident, a black man who had moved into a white neighborhood was attacked by a group of white men who shouted racial slurs and vandalized his car.²

A racially mixed couple living in Hammond had their car vandalized and a note was left that threatened the lives of the family members.³ There were two cross burnings in the yards of black families in Marion during the first half of 1991.⁴

In Columbus a cross was burned in the yard of a black family that had moved into a white neighborhood. Another black family that moved into a white neighborhood had their home smoke-bombed.⁵ In Evansville a white man ran over a black man who was dating his sister. The assailant's sister was quoted as saying, "I'm not supposed to hang around blacks. It's been a problem in our family for a long time. . . ."⁶

On October 21, 1991, the Indianapolis Police Department received a report that a car had the antenna broken off and the windshield wipers bent; the word "queer" was written into the car dirt several times. Two days later, the passenger tires were flattened and the word "homo" was scratched into the side panel.⁷

Schools and universities also experienced hate crimes in recent years. In Indianapolis, Warren High School was closed for 2 days in 1990 following a racial disturbance between black and white students. At Rogers High School in Michigan City black students attacked white students allegedly as a result of racial slurs written on mirrors in bathrooms.⁸

At DePauw University a fraternity held a ghetto party using decorations with racist graffiti about blacks.⁹ In an incident at Indiana State University, a black student was assaulted and beaten in his room by white students.¹⁰ At Purdue University a cross was burned in front of the Black Cultural Center and a racial slur was scratched on the door of a black counselor.¹¹

Just days before the community forum, a violent hate crime erupted just blocks from the site. A shelter for the homeless was attacked by neighboring whites because some of the clientele at the shelter were black. Patsy McCormick, director of the shelter, recounted the incident to the Committee:

Two weeks ago today I was sitting in my office and I thought I heard fireworks, and I thought that was strange, kind of out of season for it. I heard somebody screaming, so I looked out of my office window and the guy next door was shooting directly at our building and he was aiming at the front porch where the guys (from the shelter) were sitting. . . . When I got to the door everybody was just shoving each other in, trying to get in, and so I went down the street and I said, "What's wrong?". . . . Of course that guy took off.

1 Karen Freeman Wilson, director, Indiana Commission on Civil Rights, interview in Indianapolis, Ind. (June 10, 1991).

2 Ibid.

3 Norman Parish, "Woman Charges Racial Threats," *Post Tribune*, Aug. 23, 1988, p. B1.

4 Francis Sweat, director, Marion Human Rights Commission, interview by Midwestern Regional Office staff, USCCR, June 15, 1991.

5 Jon Gard, "Teens Linked to Cross Burnings," *The Republic*, Sept. 14, 1990, p. A1.

6 Kim Husk, "Car Runs Down Man; 18-Year-Old Is Charged," *Evansville Courier*, July 29, 1991, p. A1.

7 Incident Report of Officer K. Fricke, Indianapolis Police Department, Oct. 23, 1991, 938610-A.

8 Carmen McCollum, "Rogers Tries to Defuse Race Tension," *The News-Dispatch*, Mar. 6, 1990, p. A2.

9 *The DePauw*, Sept. 26, 1988, p.1.

10 Catharine Fernando, "Student Beaten in Bed," *The Statesman*, Oct. 5, 1988, p. 1.

11 "Cross Burned at Tarkington," *Tribune-Star*, Sept. 15, 1988, p. 8.

And there were six people sitting in their yard two doors down, sitting there, and I said, "What is wrong?" and they said "We're not having niggers in our neighborhood, and if you house them you're leaving too." I said, "These are

homeless veterans," and they said, "We don't care. They're not staying in this neighborhood." . . .Then the following Sunday night they burned a cross in our front yard.¹²

12 Testimony before the Indiana Advisory Committee to the USCCR, community forum, Indianapolis, Ind., Aug. 8, 1991, transcript, pp. 250-51.

The Forum

The Committee brought together 20 participants with different perspectives to share their knowledge, views, and opinions on the extent and nature of hate crime in Indiana. These participants included:

- (1) government officials,
- (2) community organizations,
- (3) the gay and lesbian community,

- (4) law enforcement officials, and
- (5) members of the public.

Presenters told the Committee about the extent of hate crime in Indiana and whether such activity was increasing. They also described to the Committee their understanding of the nature of such criminal behavior and gave recommendations on how to control and eliminate hate crime.

The Trend of Hate Crime in Indiana

The three government officials who addressed the Committee stated that hate crime is increasing in the State. Yet no specific data on the numbers of hate crimes committed in the State are available. State legislation mandating tracking has been defeated by the Indiana General Assembly, and recordkeeping systems directed by recent Federal legislation are still in the implementation stage by law enforcement agencies.

Dave Arland, executive assistant to Indianapolis Mayor William Hudnut, read a statement from the mayor:

Although it is too early to document percentage increases in local hate crimes because statistics have only been kept for a few months by hate crime category, the concern and attention about several local incidents, from police shootings, gang attacks, and vandalism to cross burnings, indicates that hate crime is definitely on the rise.

... We have compiled a list of more than twenty incidents that could be considered crimes of hate so far this year. . . They include cases of church vandalism, threats based on national origin, harassment of women by men, harassment of homosexuals by heterosexuals, and a number of incidents between blacks and whites based in whole or in part on racial conflict. And those are only the reported complaints and only the complaints by individuals against other individuals.¹

William Crawford, a State representative to the Indiana General Assembly, introduced legislation that would require prosecutors to report hate crime incidents to the State police. In drafting the legislation, he and his staff studied the extent of hate crime in the State. He testified that hate crime is increasing in Indiana:

Although I can not factually verify it, I sincerely believe that incidents of crimes motivated by hatred of a person, a

group, or a class of persons, based on their race, creed, color, handicap, sex, or sexual orientation. . . is definitely on the rise.²

Karen Freeman Wilson, director of the Indiana Civil Rights Commission (ICRC), also asserted that incidents of hate crime are increasing. To support her position, she gave a partial data set to the Committee:

When you begin to look at hard figures, as we have attempted to do so at the commission in the last few years, we find that in 1989 there were two reported incidents, in 1990 there were four reported incidents of hate crime, and in 1991 thus far (the first 6 months) there have been six.³

The number of incidents of hate crime collected by the ICRC is shown below.

1989: ■ ■ (2)
1990: ■ ■ ■ ■ (4)
1991: ■ ■ ■ ■ ■ ■ (6) *

* [Includes incidents for only the first 6 months of 1991]

Moreover, Wilson informed the Committee that these small numbers reflect the "phantom" nature of hate crime. There are certain elements and certain aspects of this activity, she said, that make it almost an undetectable activity because it is usually very difficult to specifically identify bias as the motive for the crime.

Phyllis Bartleson, vice president of the Indiana Consortium of State and Local Human Rights Agencies, did not specifically contend that hate crime was increasing in the State but did say it was a serious problem and cited numerous recent examples. She

1 Forum Transcript, pp. 8 and 10. These incidents are listed in the appendix to this report. Mayor Hudnut did not seek reelection in the fall of 1991. The current mayor of Indianapolis is Stephen Goldsmith.

2 Forum Transcript, p. 29.

3 Forum Transcript, p. 48.

also emphasized to the Committee that hate crime is often not identified as such to law enforcement authorities and that this pattern hid the extent of the problem:

We do have a problem in our State with hate and bias crimes. One of the major problems the agencies agree on in discussing this particular issue. . . is that there is a lack of reporting. That seems to be a major problem.

Various crimes and criminal activities are reported to law enforcement agencies but they are not specifically reported as bias crimes or hate crimes. Maybe they're reported as vandalism by juveniles, aggravated assault, neighborhood dispute, but what we have found is there are very few crimes that are actually⁴ labeled as hate or bias crimes. This seems to be a problem.

Spokespersons for several community groups and organizations had different sets of information on the extent and scope of hate crime in Indiana. Arthur Jordan, education committee chairman of the National Association for the Advancement of Colored People (NAACP), presented evidence about problems at colleges and universities.

The NAACP monitored hate crimes on college campuses in the State and held hearings on the problem in 1990 at seven different locations. Jordan stated that there had been a surge in hate crime on college campuses in the late eighties but that currently such activity did not seem to be increasing:

There seemed to be a rash of those things happening [hate crime] in '89 and '90, but to date we have not been advised of any other things like that happening, and. . . we hope that our presence on campus. . . at least got the message to someone that things are being looked at very carefully. . . .

. . . I'm not going. . . to say there's been a decrease. . . we just have not been made aware of any increase. . . at this point in time I'm just going to say that things are probably status quo at this point.

Robert Epstein, chairman of the civil rights committee of the Anti-Defamation League (ADL) of

Ohio, presented evidence on anti-Semitic activity. His data showed that reported incidents of anti-Semitic activity nationwide increased in 1990, but the number of reported incidents in Indiana for the same period were lower.

[The ADL] does monitor hate crimes both nationally and. . . in the State of Indiana. . . . In recent years our agency has witnessed an upsurge in the number of acts of ethnic threats, harassment, and battery. . . . During 1990 the number of anti-Semitic incidents. . . in the United States climbed to a record of 1,685 episodes. . . . This represents the highest total ever reported since the ADL began collecting this information. . . .

In [Indiana] in 1990 there was a decrease in the number of anti-Semitic incidents reported to our regional headquarters in Columbus. The survey reported a total of 10 incidents reported.⁶

Table 1 depicts the ADL's data on anti-Semitic hate crime for the last 2 years.

Amos Brown, station manager of WTLC, an Indianapolis radio station that is targeted primarily to black listeners, said that hate crime has persisted in central Indiana for two decades, although it is not as open and as explosive as in other communities:

There has been—ever since our radio station has been in existence in Indianapolis some 23 years, there have been reported hate crimes here in our community. While we have not had many cross burnings, while we've not had white neighborhoods in turmoil or in riot when blacks move in. . . we here in the central part of the State have had problems.

They've tended to be under the surface, under the veneer. They've tended to be subtle. They've tended to be isolated. Yet when you look at it cumulatively, they add up.

Testimony was given at the forum that, per capita, members of the homosexual community suffer the highest rate of hate crime. Marla Stevens, co-chair of the Great Lakes Lesbian and Gay Association, told the Committee:

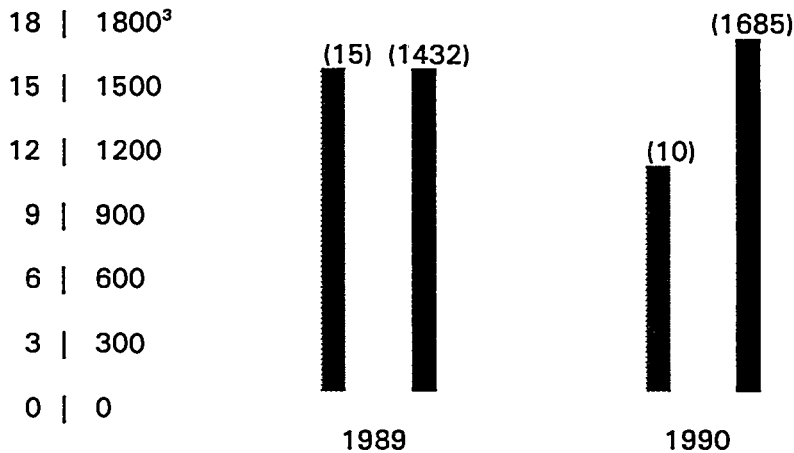
4 Forum Transcript, pp. 270-71.

5 Forum Transcript, pp. 106-07.

6 Forum Transcript, pp. 168-70.

7 Forum Transcript, pp. 146-47.

TABLE 1
1989 and 1990 Reported Incidents of Anti-Semitic Activity Nationwide and Indiana



1. ■ Indiana ■ Nationwide
2. Graph depiction is rounded to nearest third (three hundred). Exact number of incidents are in parenthesis at the top of each bar.
3. The first number in column 1 refers to Indiana; the second number refers to the nation.

The most frequent victims on a per capita basis, when comparing the numbers of people group to group, are gays and lesbians in the United States. [They] exceed the per capita incidence of violent crime exhibited against racial minorities, religious minorities, ethnic minorities, and at the elderly and other groups that have been studied to date.

