

WITNESS TESTIMONY

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CONFLICT PREVENTION AND  
RESOLUTION UNIT

OCTOBER 22, 1996

BEFORE THE  
SPECIAL TASK FORCE ON HATE CRIMES  
TERRORISM AND ARSON OF THE  
HOUSE JUDICIARY COMMITTEE

1. MR. CHAIRMAN, COMMITTEE MEMBERS AND GUEST, ON BEHALF OF COMMISSIONER NEAL AND THE PHILADELPHIA POLICE DEPARTMENT I APPRECIATE THIS OPPORTUNITY TO ADDRESS YOU ABOUT AN ISSUE THAT IS IMPORTANT TO ALL OF US, RACIAL, RELIGIOUS AND ETHNIC HATE CRIMES. THESE CRIMES CAN HAVE A NEGATIVE AFFECT ON THE WHOLE COMMUNITY WHEN THEY ARE COMMITTED, NOT JUST ON THE INDIVIDUALS THAT THEY HAVE BEEN COMMITTED AGAINST.
2. I HAVE BEEN A MEMBER OF THE PHILADELPHIA POLICE DEPARTMENT FOR TWENTY FOUR YEARS AND I AM CURRENTLY THE COMMANDING OFFICER OF THE PHILADELPHIA POLICE DEPARTMENT'S CONFLICT PREVENTION AND RESOLUTION UNIT.
3. THE CONFLICT PREVENTION AND RESOLUTION UNIT WAS FORMED IN 1986, IN RESPONSE TO THE ETHNIC INTIMIDATION STATUTE THAT WAS ENACTED BY THE STATE OF PENNSYLVANIA IN 1982. THIS UNIT'S PRIMARY FUNCTION IS TO ASSIST IN THE INVESTIGATION OF HATE OR BIAS CRIMES COMMITTED BECAUSE OF RACE, RELIGION OR ETHNICITY. THIS UNIT WORKS WITH STATE, FEDERAL AND LOCAL AGENCIES TO INVESTIGATE HATE CRIMES IN PHILADELPHIA. WE ALSO WORK WITH COMMUNITY, RELIGIOUS AND BUSINESS GROUPS TO RESOLVE TENSION SITUATIONS.
4. THE PHILADELPHIA POLICE DEPARTMENT AS PART OF IT'S OFFICIAL POLICY HAS ISSUED A DIRECTIVE THAT ALL PERSONNEL MUST FOLLOW RELATING TO CRIMES INVOLVING RACIAL, RELIGIOUS AND ETHNIC INTIMIDATION. THIS DIRECTIVE SETS DOWN THE PROCEDURE TO BE FOLLOWED TO INSTITUTE AN OFFICIAL INVESTIGATION, FROM THE ARRIVAL OF THE FIRST OFFICER ON THE SCENE OF THE INCIDENT TO THE INVESTIGATION BY THE DIVISIONAL DETECTIVE AND THE CPR UNIT. THIS DIRECTIVE ALSO SETS DOWN THE POLICY THAT THE PHILADELPHIA POLICE DEPARTMENT WILL INVESTIGATE CRIMES MOTIVATED BECAUSE OF SEXUAL ORIENTATION. A COPY OF THIS

DIRECTIVE IS ATTACHED TO THIS STATEMENT.

5. ACCORDING TO THE PENNSYLVANIA CRIMES CODE A PERSON COMMITS THE OFFENSE OF ETHNIC INTIMIDATION IF, WITH MALICIOUS INTENTION TOWARD THE RACE COLOR, RELIGION OR NATIONAL ORIGIN OF ANOTHER INDIVIDUAL OR GROUP OF INDIVIDUALS, AN OFFENSE IS COMMITTED UNDER CERTAIN PROVISIONS OF THE CRIMES CODE. THIS WILL INCREASE THE PENALTY FOR THESE CRIMES FROM AT LEAST 90 DAYS TO AT MOST TWO YEARS. THE CRIMES ARE CRIMINAL HOMICIDE, ASSAULT, KIDNAPPING, SEXUAL OFFENSES, ARSON, CRIMINAL MISCHIEF AND OTHER PROPERTY DESTRUCTION CRIMES. THE INCREASE IN PENALTIES SERVES AS A DETERRENT TO FUTURE CRIMES.
6. PHILADELPHIA IS A MULTI RACIAL AND ETHNIC CITY. THERE ARE SOME NEIGHBORHOODS THAT HAVE MAINTAINED AN IDENTIFIABLE RACIAL OR ETHNIC CULTURE. WHEN PEOPLE OF DIFFERENT RACE OR ETHNICITY HAVE BEGAN TO MOVE INTO SOME OF THESE NEIGHBORHOODS THEY HAVE BEEN MET WITH BIAS INCIDENTS BY SOME PEOPLE. THE CONFLICT PREVENTION AND RESOLUTION UNIT ASSISTING THE PHILADELPHIA COMMISSION OF HUMAN RELATIONS HAVE GONE INTO THESE COMMUNITIES, TALKED TO THE RESIDENTS AND DISTRIBUTED LITERATURE ABOUT ETHNIC INTIMIDATION LAWS AND THE CONSEQUENCE OF VIOLATING THESE LAWS. WE ALSO HELP REFER PEOPLE TO MEDIATION AGENCIES AND MEET WITH COMMUNITY GROUPS TO RESOLVE DIFFERENCES.
7. WITHIN THE PAST YEAR THERE HAS BEEN A DECREASE IN THE NUMBER OF VIOLENCE ATTACKS AND PERSON TO PERSON HARASSMENT. A LOT OF THE DECREASE HAS TAKEN PLACE IN AREAS OF THE CITY WHERE THERE HAS BEEN COOPERATION BETWEEN THE POLICE, COMMISSION OF HUMAN RELATIONS AND COMMUNITY BASED ORGANIZATIONS, DEDICATED TO ENDING BIAS AND VIOLENCE.