One in 7 men and 1 in 11 women in the gay community report having experienced a violent crime committed against them because of their sexual orientation. This includes being punched, kicked, beaten, raped, shot, and murdered.

The Committee also heard that hate crimes against homosexuals go largely unreported. Part of this is a result of discrimination on the basis of sexual orientation being legal. Victims who come forward risk job discrimination, embarrassment, and other societal retribution. Stephanie Turner remarked:

Fear of exposure is a . . . reason why victims do not always want to report the crime. They don't want any attention given to them. They may consider themselves to be at a risk for losing their job or at a risk for becoming disenfranchised from their family or some other type of situation.¹⁰

Another reason for the low reporting is that police do not often treat it as a *bias* crime. Turner said that if the police are summoned, they will come and investigate:

However, to report it as a bias crime is something that we need to emphasize, particularly since we have Federal legislation requiring it now. Local police departments and local civil rights advocacy groups do not always see the need or even the opportunities to work together toward this end of reporting the crimes.¹¹

Sam Jones, president of the Indianapolis Urban League, went beyond the specifics of hate crime and addressed overall racial tensions. He asserted that the

8 Forum Transcript, pp. 215-16.
 9 Forum Transcript, p. 220.
 10 Forum Transcript, p. 199.
 11 Forum Transcript, p. 198.

present condition of race relations was as bad as ever:

In many ways the black-white situation is worse today than in the 1960s. According to the 1988 Committee of

Cities Report. . .the polarization between the black and white communities is much more pronounced now than in the 1960s. The conclusion that can be reached, at least from my vantage point, is that we have made very little progress in eliminating ¹²race and racism from our daily lives locally and nationally.

12 Forum Transcript, p. 118.

The Nature and Extent of Hate Crime in Indiana

Both the nature and the extent of hate crime in the State were addressed by most of the presenters. The Committee received specific information about (1) the perpetrators, (2) the geographic locations of hate crime, and (3) the types of hate crime.

The Perpetrators

Perpetrators of hate crime act both individually and as members of groups. Dave Arland told the Committee that hate groups existed and were active in Indiana:

Indianapolis, and in turn Indiana, both, have street gangs and skinheads. There are local citizens who belong to the Ku Klux Klan or other organizations that sort and judge people by race. . . Indianapolis was home to a group of 40 or so neo-Nazi skinheads in 1990. Indiana membership in the KKK, while dropping, is still a concern.

Phil Hoy, executive director of the Tri-State Food Bank in Evansville, asserted that the Ku Klux Klan is very active in southwestern Indiana.

One of the organizations that is very active in southwestern Indiana is the Klan. . . [WTHR-Channel 13 in Indianapolis] has footage of a secret Klan training center in southwestern Indiana where the leader unashamedly and unabashedly is showing how to create poison darts.

Robert Epstein testified that the ADL routinely monitors hate group activity. In this context he mentioned several specifics about skinheads:

Skinhead related anti-Semitic incidents are down significantly, although skinhead activity remains a major concern.

There is no national leadership of the skinhead movement; there are splinter groups around the country.

The skinheads move around a lot. An Indiana group may not necessarily do its business here, but make it over to Ohio or Texas, and contrarily a Texas group may come up here and meet with an Indiana group.

Karen Freeman-Wilson also mentioned to the Committee that Klan cells did exist in the State and that some hate crime was organized. She stated that there was an active KKK cell in St. Joseph County where they broadcast a television show, "Race and Reason," and also have a toll-free number that individuals can call and get information about neo-Nazi and Klan activities. . . However, in the hate crimes that the ICRC had prosecuted for damages, the perpetrators were groups of teenagers not linked to any specific group or organization.

Geographic Areas of Recent Hate Crime Activity

Evidence was given at the forum that hate crime occurred in all parts of the State. In addition, hate crimes occurred in various settings, including residential neighborhoods, public highways, the workplace, high schools, public parks, and college campuses.

Below is a map depicting locations of reported hate crimes in Indiana in 1989, 1990, and 1991.

1 Forum Transcript, p. 12.

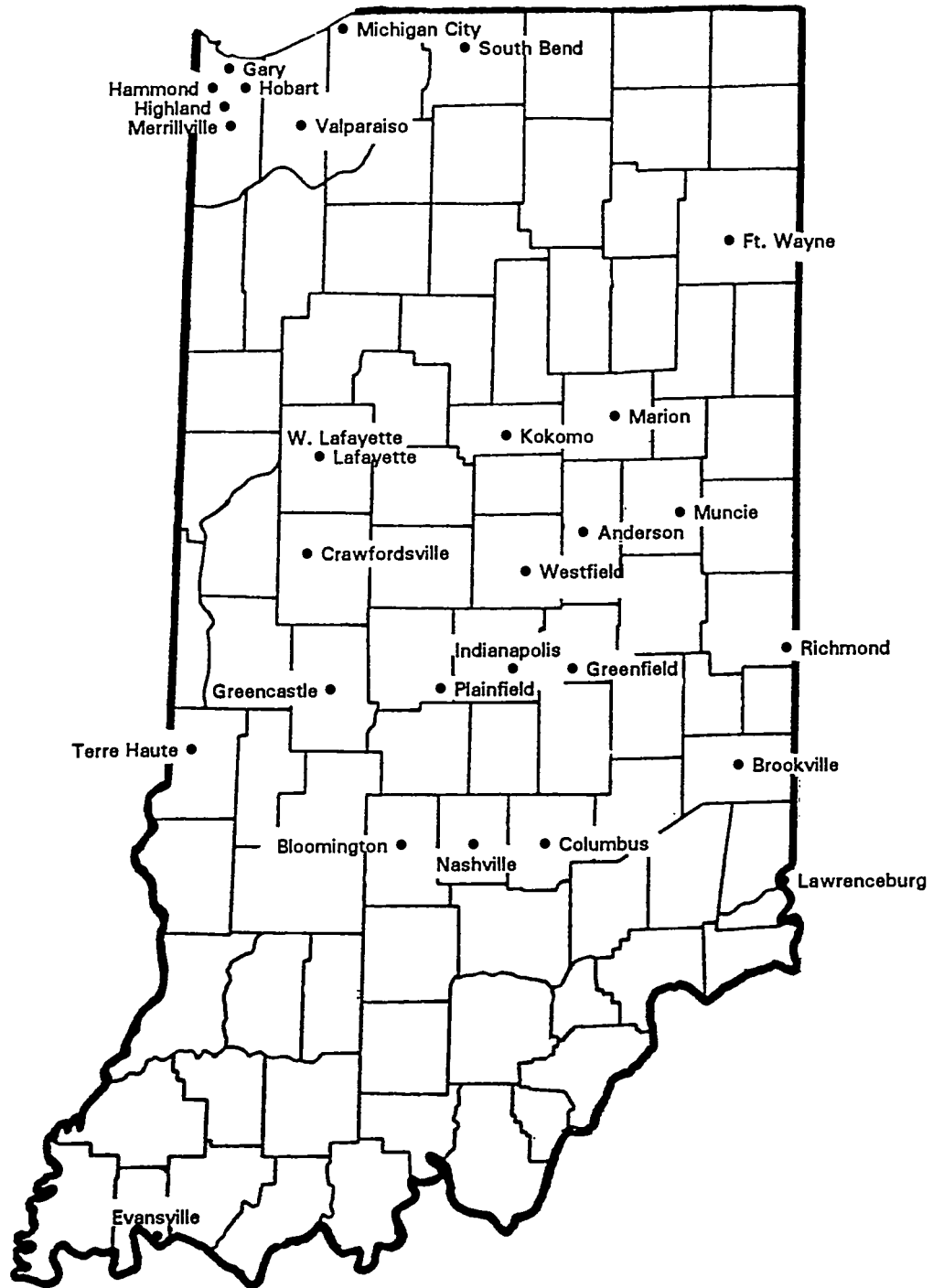
2 Forum Transcript, pp. 75-76.

3 Forum Transcript, p. 175.

4 Forum Transcript, p. 177.

5 Forum Transcript, pp. 181-82.

MAP 1
Locations of Hate Crimes Reported in Indiana in 1989, 1990, and 1991



The Types of Hate Crimes

The types of hate crimes witnessed in Indiana in recent years have ranged from verbal intimidation to serious bodily assault.

Presenters at the forum mentioned the following hate crimes:

- ARSON at synagogues and private homes,
- BOMBINGS of homes, schools, and synagogues,
- SHOOTINGS at groups and at individuals,
- VANDALISM including smoke-bombing, chemicals dumped into swimming pools, and graffiti on cars and homes,
- CROSS BURNINGS in front of shelters and private residences,
- PHYSICAL ASSAULTS by individuals and groups,
- THREATS made to individuals and to families,
- HARASSMENT and INTIMIDATION
- TELEPHONE THREATS of violence and vandalism,
- VEHICLE ASSAULTS, and
- MURDER.

The nature of many hate crimes against the homosexual community is particularly gruesome. Stevens cited congressional testimony supporting her position:

According to a 1980 study by Miller and Humphreys, "intense rage is present in nearly all homicide cases with homosexual victims. The striking feature of most murders in this sample is their gruesome, often vicious, nature. Sel-

dom is a homosexual victim simply shot. He is more aptly to be stabbed a dozen times, mutilated and strangled."

According to Melissa Mertz, coordinator of the Victim of Violent Assault Assistance Program of Bellevue Hospital in New York City, "Attacks against gay men were the most heinous and brutal I have encountered. They frequently involved torture, cutting, mutilation, and beating and showed the absolute intent to rub out the human being because of his sexual preference."⁶

Stevens related the sexual horror that many lesbian women experience:

I did an informal poll among lesbians. . .and fully 60 percent of those women report sexually oriented crimes ranging from threats to rape. Half of the women who have led gay and lesbian organizations in Indiana have been raped in the course of their work, and these rapists routinely mention changing the sexual orientation of the woman. I am one of those survivors.

It was also suggested that hate crime against the homosexual community has a connection with other hate crime. Individuals who commit hate crimes against gays and lesbians are likely to vent their hatred on other minority groups. Attacks on the homosexual community do not occur in a vacuum nor are they isolated from other manifestations of bigotry.

Stevens told the Committee:

The other thing that's real important to recognize is the connectiveness of hate crimes. . . It's essential that we track gay and lesbian crimes, if for no other reason than the bigots who do them do not discriminate. They do not discriminate against the groups of people that they commit these crimes against. . .Hate seems to be just hate.

6 Forum Transcript, pp. 224-25.

7 Forum Transcript, page 220. Stephanie Turner related an incident to the Committee about one of those women:

This woman was past president of Justice, Inc. and was at the time very high profile in the media. She was targeted with a series of threatening letters. One night as she was leaving her place of work she was forced back into the building and held at gunpoint for three hours, raped repeatedly, and the message of the attacker was, "You will leave here heterosexual or you will die." (See Forum Transcript, pages 190-91.)

8 Forum Transcript, pp. 218, 219.

Causes and Contributing Circumstances

No clear consensus of why hate crime exists emerged from the forum. Different causes, different theories and different contributing circumstances were offered. Witnesses volunteered nine principal reasons for hate crime. They included:

- (1) an erosion of civic responsibility,
- (2) a lack of political and private leadership,
- (3) inadequate statutes and deterrents,
- (4) societal racism and discrimination,
- (5) a diminishing commitment by the churches,
- (6) failure to take hate crime seriously,
- (7) changing demographics,
- (8) a loss of a sense of civil rights history, and
- (9) poverty.

An Erosion of Civic Responsibility

Mayor Hudnut's statement stressed the erosion of civic responsibility as a factor in the increase of hate crime. Individuals have lost a sense of community and that translates into less tolerance and less concern for the rights and freedoms of others:

One must wonder if this rise in this type of crime is linked to other trends. . . Charitable giving is dropping in some areas. Voter turnout [has] slipped. . . Everyone notices a decline in common courtesy. . . Students admit cheating on exams is up. Murder rates are climbing as is crime in general.

. . . Professor Robert Johnston of Earlham College speaking on the decline of civic virtue put it this way, "If we as a people are so devoted to private gain and personal gratification that we fail to accept an obligation to the public good and lose our capacity for equality, decency, and fair play, then our public life will be impoverished."

The concern for the individual, what's best for me instead of what's best for all, triggers enrollment in organizations

that thrive on prejudice. . .¹

Lack of Political and Private Leadership

William Crawford was unequivocal in his view that a lack of leadership creates the climate for hate crime. He placed this blame not only on elected officials, but also on private leadership and the civil rights and religious organizations, claiming that public leadership only reflects the moral imperatives that the private citizenry demands:

[I] view [hate crime] as a direct result of the lack of strong and unambiguous leadership on the part of elected officials and private sector leadership. Legislators must come to understand that there is a definite need to measure hate by the numbers and enact legislation mandating the reporting of hate crimes.²

. . . Civil rights and religious organizations have also failed to adequately address this problem. . . For whatever reason we do not collectively and cooperatively raise this issue to the level of attention and scrutiny it deserves. This inaction on our part directly contributes to the high³ degree of neglect on the part of public and private officials.

Inadequate Statutes and Deterrents

Karen Freeman-Wilson explained that inadequate statutes and deterrents perpetuated hate crime. Without a clear definition and a real punitive deterrent, hate crime not only continues to be an ambiguous act within the community, but a riskless venture as well:

There are inadequate criminal and civil statutes. . . The reality is that you are dealing with people who have little or no records and who will ultimately get probation, and so there is really no deterrent for them not to behave in that unsocial way. And so I really believe from the experience that we've observed that the local laws, the State laws, are very inadequate, not only for reporting,⁴ but for addressing the real issue of hate crime.

1 Forum Transcript, pp. 10-11. Dave Arland read former Mayor Hudnut's statement to the Committee.

2 Forum Transcript, pp. 31-32.

3 Forum Transcript, p. 33.

4 Forum Transcript, p. 50.

Societal Racism

Sam Jones said that hate crime is a symptom of the larger societal problem of racism. And racism continues to exist because it is still part of the daily fabric of American life:

The problem of racism persists because we have not addressed it for what it really is, a social disease.⁵

Racial hatred, or racism if you want to call it that, promotes an adversarial attitude of, quote, us and them, end of quote, mentality, that is often acted out on the job, in school, law enforcement, on the playground, and even in church.

A Diminishing Commitment by the Churches

Phil Hoy repeated Crawford's theme that a lack of leadership is a cause of hate crime. He accused the national leadership of losing its commitment to civil rights. But he also focused blame on the churches and the civil rights organizations:

As a clergyman I have to confess that the commitment of the churches is much less today than it was prior to 1980, and as I speak with young seminarians, and I've had the privilege of doing that, I'm not seeing the kind of commitment to civil rights for a number of groups that were present in my graduate school days and in the 20 plus years following my graduation.

Failure To Take Hate Crime Seriously

Phil Hoy added another factor contributing to the problem. He charged that police attitudes that blamed the victim and dismissed the seriousness of the crime exacerbated hate crime activity:

[The] victims of abuse and hate crimes are more likely to be blamed than the perpetrators of the crime. . . .

If you call [the police] from certain sections of the city, the caller will be grilled as to their race. . . any number of

personal questions, while their lives are being threatened.⁹

Changing Demographics

Amos Brown cited changing demographics for the rise in hate crime in Indiana. Historically Indiana had been relatively segregated. That pattern, however, has been breaking down in recent years. Beginning in the late seventies and early eighties, black migration patterns changed. That movement is particularly threatening to some whites in low-income neighborhoods and some members of those communities react violently to the black immigrants:

One reason that hate crimes may be on the rise in this State is that blacks are moving towards the center of Indiana. . . . The 1990 census indicates that blacks are moving out of Lake County, out of the smaller cities of the State, and coming here to Indianapolis.

Newly released census data for the city show huge increases in black population during the 1980s. . . . This is partly a result of strong migration, immigration to Indianapolis from the rest of the state or from other areas of the country.

In the past 30 years the Indianapolis black community, which used to be in a tightly segregated, small geographic area, has broken out and spread in all directions of Marion County, especially to the northeast, north, and northwest. Blacks [are] moving. . . into lower income neighborhoods; and usually when lower income blacks move into lower income white neighborhoods, trouble will start.

When [WTLC] received the census results this February, we saw that some neighborhoods. . . less than 5 percent black 10 years ago. . . were as much as 20 to 25 percent black [today]. And it was just after this that we began to receive reports of racial harassment in these areas.¹⁰

A Loss of a Sense of Civil Rights History

Jim Taylor related that some of the hate crime committed by individuals comes about because these

5 Forum Transcript, p. 119.

6 Forum Transcript, p. 120.

7 Forum Transcript, p. 68.

8 Forum Transcript, p. 69.

9 Forum Transcript, p. 84.

10 Forum Transcript, pp. 148-50.

perpetrators are mostly youths with no understanding of the history of the civil rights struggle in this country. They do not understand the reasons for civil rights laws and affirmative action programs. Without this historical foundation, there is often antipathy towards minorities who are viewed by some as receiving unwarranted privileges.

Taylor recently conducted a seminar with college students who had harassed fellow minority students.

They were not mean kids, they were ignorant of the price that many have paid for their own liberty and justice. . . .When we showed some footage from "Eyes on the Prize" and the history of the civil rights movement. . .they were rapt in attention as to that. They said, "Did this really happen? Is this really what this is about?". It is a sense in which we have another generation now to educate in terms of the importance of civil liberties and civil rights in American society.¹¹

Poverty

Phyllis Bartleson linked hate crime to poverty. She argued that poverty has increased and this has led to more hate crime:

I think we are all well aware of the correlation between crime and criminal activity and poverty. Poverty is on the rise in this country. We have more homeless people, we have more people unemployed, and so on. So I think the expectation is probably that we are going to see more [hate] crime.

And when we have people who are out of work, losing their homes, losing their cars and their possessions, they're going to blame someone, and generally that someone is someone who is vulnerable, that is less able to defend themselves, which may be someone who is of another ethnic group, has another sexual orientation, someone that they feel will be defenseless against the attack.¹²

11 Forum Transcript, pp. 245-46.

12 Forum Transcript, p. 276.

Recent Hate Crime Legislation in Indiana

Amendment to Indiana House Bill 1267

In response to the hate crime problem, an amendment to House Bill 1267 was proposed in the Indiana General Assembly in 1990 by Representative William Crawford. That amendment would have required all law enforcement agencies in the State to track and record all incidences of hate crime. The amendment passed the House of Representatives but failed in the Senate.

Indiana House Bill 1842

In 1991 Representative Crawford introduced a

separate piece of hate crime legislation, House Bill 1842. This piece of legislation would have required all prosecutors to report hate crimes to the Indiana State Police. The purpose of the bill was twofold, first, to begin recording such activity and, second, to force local law enforcement agencies to begin recognizing hate crimes. This bill, like House Bill 1267, passed the House but failed in the Senate.¹

Currently there is no State statute or local ordinance in Indiana requiring the collection of data on hate crimes. In addition, there is not even a statutory definition of a hate crime in the Indiana code.

¹ The amendment to House Bill 1267 and House Bill 1842 are in the appendix to this report.

Indiana Law Enforcement Agencies and Hate Crime Reporting

The Indiana State Police and the Indianapolis Police Department had representatives tell the Committee about hate crime reporting and policing. Both departments reported that the level of hate crime in the State was not known and that tracking systems were just beginning to be put into place. In addition, the two representatives of the agencies made the following points.

(1) Currently hate crime is not a separate criminal activity. A hate crime of vandalism, for example, is not treated as a hate crime but only as an act of vandalism.

(2) The national Hate Crimes Statistics Act of 1990 is voluntary. Moreover, it is tied to the Uniform Crime Report, which is also voluntary. Indiana and the city of Indianapolis are participating in the program, but there is only a 30 percent compliance rate statewide with the uniform crime report, which implies that Indiana records of hate crime will be a partial count.

(3) Congress appropriated no additional monies for the implementation of the 1990 Hate Crimes Statistics Act. Individual States and localities bear the entire extra cost of the training and the reporting.

(4) The FBI is currently conducting seminars to train law enforcement officers in recognizing and reporting hate crimes. Officers from Indianapolis have already received this training. Officers from the State police are scheduled to be trained in early 1992.

(5) It will be at least 2 years before the reporting of hate crimes under the 1990 Hate Crimes Statistics Act begins on a full scale by the Indiana State Police.

(6) The Indianapolis Police Department is now tracking hate crime in the city. It will begin reporting hate crimes to the Department of Justice in accordance with the Hate Crime Statistics Act in 1992.

(7) Ultimately, the individual officer at the scene determines if there is hate bias involved in a reported crime. This determination triggers the crime being rendered as a hate crime.

(8) The State police and the Indianapolis police do not specifically track or monitor the activities of hate groups. The agencies do not document people based upon memberships. Implementation of the 1990 Hate Crimes Statistics Act will not change that procedure.

Recommendations to Eliminate Hate Crime

Every presenter made recommendations to the Committee for the elimination of hate crime.

These recommendations fell into four categories, and often different speakers voiced their support for several of the recommendations.

The recommendations included:

- (1) recognize, report, and expose hate crime activity,
- (2) train and educate the police and the community in race relations and multicultural awareness,
- (3) insist that national and local political leaders take the lead in decrying acts of bigotry, and
- (4) enact civil and criminal penalties to deter hate crime activity.

Recognize, Report, and Expose Hate Crime Activity

Almost every presenter at the forum expressed a commitment for the 1990 Hate Crimes Statistics Act and for State legislation that would mandate all local law enforcement agencies to track and report hate crimes.¹ Such reporting compels recognition of the existence of hate crime. It was generally felt that only after problems are recognized and exposed can public support be garnered to attack the problem.

Phyllis Bartleson summarized the need for a reporting system:

Various crimes and criminal activities are reported to the various law enforcement agencies across the State, but they are not specifically reported as bias crimes or hate

crimes....We have found there are very few crimes that are actually labeled as hate or bias crimes.²

So that seems to be a significant problem within the civil rights arena that it appears when we request statistical information, that we don't have a problem, that these crimes do not exist in our communities throughout the State....³

Training and Education

Training police departments and educating citizens was the second most frequently mentioned recommendation.⁴ A trained police force not only recognizes a hate crime, but understands how to deal with the crime so that an ugly situation is not made worse. Moreover, such education programs should include sensitivity training on issues of race and race relations.

Former Mayor Hudnut capsulized this recommendation, arguing also that police be carefully recruited and their performance monitored:

We can initiate training programs to help police respond effectively and sensitively to incidents of violence based on bigotry so that police action does not exacerbate a situation or invite additional acts of violence.⁵

We must continue to screen our officers carefully and monitor the performance of our men and women in blue. And if police misconduct is detected, it must be vigorously investigated and prosecuted to the fullest extent of the law.⁶

Robert Epstein emphasized the strong effect that educational programs can have on curtailing bigotry. The ADL has conducted such educational programs in the schools for over a decade and from this experience he told the Committee:

1 Those volunteering support for these ideas included Mayor Hudnut, Representative Crawford, Karen Freeman-Wilson, Phyllis Bartleson, Sam Jones, Robert Epstein, and Arthur Jordan.

2 Forum Transcript, pp. 270-71.

3 Forum Transcript, p. 271.

4 This recommendation was made to the Committee by Mayor Hudnut, Sam Jones, James Taylor, Robert Epstein, Phyllis Bartleson, and Arthur Jordan.

5 Forum Transcript, p. 14.

6 Forum Transcript, p. 14.

[On] a broader basis, positive educational programs, we find, to be of extreme importance dealing [with and] even in [reducing bigotry], whether it be with young people in the schools or people that have already been more set in their ways that have prejudice built in.

Political Leadership

Several presenters stressed that political leadership is essential to stopping hate crime.⁸ Phil Hoy summarized this point, "If the leadership is not at the top, you are not going to get results anywhere else."⁹

Arthur Jordan repeated this theme in terms of quelling campus violence. He said, "[The] government, the State legislators, must issue a very strong policy with regards to campus racism, spelling out the penalties for violation of this policy."¹⁰

Civil and Criminal Penalties

Another recommendation was that there should

be specific civil and criminal penalties for hate crimes. Phyllis Bartleson argued that terror should have a price. Representative Crawford added:

Legislators must understand the necessity of statutorily defining hate crimes, providing penalties for those crimes, or sentence enhancement under existing criminal statutes....Everyone must understand that strong moral leadership that proactively states that those who will act on their bigotry, racism, and sexism, by acts of violence against a person, group of persons, class of persons, or their property, will be swiftly arrested and brought before the bar of justice.¹¹

Karen Freeman-Wilson felt that both civil and criminal penalties are necessary. Civil penalties are economic punishments, but because some perpetrators do not have economic resources there is no deterrent in these cases. As a result, civil liabilities need to be buttressed with criminal penalties.

7 Forum Transcript, p. 181.

8 Presenters making this argument to the Committee included Mayor Hudnut, Representative Crawford, Phil Hoy, Sam Jones, and Arthur Jordan.

9 Forum Transcript, p. 87.

10 Forum Transcript, pp. 102-03.

11 Forum Transcript, p. 32.

Committee Observations

After reviewing the evidence regarding hate crime in Indiana and examining the transcript of the briefing forum, the Committee makes the following observations.

1. There is an absence of data on the number of hate crimes in Indiana. Further, it is likely that there will not be a significant collection of hate crime data in the near future by either the State police or most local law enforcement agencies. This lack of information restricts study of the issue and also gives the perception that there is no significant hate crime problem in the State.

2. Unless legislation specifically defines, prohibits, and punishes hate crime, such activity will not get the attention it deserves from law enforcement agencies. Specific legislation compels such agencies to devote resources to these crimes.

3. Hate crime is a manifestation of racial hostility. It is also a crime often committed by our youth. Each generation must confront the issue of racism anew. The young generation today has no personal knowledge of the civil rights struggles of the fifties

and sixties. Education both in race relations and in the history of this nation's civil rights movement is crucial both to improve present racial harmony among the young and to prepare them to cultivate a better racial climate in the future.

4. The Committee observes a correlation between hate crimes and the political and economic climate of the Nation. The powerful emotion of fear establishes an environment for hate crime to flourish.

Today's political climate shows an increase in racial polarization. The hardships of today's economy have placed many people in vulnerable positions. In this state of vulnerability, it is easy for *politics of resentment and divisiveness* to manipulate the minds of voters.

Without a demand from the majority of people of goodwill for a national commitment to protect every citizen from violence and personal peril without regard to race, religion, national origin, and sexual preference, the level of bigotry and the number of hate crimes will continue to grow.

Appendix I

Incidents of Potential Hate Crimes Monitored By The Indianapolis Police Department In 1991⁵⁸

1. January 25, 1991

ON 1-25-91 AT APPROXIMATELY 10:30 A [WHITE MALE] STUDENT AT SHORTRIDGE JUNIOR HIGH SCHOOL REPORTED THAT HE HAD BEEN JUMPED BY SEVERAL BLACK MALES. HE STATED THAT DURING CLASS CHANGE HE WAS BY THE RESTROOM ON THE FIRST FLOOR WHEN SEVERAL BLACK MALES SURROUNDED HIM. ONE HIT HIM IN THE BACK OF THE HEAD CAUSING HIS HEAD TO HIT THE WALL...HE STATED [HE WAS] HIT TWICE IN THE FACE AND SEVERAL OTHERS WHO HE COULDN'T IDENTIFY ALSO HIT HIM. [WHITE MALE] SUSTAINED A LARGE KNOT ON THE FOREHEAD, CONTUSIONS TO BOTH EYES AND CHEEKS. IPD Report 84668F-A

2. January 28, 1991

I WAS DISPATCHED TO JOE O'MALIA'S FOOD MART LOCATED AT 320 N. NEW JERSEY STREET ON A DISTURBANCE. UPON ARRIVAL ON THE SCENE, [WHITE MALE] ADVISED ME THAT THREE BLACK MALES STARTED SURROUNDING HIM AND STARTED BEATING HIM WITH THEIR FISTS. ONE OF THE BLACK MALES TOOK SOMETHING OUT OF HIS POCKET AND HIT [WHITE MALE] IN THE FACE TWICE, CAUSING SEVERAL CUTS IN THE FACE. UPON MY ARRIVAL ON THE SCENE, [VICTIM] WAS BLEEDING SEVERELY FROM THE FACE AND HAD A SWOLLEN LEFT EYE.

IPD Report 847630F-A

3. January 29, 1991

SOUTH STATE AVENUE ON A DOMESTIC DISTURBANCE. UPON ARRIVAL, I FOUND THE RESIDENCE TO BE UNSECURED, THE FRONT DOOR SMASHED IN WT FRAGMENTS OF CINDER BLOCKS STREWN ABOUT BOTH INSIDE AND OUTSIDE THE RESIDENCE. I ANNOUNCED MYSELF AS A POLICE OFFICER AND ENTERED THE RESIDENCE, BUT FOUND NO ONE INSIDE. SHORTLY THEREAFTER I WAS APPROACHED ON THE PORCH OF THE RESIDENCE BY A BLACK MALE SUBJECT, THEN A WHITE FEMALE SUBJECT, WHO STATED THAT THEY HAD BEEN ATTACKED WHILE INSIDE 814 1/2 SO. STATE AVE. BY THREE WHITE MALE SUBJECTS. VICTIMS STATED THAT THEY HAD BEEN STAYING AT 814 1/2 SO. STATE AVE. WITH THE PERMISSION OF THE RENTER, VICTIMS HAD BEEN WATCHING TV INSIDE WHEN THE THREE WHITE MALE SUBJECTS FORCIBLY ENTERED THE RESIDENCE, ONE OF THE WHITE MALE SUBJECTS BEING THE BROTHER OF MISS BOSTER. A DISAGREEMENT RESULTED AS TO THE VICTIMS STAYING AT THE RESIDENCE, WHICH IN TURN LED TO THE THREE WHITE MALE SUBJECT ATTACKING THE VICTIMS. THE THREE WHITE MALE SUBJECTS HAD ALSO LEVIED SEXUAL THREATS TO THE WHITE FEMALE VICTIM, AND PUNCHED, KICKED, AND THREW CINDER BLOCKS AT THE BLACK MALE VICTIM, CAUSING A LACERATION TO THE BLACK MALE VICTIM'S LEFT SHIN.

IPD Report 847957-A

⁵⁸ These are the actual narrative reports of Indianapolis Police Department officers responding to calls for service in 1991. The following incidents were identified by Special Investigation Unit Sergeant Gary Romine as being potential hate crimes. The Special Investigation Unit of the IPD provided the narrative reports to the USCCR.

4. February 2, 1991
UPON MY ARRIVAL, I SPOKE WITH [BLACK FEMALE VICTIM]. SHE STATED SHE WAS HAVING AN ARGUMENT WITH [WHITE MALE] WHEN HE GRABBED HER BY THE NECK, AND THREW HER DOWN THE STAIRS. SHE STATED THAT HE CALLED HER A N****R SEVERAL TIMES.
IDP Report 849234F-A

5. February 3, 1991
RECEIVED RADIO RUN TO 722 LOCKFIELD COURT, APARTMENT NUMBER D IN REFERENCE TO A THREATENING TX REPORT, AT WHICH TIME I SPOKE WITH A MOHAMMAD I. AL-MONEES, WHO STATED WHILE HIS SISTER MANAFI. AL-MONEES, WAS AT HOME BY HERSELF ON 2-2-91 BETWEEN 0300 HOURS AND 0400 HOURS, RECEIVED TWO THREATENING TELEPHONE CALLS. HIS SISTER SATED IT SOUNDED LIKE AN ELECTRONIC MACHINE THAT SAID, YOU'LL BE KILLED TONIGHT. AL-MONEES WAS AFRAID, SINCE HE'S FROM SAUDI ARABIA IT MIGHT BE SERIOUS AND HE WANTED IT ON REPORT.
IDP Report 84658F-A

6. February 7, 1991
ON 2-7-91, AT 0300 HOURS, I RECEIVED A RADIO RUN TO 621 SOUTH VIRGINIA AVENUE, AT THE DUG OUT BAR, ON A FIGHT INVOLVING APPROXIMATELY EIGHT WHITE MALES BEATING ON TWO BLACK MALES.

UPON ARRIVAL, MYSELF AND D-326, OFFICER COFFMAN WENT INSIDE AND THE TWO BLACK MALES INVOLVED SAID THE SUSPECTS LEFT IN A SILVER VAN. LICENSE PLATE #97J9485.

WITNESS #1 SAID THAT THE TWO BLACK MALES WERE ATTEMPTING TO LEAVE THE BAR AND IN ORDER TO DO SO, THEY HAD TO WALK PAST ALL THE WHITE MALE SUSPECTS.

SUBJECT #1 MADE A COMMENT TO ONE OF THE BLACK MALES, IDENTIFIED AS [WHITE MALE]. [WHITE MALE] SAID HE TURNED AROUND TO SEE WHAT SUBJECT #1 SAID, AND SUBJECT #1 THEN BEGAN HITTING ON HIM AND THE OTHER BLACK MALE.
IDP Report 850975F-A

7. February 11, 1991
RECEIVED RADIO RUN TO 2910 EAST 11TH ON A HARASSING TELEPHONE CALL REPORT. [VICTIM] STATED THAT A WHITE MALE WAS CALLING HER, SAYING "HEY, LESBIAN DID YOU EAT THAT OTHER GIRL'S P---Y?" THIS WENT ON FROM 12-24-90 TO 1-26-91 THREE TIMES A WEEK FOR THE MONTH. AT AROUND 2300 HOURS. NO FURTHER INFORMATION AVAILABLE.
IDP Report 852345F-A

8. March 12, 1991
FOUR SLIDING WINDOWS ON THE SOUTH SIDE OF THE OFFICER OF THE APARTMENT COMPLEX HAD BEEN BROKEN OUT. ALSO THE LETTER OF "KKK" WERE WRITTEN ON THE FRONT OF THE BUILDING WITH BLACK PAINT. THE WORD "B-T-H" WAS WRITTEN ON A SIGN IN FRONT OF THE BUILDING. NO SUSPECTS.
IDP Report 861762F-A

9. March 30, 1991

[VICTIM] SAID HE WAS CONFRONTED BY THE ABOVE LISTED SUSPECTS, WHO CALLED HIM A "F**GOT", AND THEN SUSPECT NO. ONE STRUCK HIM IN THE HEAD WITH HIS HAND. IN TALKING TO THE TWO SUSPECTS, THEY SAID [VICTIM] WAS STARING AT THEM AND "SMILING". THEY ADMITTED TO CALLING HIM A "F**GOT", BUT DENIED STRIKING HIM.
IDP Report 8469451F-A

10. April 7, 1991

ON 04-05-91 APPROXIMATELY 1507 HOURS, RECEIVED A RADIO RUN TO 8845 BEL AIR ON A DISTURBANCE. UPON ARRIVAL INVESTIGATION SPOKE TO WHITE FEMALE, AGE 31, WHO ADVISED SHE WAS HAVING PROBLEMS BETWEEN HER FIANCEE, WHITE MALE, AGE 28 AND A MALE FRIEND OF HERS BLACK MALE, AGE 39 WHO WAS REPAIRING HER VEHICLE. [ONE MAN ALLEGED] RACIAL SLURS TO HIM AND HIS FAMILY [WERE SAID].
IDP Report 872258F-A

11. April 17, 1991

RECEIVED RADIO RUN TO 1207 N. LASALLE ON REPORT OF DISTURBANCE. ON ARRIVAL, TALKED TO COMPLAINANT WHITE FEMALE, AGE 44, WHO STATED THAT SHE HAD BEEN HAVING TROUBLE WITH HER NEIGHBOR, BLACK FEMALE, AGE 22. WITNESSES ON THE SCENE STATED THAT THEY OBSERVED [SUSPECT] JUMP THE FENCE ONTO THE PROPERTY OF [VICTIM] AND OBSERVED HER FIGHTING, CAUSING INJURIES TO [VICTIM]. THIS REPORTING OFFICER WENT TO 1213 N. LASALLE AND TALKED TO BLACK FEMALE, WHO STATED THAT THROUGHOUT THE EVENING, THE NEIGHBORS IN THE AREA AROUND HER RESIDENCE HAD BEEN YELLING OBSCENITIES AT HER CALLING HER "NIGGER BITCH". SHE STATED THAT THE COMPLAINANT WAS THE MAIN INSTIGATOR, OF CALLING HER NAMES AND FROM EARLIER OCCURRENCES SINCE SHE'S LIVED IN THE AREA, CAUSING DAMAGE TO HER RESIDENCE.

IDP Report 875019F-A

12. April 30, 1991

ON 4-30-91 AT APPROXIMATELY 1000 HOURS I WAS DISPATCHED TO 1727 NEW JERSEY APT. #4 ON A REPORT OF AN INVESTIGATION. UPON MY ARRIVAL I SPOKE TO PERSON #1 [WHITE FEMALE] WHO STATED THAT THE [BLACK FEMALE] SUSPECT HAS BEEN HARASSING HER AND PUSHED HER AROUND TODAY. SHE STATED SHE DISLIKES HER BECAUSE SHE LIKES TO DATE BLACK MEN. THE VICTIM IS AFRAID SHE MIGHT HARM HER.
IDP Report 879784F-A

13. May 7, 1991

ON 5-7-91 AT APPROXIMATELY 12:56 A.M., I RECEIVED A RADIO RUN TO THE AREA ON 443 AND 445 N. DEARBORN ST. ON A DISTURBANCE. THIS WAS THE 2ND RUN TO THIS HOUSE, IN AN HOUR. I HAD RECEIVED A SIMILAR RUN AT APPROXIMATELY 12:07 A.M., WHEN I ARRIVED AT THE RESIDENCE, I SAW A WHITE MALE STANDING IN THE FRONT OF THE HOUSE YELLING OBSCENITIES AND SCREAMING THREATS AT THE RESIDENT WHO LIVES AT 445 N. DEARBORN. THIS RESIDENT IS A BLACK FEMALE, AGE 23.

IDP Report 881567F-A

14. May 17, 1991

RECEIVED A RADIO RUN TO WISHARD HOSPITAL REFERENCE TO A PERSON SHOT. WHEN I ARRIVED THERE, I SPOKE WITH VICTIM WHO STATED THAT ON 5-16-91 APPROXIMATELY 2300 HOURS, HE WAS WITH 3 OTHER FRIENDS IN APARTMENT COMPLEX UP NE. HE DOESN'T REMEMBER WHAT AREA HE WAS IN. HE STATED THAT THEY HAD LEFT FROM A FRIEND'S HOUSE, GOT INTO THEIR CAR AND WAS DRIVING OUT THE APARTMENT COMPLEX WITH A GROUP OF B-M'S, APPROXIMATELY 3-4, WERE STANDING ON THE CORNER, YELLED AT THEM IN THE CAR SAYING "FAGS". VICTIM STATED THAT THEY BACKED UP AND STARTED TO PROCEED OUT THE CAR ASKING "WHO YOU CALLING A FAG" AT WHICH TIME, ONE OF THE B-M'S SHOT A GUN, WHICH STRUCK HIM IN THE RIGHT WRIST WITH A POSSIBLE 22 CALIBER REVOLVER. VICTIM STATED AT THAT POINT, THE SUSPECT RAN TO UNKNOWN LOCATION VICTIM CANNOT IDENTIFY SUSPECT BUT HE WILL PROSECUTE.
IDP Report 884856F-A

15. May 19, 1991

VICTIM [WHITE FEMALE] STATED SHE WAS TALKING ON THE PHONE, WHEN TWO BLACK FEMALE MOTIONED HER TO OPEN THE LOCKED OUTER APARTMENT DOOR, THE VICTIM STATED, "ONE MINUTE." THE GIRL'S (FROM THE OUTSIDE APT.) AUNT, OPENED THE DOOR, FROM THE INSIDE, AND THEN TURNED TO THE VICTIM, STATED, "WHAT'S THE MATTER, YOU WHITE B***H, YOU THINK YOU'RE TOO GOOD TO OPEN THE DOOR?" WHEN VICTIM TRIED TO EXPLAIN, SUSPECT STATED, "B***H, WHEN I'M AT THE DOOR, YOU JUMP", THEN REMOVED THE PHONE FROM THE HAND OF THE VICTIM, AND SLAPPED HER ACROSS THE FACE, AND SLAMMED THE PHONE DOWN. VICTIM THEN CALLED THE POLICE. WHILE WAITING, SOME OF THE SUSPECT'S RELATIVES CAME TO SEE IF SHE WAS OK. WHEN THEY FOUND OUT THAT SHE HAD CALLED THE POLICE, THEY WENT AND TOLD THE SUSPECT. THE SUSPECT RETURNED, SATED, "IF THE POLICE COME, AND YOU TELL, OR TELL MY APARTMENT NO., I'LL COME BACK AND REALLY KNOCK THE S**T OUT OF YOU." DURING THE CONFRONTATION, THE SUSPECT MADE SEVERAL RACIAL SLURS, ABOUT THE VICTIM'S RACE. WHILE I WAS PRESENT, I ALSO HEARD PEOPLE MAKE COMMENTS ABOUT THE COLOR OF HER SKIN, AND THAT SHE HAD BETTER LEAVE, BECAUSE WHITE PEOPLE DON'T BELONG THERE. I COULD NOT DETERMINE WHO WAS SAYING IT, BECAUSE THEY WOULD SAY IT ONLY WHILE MY BACK WAS TURNED. THE VICTIM STATED THAT SHE DOES WISH TO PROSECUTE.
IDP Report 885208F-A

16. May 24, 1991

RECEIVED A RADIO RUN TO A FIGHT IN THE STREET 300 S. RANDOLPH ON 5-24-91 AT APPROXIMATELY 1823 HOURS. UPON ARRIVAL, I WAS MET BY THE PEOPLE IN THE AREA, WHO STATED THAT A GROUP OF WHITE MALES HAD JUST BEEN FIGHTING WITH A GROUP OF BLACK MALES. ONE WITNESS STATED THAT HE OBSERVED TWO BLACK MALES DRIVING SOUTHBOUND IN THE 300 BLOCK OF S. RANDOLPH AS THEY PASSED THREE WHITE MALES ALSO WALKING SOUTHBOUND IN THE 300 BLOCK OF S. RANDOLPH. THE WHITE MALES BEGAN TO YELL RACIAL SLURS TO THE BLACK MALES. AT FIRST THE VAN DROVE ON HOWEVER, IT EVENTUALLY STOPPED AND RETURNED TO THE AREA WHERE THE WHITE MALES WERE AT THIS TIME, THEY BEGAN TO FIGHT. ACCORDING TO ANOTHER WITNESS, SHE LOOKED OUTSIDE HER WINDOW AND OBSERVED HER FRIENDS DESCRIBED IN SUBJECT BLOCK 1, 2 AND 3 FIGHTING TWO BLACK MALES. AT THIS TIME SHE WENT OUTSIDE WITH A BASEBALL BAT TO ASSIST HER FRIENDS BUT STATED THAT SHE HIT NO ONE WITH HER BAT. A SHORT TIME LATER, TWO BLACK MALES WERE FOUND AT THE INTERSECTION OF S. KEYSTONE AND E. ENGLISH AVENUE. HAD A LACERATION ON THE BACK OF HIS HEAD AND WAS TAKEN TO WISHARD BY EMS #0321 FOR TREATMENT. ANOTHER HAD A JAB IN HIS EYE BUT REQUIRED NO MEDICAL TREATMENT. ACCORDING TO EACH GENTLEMEN, THEY WERE DRIVING SOUTHBOUND IN THE 300 BLOCK OF S. RANDOLPH WHEN THEY PASSED THREE WHITE MALES. THREE WHITE MALES BEGAN CALLING THEM RACIAL SLURS. THEY TRIED TO AVOID IT BUT EVENTUALLY THEY STARTED TO FIGHT WITH THEM AND AT THIS TIME ONE OF THEM WAS STRUCK WITH A BASEBALL BAT IN THE BACK OF HIS HEAD.
IDP Report 886880F-A

17. May 18, 1991

WITNESS STATED THAT VICTIM WAS WALKING TO 3502 NORTH SALEM FROM 3528 NORTH SALEM, WHEN AN UNIDENTIFIED BLACK MALE STANDING IN FRONT OF 3518 NORTH SALEM, SAID: "I'M GOING TO GET THIS FAG," AND HIT THE VICTIM WITH A CLOSED FIST. THE VICTIM REFUSED MEDICAL TREATMENT AND SIGNED MEDICAL RELEASE. THE VICTIM DID NOT KNOW THE SUSPECT AND NO ONE ON THE SCENE COULD DESCRIBE THE SUSPECTS. THE VICTIM DID NOT WANT REPORT MADE AND DID NOT WISH TO PROSECUTE.
IDP Report 895961F-A

18. May 28, 1991

ON 6-28-91 AT APPROXIMATELY 0315 HOURS [BLACK FEMALE] STATED THAT SHE WAS AT 3470 N. MERIDIAN, THE FONTENAC APT. COMPLEX, BY APT. 202 WHEN SHE GOT INTO AN ARGUMENT WHICH RESULTED IN AN ASSAULT UPON HER AND HER BOYFRIEND. [VICTIM SAID] SHE WAS ASSAULTED BECAUSE OF THE RACIAL ISSUES OF BRINGING A WHITE BOYFRIEND TO THAT AREA. SHE STATED THAT SUBJECT BY THE FIRST NAME OF TERRANCE, WHO WAS SUPPOSED TO BE DEAF, ASSAULTED HER ALONG WITH SEVERAL OTHER INDIVIDUALS, WHO ASSISTED TERRANCE, AND KNOCKED HER TO THE GROUND, KICKING HER IN THE HEAD SEVERAL TIMES, AND IN HER RIGHT SIDE, OBSERVING [VICTIM], I NOTICED SHE HAD A BLOODIED NOSE AND LIP, AND APPEARED TO HAVE BEEN INVOLVED IN A SCUFFLE DUE TO HER CLOTHING BEING IN DISARRAY AND HER HAIR.
IDP Report 899875F-A

19. July 20, 1991

[VICTIM] SAID THAT AN EX-EMPLOYEE, CAME TO HER PLACE OF EMPLOYMENT AND THREATENED TO DO BODILY HARM TO HER OR HER VEHICLE FOR FIRING HIM. SHE SAYS THIS TOOK PLACE AROUND 1500 HOURS ON 7-18-91. [VICTIM] SAYS THROUGHOUT THE DAY SHE HAS RECEIVED THREATENING MESSAGES BY PHONE, SUCH AS, "I'M GONNA GET YOU B_____", "NIGGER-LOVER" YOUR VEHICLE IS GOING TO BE MESSED UP".
IDP Report 907187F-A

20. July 19, 1991

RECEIVED A RADIO RUN TO WISHARD HOSPITAL REFERENCE AN ASSAULT REPORT. WHEN I ARRIVED I SPOKE WITH THE VICTIM WHO STATED SHE WAS AT W. EUGENE AN N. ELMIRA GOING TO GET HER CAR LOOKED AT BY A MECHANIC IN THE AREA. SHE SAW SIX BLACK MALES HANGING ON THE CORNER AND SHE RECOGNIZED ONE OF THEM AND PULLED UP TO THEM AND STARTED TALKING TO THE ONE SHE REFERRED TO AS PRETTY GEORGE. VICTIM STATED SUSPECT CAME UP TO THE WINDOW AND PUNCHED HER IN THE LEFT EYE AND STATED "NO WHITE PEOPLE ARE ALLOWED IN MY NEIGHBORHOOD." THE VICTIM STATED SHE DROVE OFF AND WENT TO WISHARD HOSPITAL. THE VICTIM STATED SHE CAN IDENTIFY THE SUSPECT AND WILL PROSECUTE.
IDP Report 906915F-A

21. July 24, 1991

I RECEIVED A RADIO RUN TO ASSIST COUNTY AT 30TH AND HARDING. WHEN I ARRIVED THERE, I SPOKE WITH A WHITE FEMALE WHO STATED THAT SHE HAD DRIVEN NORTHBOUND ON ELMIRA FROM 29TH STREET AND THAT A BUNCH OF BLACK MALES AND BLACK FEMALES HAD A WATER HYDRANT OPEN AT WEST EUGENE AND NORTH ELMIRA AN HAD TAKEN BUCKETS OF WATER AND TOSSED THEM ON HER AND TRIED TO GET INTO HER DOOR, TELLING HER THAT - "THIS IS WHAT YOU DESERVE, WHITE WOMAN." Ms. MILLER STATED THAT SHE WAS UPSET AND COULDN'T BELIEVE THAT IT WAS HAPPENING TO HER AND WANTED A REPORT MADE FOR RECORD. NO DAMAGE WAS FOUND DONE TO HER VEHICLE.
IDP Report 909464F-A

22. July 29, 1991

ON 7-29-91 AT APPROXIMATELY 0306 HOURS I RECEIVED A RADIO RUN TO MCCORMICK SHELTER, 930 S. WARREN AVENUE ON A DISTURBANCE. I WAS ALSO ADVISED A HEAVY SET WHITE MALE WEARING A DARK BLUE SHIRT ATTEMPTED TO START A SMALL FIRE. UPON ARRIVAL WITNESS #1 STATED HE WORKS SECURITY AT THE SHELTER. HE STATED APPROXIMATELY 0300 HOURS WHILE HE WAS SLEEPING HE HEARD SUBJECTS ATTEMPTING TO BREAK INTO THE SHELTER. HE GOT UP AND LOOKED OUT AND OBSERVED SUSPECT IGNITING A LARGE CROSS. THE SUSPECT WALKED ACROSS THE SHELTER AND PUT IT ON THE WALL. SUSPECT FLED WEST-BOUND INTO THE ALLEY. SIX OTHERS SUBJECTS WERE REPORTEDLY OBSERVED RUNNING FROM THE SCENE. WITNESS STATED HE COULD IDENTIFY THE SUSPECT. THE CROSS WAS MADE OUT OF TWO LARGE 2 X 4'S AND A SET OF DRAPES. VICTIM'S VEHICLE HAD A BUSTED DRIVER'S SIDE WINDOW. WITNESS LIVES NEARBY AND STATED HE DID NOT WANT TO BE LISTED ON THE REPORT; HOWEVER, WOULD SPEAK WITH DETECTIVES. WITNESS STATED HE COULD BE REACHED THROUGH THE SHELTER. E.T. WAS ON THE SCENE AND TOOK PHOTOGRAPHS.
IDP Report 910911F-A

23. July 31, 1991

ON TUESDAY, 07/30/91, AT 2240 HOURS, I RECEIVED A RADIO RUN TO 1736 LEXINGTON ON A VANDALISM. VICTIM STATES THAT THE DUNCAN BROTHERS AND A BLACK MALE THREW A ROCK THROUGH A FRONT WINDOW AND WANTED TO START A FIGHT WITH HER SONS FOR NO REASON. I TALKED WITH THE DUNCAN BROTHERS AND THE WITNESSES AND THEY STATE THAT THE PEOPLE AT 1736 WERE TRYING TO START A FIGHT WITH THE DUNCAN BOYS BECAUSE THEY HAD THE BLACK MALE WITH THEM. BOTH CLAIMED THE OTHER WAS IN A GANG. BOTH, I BELIEVE, THREW RACIAL SLURS BACK AND FORTH.
IDP Report 911505F-A

24. August 13, 1991

ON AUGUST 13, 1991, AT APPROXIMATELY 12:02 A.M., I RECEIVED A RADIO RUN TO 1217 N. NEWMAN STREET ON A DISTURBANCE AMONGST NEIGHBORS. UPON ARRIVING I ENCOUNTERED SEVERAL SUBJECTS IN THE YARD. I HAD TO TELL THE SUBJECTS SEVERAL TIMES TO LOWER THEIR TONE OF VOICE. ALL FAILED TO DO SO UNTIL I RAISED MY TONE OF VOICE UNTIL FINALLY ALL QUIETED DOWN AND EVERYTHING BECAME QUIET. AT THIS TIME I STARTED TO TALK TO THE PERSONS INVOLVED. TRYING TO TALK TO THEM SEPARATELY TO GET AN IDEA OF WHAT WAS WRONG AND WHAT HAD HAPPENED. THEY BOTH SAID THERE HAD BEEN GUNS DRAWN FROM BOTH SIDES OF THE DISPUTE AND THAT IT WAS DEFINITELY RACIALLY MOTIVATED.
IDP Report 916265F-A

25. August 18, 1991

ON 8-16-91 AT APPROXIMATELY 2305 HOURS I RECEIVED A RADIO RUN TO THE 500 BLOCK OF S. KEYSTONE, ON THE REPORT OF A MAN WITH BLOOD ON HIM. UPON ARRIVING OFFICER REYNOLDS SPOKE TO VICTIM WHO STATED THAT WHILE AT A PARTY AT S. KEYSTONE AND E. TROY, A BLACK MALE CAME OVER AND BEAT HIM ON THE HEAD WITH A CANE. [VICTIM] HAD MASSIVE HEAD LACERATIONS TO HIS HEAD AND WAS TRANSPORTED TO WISHARD BY EMS 0318. MYSELF AND SEVERAL OTHER OFFICERS WENT TO 720 S. KEYSTONE WHERE THE PARTY HAD OCCURRED. THERE, A WITNESS STATED HE OBSERVED [BLACK MALE] GO INTO HIS HOUSE AT 726 S. KEYSTONE AND COME OUT WITH A CANE WITH A CARVED HEAD. HE CAME OVER AND TOLD [VICTIM] THAT HE WOULD TAKE CARE OF HIS WHITE ASS AND THEN HE STRUCK HIM SEVERAL TIMES IN THE HEAD. [BLACK MALE] THEN PULLED A GUN OUT OF HIS PANTS, LATER IDENTIFIED AS A PELLET GUN AND STATED HE WOULD POP HIM WITH SOME LEAD.
IDP Report 917838F-A

26. September 8, 1991

A DISTURBANCE FIGHT BROKE OUT AFTER PERSON #1 AND #3, ALLEGEDLY THREW STONES AT PERSON #5 AND #6 HOUSE. ALL INDIVIDUALS INVOLVED HAD A DIFFERENT VERSION OF WHO HAD STARTED THE FIGHT, AND WHAT IT WAS ABOUT. THIS FIGHT APPEARED TO BE RACIALLY MOTIVATED.
IDP Report 925424F-A

27. October 16, 1991

ON 10-16-91 AT 1430 HOURS I RESPONDED TO 3248 NORTH NICHOLAS ON A REPORT OF A MAN HARASSING CHILDREN. I MET THE COMPLAINANT, BLACK FEMALE 32, WHO STATED THAT A MAN WHO LIVED AT 1946 EAST 32ND STREET HAD THREATENED HER DAUGHTER, BLACK FEMALE 9, EARLIER IN THE DAY. THE COMPLAINANT STATED THAT [THE DAUGHTER] AND OTHER NEIGHBORHOOD CHILDREN WALKED PAST THE SUSPECT'S HOUSE AT 1946 EAST 32ND STREET TO AND FROM SCHOOL NUMBER 110. ON THIS DATE THE SUSPECT HAD SWORN AT THE CHILDREN AND THREATENED THEM. THE SUSPECT WAS IN HIS YARD WHEN THE CHILDREN PASSED ON THEIR WAY TO SCHOOL, AND ACCORDING TO [DAUGHTER] THE SUSPECT CHARGED [HER] AND THREATENED HER. THE ONLY THING THAT STOPPED THE SUSPECT WAS AN INDIANA BELL SERVICE MAN WHO WAS WORKING NEARBY, THAT INTERVENED, ACCORDING TO THE COMPLAINANT THE INCIDENT WAS REPORTED TO SCHOOL NUMBER 110 BY THE INDIANA BELL SERVICE MAN. I SPOKE WITH THE SUSPECT'S SISTER WHITE FEMALE, 41, AND SHE STATED THAT THE NEIGHBORHOOD CHILDREN ROUTINELY HARASS HER BROTHER WITH VULGARITY AND RACIAL SLURS. SHE STATED THE HARASSMENT IS USUALLY VERBAL AND RACIAL IN NATURE. I ALSO SPOKE WITH ANOTHER WOMAN IN THE NEIGHBORHOOD, BLACK FEMALE 35, WHO STATED THAT THE SUSPECT HAD THREATENED CHILDREN IN THE NEIGHBORHOOD WITH A HANDGUN BACK IN SEPTEMBER.
IDP Report 938994F-A

28. October 23, 1991

COMPLAINANT TELEPHONED TO REPORT TWO SEPARATE INCIDENTS OF WHAT SHE CLASSIFIES AS HATE-CRIME VANDALISM TO HER FRIEND'S VEHICLE, BEIGE/87-NISSAN/SENTRA, WHICH SHE IS ALLOWED TO USE. THE FIRST INCIDENT OCCURRED ON 10/11/91 WHERE THE CAR'S ANTENNA WAS BROKEN OFF AND THE WINDSHIELD WIPERS WERE BENT UP. THE WORD: "QUEER" WAS WRITTEN INTO THE CAR DIRT SEVERAL TIMES. LAST NIGHT THE TWO PASSENGER'S SIDE TIRES WERE FLATTENED AND WHAT SHE BELIEVES IS THE WORD: "HOMO" WAS SCRATCHED IN THE CAR.
IDP Report 938610F-A

29. October 24, 1991

UPON ARRIVAL, TALKED TO REV. BONIFACE HARDIN, WHO STATED THAT THE COLLEGE, HE IS THE PRESIDENT OF MARTIN CENTER COLLEGE, THAT HIS BUILDING HAS BEEN DEFACED SEVERAL TIMES WITH GRAFFITI RELATING TO THE KLU KLUX KLAN, THE LATEST OF WHICH HE LEFT ON THE BUILDING AND WANTED A REPORT MADE ON. HE IS CONCERNED ABOUT THE RISE IN THIS TYPE OF ACTIVITY IN THE NEIGHBORHOOD. HE STATED THAT HE HAS SUFFERED A COUPLE OF BREAK INS BUT NOTHING SERIOUS AND THAT HIS LATEST GRAFFITI THAT WAS SPRAY PAINTED ON THE SIDE OF HIS BUILDING HAS HIM VERY CONCERNED DUE TO THE STATE OF THE CITY AT THIS TIME.
IDP 941592F-A

30. November 1, 1991

ON 11-1-91 AT APPROXIMATELY 1623 HOURS I RECEIVED A RADIO RUN TO 1205 SOUTH OLIVE ON THE REPORT OF A VANDALISM. UPON ARRIVAL I MET WITH THE VICTIM, PERSON NUMBER 1, SHE EXPLAINED TO ME THAT HER SOON TO BE EX-HUSBAND AND HIS NEW GIRLFRIEND, HAD BEEN TERRORIZING HER FOR THE PAST SIX TO EIGHT MONTHS. SHE STATED THAT THIS IS THE FOURTH POLICE REPORT THAT HAS BEEN TAKEN BECAUSE OF SUBJECT NUMBER 1 AND 2. PERSON NUMBER 1 HAS A RESTRAINING ORDER AGAINST SUBJECT NUMBER 1. SHE STATED TO ME THAT TODAY SHE FOUND THAT HER VEHICLE HAD BEEN VANDALISM WITH BLACK SPRAY PAINT WITH THE WORDS WRITTEN LIKE, "FAT B---H", "LESBIAN", ETC.
IDP Report 944477F-A

31. November 18, 1991

ON 11-16-91 AT APPROXIMATELY 8:38 P.M., MYSELF AND C223, OFFICER FOGELMAN, WERE RADIOED TO A FIGHT IN PROGRESS, FOUR BLACK MALE SUBJECTS BEATING A WHITE MALE. SUBJECT IN THE ALLEY BET. PERRY ST. AND MARTIN ST., THE 1200 BLOCK ON MY ARRIVAL TO 1200 E. MARTIN ST., I FOUND THE VICTIM, WHITE MALE, 16, AND HIS MOTHER, WHITE FEMALE, 31 STANDING NEXT TO CAR. [WHITE MALE] STATED HIS MOTHER DROVE HIM TO HIS GIRLFRIEND'S HOUSE UN THE 1200 BLOCK OF PERRY ST. TO PICK UP SOME OF HIS PERSONAL PROPERTY. [WHITE MALE] SAID HE NOTICED FOUR BLACK MALES STANDING IN THE ALLEY NEXT TO HIS GIRLFRIEND'S HOUSE, WHEN HIM AND HIS MOTHER PULLED UP. WHEN HE GOT INSIDE HIS GIRLFRIEND'S HOUSE, SHE INFORMED HIM THAT THE FOUR BLACK MALES HAD BEEN HANGING OUT IN HER FRONT YARD, AND HAD REFUSED TO LEAVE. THEY DIDN'T LEAVE HER FRONT YARD UNTIL THEY SAY [WHITE MALE] AND HIS MOTHER PULL UP. WHEN [WHITE MALE] AND HIS MOTHER LEFT, THEY DROVE E. ON PERRY ST. TO CARSON AVE., AND THEN W. ON MARTIN ST. AS THEY TURNED W. ONTO MARTIN ST., THEY NOTICED THE FOUR BLACK MALES STANDING IN THE ALLEY W OF CARSON AVE. AS THE GOT TO THE ALLEY, THEY NOTICED 4 BLACK MALES MOTIONING [WHITE MALE] AND HIS MOTHER TO COME OVER. [WHITE MALE] TO SLOWED THE CAR DOWN, AND ROLLED SOWN THE AR WINDOW. THEY TOLD [WHITE MALE] TO GET OUT OF THE CAR, SO THEY COULD HAVE A FIGHT ONE ON ONE. [WHITE MALE] OPENED THE CAR DOOR, AND STARTED TO GET OUT. AS HE WAS GETTING OUT OF THE CAR, THE FOUR BLACK MALES HELPED HIM THE REST OF THE WAY OUT, AND PROCEEDED TO BEAT ON HIM. THEY KICKED HIM ABOUT THE FACE, HEAD, NECK, CHEST AND LEFT LEG. THEY USED THEIR FEET AND THEIR FISTS. FINALLY, WHITE MALE, 15, OF 1124 PERRY ST., CAME OUT OF THE HOUSE, IN THE 1200 BLOCK OF PERRY ST. AND STARTED TO GO OVER TO HELP [WHITE MALE] WHEN HE STARTED OVER, ONE OF THE BLACK MALE (IT IS UNKNOWN WHICH ONE), POINTED A GUN AT HIM AND STATED, "YOU'RE MINE, WHITE BOY", AND THEN FIRED A SHOT DIRECTLY AT [HIM] MISSING HIM. THE FOUR BLACK MALE SUBJECTS RAN N.E. FROM THIS LOCATION.

IDP Report 949655F-A

32. November 22, 1991

[WHITE FEMALE] STATED THAT SHE WAS APPROACHED BY AT LEAST THREE BLACK MALES FROM BEHIND, AND THEY HELD A KNIFE TO HER HEAD SAID THEY WERE A NEW ORDER OF THE KLU KLUX KLAN, AND THEY WERE GONNA START SLAYING WHITE PEOPLE. THEY THEN RAN FROM HER, SHE CAN NOT IDENTIFY SUBJECTS, AND DID NOT SEE THE SUBJECT. THIS HAPPENED AT ARSENAL TECHNICAL HIGH SCHOOL.

IDP Report 951195F-A

Appendix II

Jan <u>25</u> 19 <u>90</u>	PREVAILED	Roll Call No. <u>144</u>	
Feb ___ 19___			
Mar ___ 19___	FAILED	Ayes <u>96</u>	APPROVED HOUSE OF REPRESENTATIVES <i>[Signature]</i>
Apr ___ 19___		Noes <u>/</u>	
_____	WITHDRAWN		

HOUSE MOTION

MR. SPEAKER:

I move that House Bill 1267 be amended to read as follows:
Page one, between the enacting clause and line 1 insert the following:

"SECTION 1. IC 5-2-5-12 IS AMENDED TO READ AS FOLLOWS: Sec. 12. On a daily basis, all law enforcement agencies shall enter into the Indiana data and communication system (IDACS) computer the following:

- (1) All information concerning stolen or recovered property, including:
 - (A) motor vehicles;
 - (B) firearms;
 - (C) securities;
 - (D) boats;
 - (E) license plates; and
 - (F) other stolen or recovered property.
- (2) All information concerning fugitives charged with a crime, including information concerning extradition.
- (3) All information concerning runaways, missing persons, and missing children (as defined in IC 10-1-7-2), including information concerning the release of such persons to the custody of a parent or guardian.
- (4) All information concerning offenses motivated by bias and described in IC 35-42-2-1(1)(B), IC 35-45-2-1(a)(3), and IC 35-45-2-2(e).

SECTION 2. IC 5-2-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: Sec. 13. (a) In January of each year, the Indiana central repository of criminal history information shall submit an annual report to the:

- (1) governor;
- (2) general assembly; and

(3) attorney general;

which is to provide information under subsection (b) pertaining to offenses motivated by bias and described in IC 35-42-2-1(1)(B), IC 35-45-2-1(a)(3), and IC 35-45-2-2(c).

(b) The annual report must include the following information as reported to the repository during the preceding year:

- (1) The number of arrests.
- (2) The number of charges.
- (3) The number of convictions. "

Page 1, beginning on line 1 renumber SECTION 6 as Section 3.

Page 2, after line 4 insert the following:

"SECTION 6. IC 35-42-2-1 IS AMENDED TO READ AS FOLLOWS: Sec. 1. A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) The person commits a battery under this section as the result of the other person's actual or perceived race, color, religion, gender, sexual orientation, physical or mental disability, age, or national origin; or

(C) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of his official duty;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of his official duty;

(B) a person less than thirteen (13) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who is mentally or physically disabled and is committed by a person having the care of the mentally or physically disabled person, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was

previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined by IC 35-46-1-1); or

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty; and

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon.

For purposes of this section, a law enforcement officer includes an alcoholic beverage enforcement officer.

SECTION 7. IC 35-45-2-1 IS AMENDED TO READ AS FOLLOWS: Sec. 1. (a) A person who communicates a threat to another person, with the intent that:

(1) the other person engage in conduct against his will; or

(2) the other person be placed in fear of retaliation for a prior lawful act; or

(3) the other person be placed in fear and the person who communicates the threat does so because of the other person's actual or perceived race, color, religion, gender, sexual orientation, physical or mental disability, age, or natural origin.

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Class D felony if:

(A) the threat is to commit a forcible felony; or

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a judge or bailiff of any court; or

(iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

1 (5) unlawfully withhold testimony or information with respect to any
2 person; legal claim or defense, except for a reasonable claim for witness
3 fees or expenses;

4 (6) expose the person threatened to hatred, contempt, disgrace, or ridicule
5 or

6 (7) falsely harm the credit or business reputation of the person threatened

7 SECTION 8. IC 35-45-2-2 IS AMENDED TO READ AS FOLLOWS: Sec. 2. (a) A person
8 who, with intent to harass, annoy, or alarm another person but with no intent
9 legitimate communication:

10 (1) makes a telephone call, whether or not a conversation ensues;

11 (2) communicates with a person anonymously or otherwise, by telegraph,
12 or other form of written communication; or

13 (3) transmits a false or obscene message, or indecent or profane words,
14 Citizens Radio Service channel;

15 commits harassment, a Class B misdemeanor.

16 (b) A message is obscene if:

17 (1) the average person, applying contemporary community standards, finds that
18 the dominant theme of the message, taken as a whole, appeals to the prurient
19 interest in sex;

20 (2) the message refers to sexual conduct in a patently offensive way; and

21 (3) the message, taken as a whole, lacks serious artistic, literary,
22 political, or scientific value.

23 (c) The offense under subsection (a) is a Class A misdemeanor if the person
24 commits the offense because of the other person's actual or perceived race, color,
25 religion, gender, sexual orientation, physical or mental disability, age,
26 national origin."

(Reference to House Bill 1267 as printed January 19, 1990)

HB 1192/DI.76

Representative CRAWFORD

February 27, 1991

HOUSE BILL No. 1842

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-5-14; IC 35-35-3-3; IC 35-38-1.

Synopsis: Hate crimes. Requires prosecutors to report "hate crimes" to the state police department's official repository for criminal history information. Requires the repository for criminal history information to compile this information into an annual report and submit the report in January of each year to the governor, general assembly, and attorney general. Requires certain misdemeanors involving the hatred of a person or group of people be treated in the same manner as felonies for the purpose of making plea agreements, preparing presentence reports, and making a record of a hearing held prior to sentencing. Adds whether or not certain crimes were committed out of hatred of a person or group of people to the list of factors that the court may consider in sentencing. Permits the court to consider evidence of hatred of a person or group of people in the commission of certain crimes as an aggravating circumstance in sentencing and requires the court to state reasons for selecting the sentence imposed in such cases. Expands the information gathered in a presentence report to include information regarding whether hatred for a person or group of persons was evident in the commission of certain crimes.

Effective: July 1, 1991.

Crawford, Brown

January 30, 1991, read first time and referred to Committee on Courts and Criminal Code.
February 26, 1991, amended, reported - De Pass.

HB 1842 — LS 7681/01 78

8

1 an annual report to the following:

- 2 (1) The governor.
3 (2) The general assembly.
4 (3) The attorney general.

5 (c) The report submitted under subsection (b) must
6 provide a compilation of information obtained under
7 subsection (a) pertaining to offenses under IC 35-42,
8 IC 35-43-1, IC 35-43-2, and IC 35-45-2 in which the court
9 has found that malice aforethought toward a:

- 10 (1) person based on the person's membership in or
11 association with a group or class of persons; or
12 (2) group or class of persons;

13 is evident in the commission of the offense.

14 SECTION 2. IC 35-35-3-3 IS AMENDED TO READ AS
15 FOLLOWS: Sec. 3. (a) This subsection applies to any:

- 16 (1) felony; and
17 (2) misdemeanor under IC 35-42, IC 35-43-1,
18 IC 35-43-2, or IC 35-45-2, in which malice
19 aforethought toward a:

- 20 (A) person based on the person's membership in
21 or association with a group or class of persons;
22 or

- 23 (B) group or class of persons;

24 is evident in the commission of the misdemeanor.

25 No plea agreement may be made by the prosecuting attorney
26 to a court on a felony or misdemeanor charge ~~except~~ (1) only
27 if the plea agreement is executed in writing and (2) filed
28 with the court before the defendant enters a plea of guilty. The
29 plea agreement shall be shown as filed, and if its contents
30 indicate that the prosecuting attorney anticipates that the
31 defendant intends to enter a plea of guilty to a felony or
32 misdemeanor charge, the court shall order the presentence
33 report required by IC 35-38-1-8 and may hear evidence on the
34 plea agreement.

35 (b) Neither the content of the plea agreement, the
36 presentence report, nor the hearing shall be a part of the official
37 record of the case unless the court approves the plea agreement.
38 If the plea agreement is not accepted, the court shall reject it
39 before the case may be disposed of by trial or by guilty plea. If
40 the court rejects the plea agreement, subsequent plea
41 agreements may be filed with the court, subject to the same
42 requirements that this chapter imposes upon the initial plea
43 agreement.

44 (c) Except as provided in subsection (a), a plea

1 agreement in a misdemeanor case may be submitted orally to the
2 court.

3 (d) In a misdemeanor case, if:

4 (1) the court rejects a plea agreement; and

5 (2) the prosecuting attorney or the defendant files a
6 written motion for change of judge within ten (10) days
7 after the plea agreement is rejected

8 the court shall grant the motion for change of judge and transfer
9 the proceeding to a special judge under the Indiana Rules of
10 Criminal Procedure. However, there may not be more than one
11 (1) transfer of the proceeding to a special judge under this
12 subsection.

13 (e) If the court accepts a plea agreement, it shall be bound
14 by its terms.

15 SECTION 3. IC 35-38-1-3 IS AMENDED TO READ AS
16 FOLLOWS: Sec. 3. (a) Before sentencing a person for:

17 (1) a felony; or

18 (2) a misdemeanor under IC 35-42, IC 35-43-1,
19 IC 35-43-2, or IC 35-45-2, in which malice
20 aforethought toward a:

21 (A) person based on the person's membership in
22 or association with a group or class of persons;
23 or

24 (B) group or class of persons;

25 is evident in the commission of the misdemeanor;
26 the court must conduct a hearing to consider the facts and
27 circumstances relevant to sentencing. The person is entitled to
28 subpoena and call witnesses and to present information in his
29 own behalf.

30 (b) The court shall make a record of the hearing held
31 under this section, including:

32 (1) a transcript of the hearing;

33 (2) a copy of the presentence report; and

34 (3) if the court finds:

35 (A) aggravating circumstances or mitigating
36 circumstances; or

37 (B) that malice aforethought a:

38 (i) person based on the person's membership
39 in or association with a group or class of
40 persons; or

41 (ii) group or class of persons;

42 is evident in the commission of the crime;
43 a statement of the court's reasons for selecting the
44 sentence that it imposes.

1 SECTION 4. IC 35-38-1-7.1, AS ADDED BY P.L.1-1990,
 2 SECTION 346, IS AMENDED TO READ AS FOLLOWS: Sec.
 3 7.1. (a) In determining what sentence to impose for a crime, the
 4 court shall consider:

- 5 (1) the risk that the person will commit another crime;
 6 (2) the nature and circumstances of the crime committed;
 7 (3) the person's:
 8 (A) prior criminal record;
 9 (B) character; and
 10 (C) condition;
 11 (4) whether the victim of the crime was less than twelve
 12 (12) years of age or at least sixty-five (65) years of age;
 13 (5) whether the person violated a protective order issued
 14 against the person under IC 31-1-11.5 or IC 34-4-5.1; and
 15 (6) any oral or written statement made by a victim of the
 16 crime; and
 17 (7) if the crime was committed under IC 35-42,
 18 IC 35-43-1, IC 35-43-2, or IC 35-45-2, whether malice
 19 aforethought toward a:

- 20 (A) person based on the person's membership in
 21 or association with a group or class of persons;
 22 or
 23 (B) group or class of persons;

24 is evident in the commission of a crime.

25 (b) The court may consider the following factors as
 26 aggravating circumstances or as favoring imposing consecutive
 27 terms of imprisonment:

- 28 (1) The person has recently violated the conditions of any
 29 probation, parole, or pardon granted to the person.
 30 (2) The person has a history of criminal or delinquent
 31 activity.
 32 (3) The person is in need of correctional or rehabilitative
 33 treatment that can best be provided by commitment of the
 34 person to a penal facility.
 35 (4) Imposition of a reduced sentence or suspension of the
 36 sentence and imposition of probation would depreciate the
 37 seriousness of the crime.
 38 (5) The victim of the crime was less than twelve (12) years
 39 of age or at least sixty-five (65) years of age.
 40 (6) The victim of the crime was mentally or physically
 41 infirm.
 42 (7) The person committed a forcible felony while wearing
 43 a garment designed to resist the penetration of a bullet.
 44 (8) The person committed a sex crime listed in subsection

- 1 (e) and:
 2 (A) the crime created an epidemiologically
 3 demonstrated risk of transmission of the human
 4 immunodeficiency virus (HIV) and involved the sex
 5 organ of one (1) person and the mouth, anus, or sex
 6 organ of another person;
 7 (B) the person had knowledge that the person was a
 8 carrier of HIV; and
 9 (C) the person had received risk counseling as
 10 described in subsection (g).
 11 (9) The person committed an offense related to controlled
 12 substances listed in subsection (f) if:
 13 (A) the offense involved:
 14 (i) the delivery by any person to another person;
 15 or
 16 (ii) the use by any person on another person;
 17 of a contaminated sharp (as defined in IC 16-1-9.7-1)
 18 or other paraphernalia that creates an
 19 epidemiologically demonstrated risk of transmission of
 20 HIV by involving percutaneous contact;
 21 (B) the person had knowledge that the person was a
 22 carrier of the human immunodeficiency virus (HIV);
 23 and
 24 (C) the person had received risk counseling as
 25 described in subsection (g).
 26 (10) The offense was committed under IC 35-42,
 27 IC 35-43-1, IC 35-43-2, or IC 35-45-2, and malice
 28 aforethought toward a:
 29 (A) person based on the person's membership in
 30 or association with a group or class of persons;
 31 or
 32 (B) group or class of persons;
 33 is evident in the commission of the offence.
 34 (c) The court may consider the following factors as
 35 mitigating circumstances or as favoring suspending the sentence
 36 and imposing probation:
 37 (1) The crime neither caused nor threatened serious harm
 38 to persons or property, or the person did not contemplate
 39 that it would do so.
 40 (2) The crime was the result of circumstances unlikely to
 41 recur.
 42 (3) The victim of the crime induced or facilitated the
 43 offense.
 44 (4) There are substantial grounds tending to excuse or
 45 justify the crime, though failing to establish a defense.

- 1 (5) The person acted under strong provocation.
 2 (6) The person has no history of delinquency or criminal
 3 activity, or the person has led a law-abiding life for a
 4 substantial period before commission of the crime.
 5 (7) The person is likely to respond affirmatively to
 6 probation or short term imprisonment.
 7 (8) The character and attitudes of the person indicate that
 8 the person is unlikely to commit another crime.
 9 (9) The person has made or will make restitution to the
 10 victim of the crime for the injury, damage, or loss
 11 sustained.
 12 (10) Imprisonment of the person will result in undue
 13 hardship to the person or the dependents of the person.
 14 (d) The criteria listed in subsections (b) and (c) do not limit
 15 the matters that the court may consider in determining the
 16 sentence.
 17 (e) For the purposes of this article, the following crimes are
 18 considered sex crimes:
 19 (1) Rape (IC 35-42-4-1).
 20 (2) Criminal deviate conduct (IC 35-42-4-2).
 21 (3) Child molesting (IC 35-42-4-3).
 22 (4) Child seduction (IC 35-42-4-7).
 23 (5) Prostitution (IC 35-45-4-2).
 24 (6) Patronizing a prostitute (IC 35-45-4-3).
 25 (7) Incest (IC 35-48-1-3).
 26 (f) For the purposes of this article, the following crimes are
 27 considered offenses related to controlled substances:
 28 (1) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
 29 (2) Dealing in a schedule I, II, or III controlled substance
 30 (IC 35-48-4-2).
 31 (3) Dealing in a schedule IV controlled substance
 32 (IC 35-48-4-3).
 33 (4) Dealing in a schedule V controlled substance
 34 (IC 35-48-4-4).
 35 (5) Possession of cocaine or narcotic drug (IC 35-48-4-6).
 36 (6) Possession of a controlled substance (IC 35-48-4-7).
 37 (7) Dealing in paraphernalia (IC 35-48-4-8.2).
 38 (8) Possession of paraphernalia (IC 35-48-4-8.3).
 39 (9) Offenses relating to registration (IC 35-48-4-14).
 40 (g) For the purposes of this section, a person received risk
 41 counseling if the person had been:
 42 (1) notified in person or in writing that tests have
 43 confirmed the presence of antibodies to the human
 44 immunodeficiency virus (HIV) in the person's blood; and
 45 (2) warned of the behavior that can transmit HIV.

1 SECTION 5. IC 35-38-1-8 IS AMENDED TO READ AS
2 FOLLOWS: Sec. 8. (a) A defendant convicted of:

3 (1) a felony; or

4 (2) a misdemeanor under IC 35-42, IC 35-43-1,
5 IC 35-43-2, or IC 35-45-2, in which malice
6 aforethought toward a:

7 (A) person based on the person's membership in
8 or association with a group or class of persons;

9 or

10 (B) group or class of persons;

11 is evident in the commission of the misdemeanor;
12 may not be sentenced before a written presentence report is
13 prepared by a probation officer and considered by the sentencing
14 court. Delay of sentence until a presentence report is prepared
15 does not constitute an indefinite postponement or suspension of
16 sentence.

17 (b) A victim present at sentencing in a felony or
18 misdemeanor case shall be advised by the court of a victim's
19 right to make a statement concerning the crime and the
20 sentence.

21 SECTION 6. IC 35-38-1-9, AS AMENDED BY P.L.38-1990,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS: Sec. 9.
23 (a) As used in this chapter, "recommendation" and "victim" have
24 the meanings set out in IC 35-35-3-1.

25 (b) The presentence investigation consists of the gathering
26 of information with respect to:

27 (1) the circumstances attending the commission of the
28 offense;

29 (2) the convicted person's history of delinquency or
30 criminality, social history, employment history, family
31 situation, economic status, education, and personal habits;
32 and

33 (3) except in cases where the death sentence is sought
34 under IC 35-50-2-9, the impact of the crime upon the
35 victim; and

36 (4) if the crime is a crime under IC 35-42, IC 35-43-1,
37 IC 35-43-2, or IC 35-45-2, whether malice
38 aforethought toward a:

39 (A) person based on the person's membership in
40 or association with a group or class of persons;

41 or

42 (B) group or class of persons;

43 is evident in the commission of the crime.

44 (c) The presentence investigation may include any matter

1 that the probation officer conducting the investigation believes
2 is relevant to the question of sentence, and must include:

3 (1) any matters the court directs to be included;

4 (2) any written statements submitted to the prosecuting
5 attorney by a victim under IC 35-35-3;

6 (3) any written statements submitted to the probation
7 officer by a victim; and

8 (4) except in cases where the death sentence is sought
9 under IC 35-50-2-9, preparation of the victim impact
10 statement required under section 8.5 of this chapter.

11 (d) If there are no written statements submitted to the
12 probation officer, he shall certify to the court:

13 (1) that he has attempted to contact the victim; and

14 (2) that, if he has contacted the victim he has offered to
15 accept the written statements of the victim, or to reduce
16 his oral statements to writing, concerning the sentence,
17 including the acceptance of any recommendation.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1842, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "hatred of" and insert in bold "malice aforethought toward".

Page 1, line 8, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 1, line 18, begin a new paragraph and insert in bold "(c)".

Page 1, line 18, after "report" insert in bold "submitted under subsection (b)".

Page 1, line 20, delete "hatred of a person or a group or class of" and insert in bold "malice aforethought toward a:

- (1) person based on the person's membership in or association with a group or class of persons; or
- (2) group or class of persons";

Page 1, line 21, delete "persons" and begin a new line blocked left.

Page 2, line 3, delete "hatred of" and insert in bold "malice aforethought toward".

Page 2, line 4, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 3, line 2, delete "hatred of" and insert in bold "malice aforethought toward".

Page 3, line 3, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 3, line 14, delete "hatred of" and insert in bold "malice aforethought toward".

Page 3, line 15, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 4, line 2, delete "hatred of" and insert in bold "malice aforethought toward".

Page 4, line 3, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 5, line 6, delete "hatred of" and insert in bold "malice aforethought toward".

HB 1842 — LS 788/DI 78

Page 5, line 7, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 6, line 27, delete "hatred of" and insert in bold "malice aforethought toward".

Page 6, line 28, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

Page 7, line 18, delete "hatred of" and insert in bold "malice aforethought toward".

Page 7, line 19, after "person" insert in bold "based on the person's membership in or association with a group or class of persons".

and when so amended that said bill do pass.

(Reference is to House Bill 1842 as introduced.)

VILLALPANDO, Chair

Committee Vote: yeas 5, nays 2.

Public Law 101-275
101st Congress

An Act

Apr. 23, 1990
[H.R. 1048]

To provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics.

Hate Crime
Statistics Act.
22 USC 534 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Hate Crime Statistics Act".

(b)(1) Under the authority of section 534 of title 22, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

Research and
development.

Appropriation
authorization.

22 USC 534 note.

SEC. 2. (a) Congress finds that—

(1) the American family life is the foundation of American Society,

(2) Federal policy should encourage the well-being, financial security, and health of the American family,

(3) schools should not de-emphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.

Approved April 23, 1990.