8. THE CONFLICT PREVENTION AND RESOLUTION UNIT IS INVOLVED IN VARIOUS PROGRAMS WITHIN THE COMMUNITY TO HELP RESOLVE PROBLEMS AND TO AID IN THE INVESTIGATION OF HATE CRIMES, THAT HAVE BEEN COMMITTED. I FEEL THAT COMMUNITY SUPPORT AND EDUCATION ARE NECESSARY COMPONENTS OF A SUCCESSFUL PROGRAM TO DECREASE AND ONE DAY END THESE CRIMES.
  
9. ONE SUCH PROGRAM HAS BEEN THE INTERRACIAL TASK FORCE, WHICH WORKS IN THE LOWER NORTHEAST AND EASTERN SECTIONS OF PHILADELPHIA. MEMBERSHIP REPRESENT THE POLICE DEPT., HUMAN RELATIONS COMMISSION, RECREATION DEPARTMENT, POLITICIANS, COMMUNITY, BUSINESS AND RELIGIOUS LEADERS FROM THAT AREA. THE TASK FORCE MEETS MONTHLY TO DISCUSS PROBLEMS THAT HAVE TO BE ADDRESSED AND PROGRAMS TO BE DONE IN THE COMMUNITY AND SCHOOLS TO HELP EDUCATE AND EASE TENSIONS. THE DIRECTOR OF THE PROGRAM MEETS BI-WEEKLY WITH THE CPR UNIT, PHILA. COMMISSION OF HUMAN RELATIONS, THE DISTRICT AND DETECTIVE DIVISION COMMANDERS AND OTHER AGENCIES THAT WORK AGAINST VIOLENCE AND HATE TO DISCUSS SPECIFIC PROBLEMS OR CRIMES THAT OCCURRED DURING THAT PERIOD, AND TO UPDATE EACH OTHER ABOUT ON GOING PROBLEMS.
  
10. THE CONFLICT PREVENTION AND RESOLUTION UNIT IS ALSO PART OF A GROUP COMPOSED OF FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES THAT MEET ALONG WITH THE PHILADELPHIA COMMISSION OF HUMAN RELATIONS, THE STATE ATTORNEY GENERALS OFFICE, THE U.S. ATTORNEY'S OFFICE AND THE PHILA. DISTRICT ATTORNEY'S OFFICE. THIS GROUP COMES TOGETHER ONCE A MONTH TO REVIEW CASES THAT ARE BEING HANDLED JOINTLY OR INDIVIDUALLY TO DETERMINE IF THERE IS ANY INPUT OR ASSISTANCE THAT CAN HELP THE INVESTIGATIONS. THIS GROUP ALSO MEETS WITH A LARGER GROUP WHICH INCLUDES COMMUNITY BASED ORGANIZATIONS SUCH AS THE ANTI DEFAMATION

LEAGUE. THE INFORMATION ABOUT INVESTIGATIONS ARE RESTRICTED AT THE MEETINGS BUT THE DIFFERENT GOVERNMENTAL AND POLICE AGENCIES PROFIT GREATLY FROM THE INPUT OF THESE COMMUNITY BASED GROUPS.

11. THE CPR UNIT MEETS MONTHLY WITH THE STATE COMMISSION OF HUMAN RELATIONS THE PENNA. STATE POLICE AND GOVERNMENTAL AGENCIES, TO DISCUSS RACIAL INCIDENTS AND CRIMES THAT HAVE OCCURRED IN PENNSYLVANIA. WE ARE ALSO MADE AWARE OF TRAINING THAT IS GOING ON IN THE STATE AND RESOURCES THAT ARE AVAILABLE.
12. THE CONFLICT PREVENTION AND RESOLUTION UNIT ALSO GOES INTO SCHOOLS AND RECREATION CENTERS TO TALK TO YOUNG PEOPLE AND COMMUNITY MEMBERS ABOUT HATE CRIMES AND WAYS TO AVOID CONFLICT. THE MEMBERS OF THE UNIT HAVE GONE INTO POLICE DISTRICTS AROUND THE CITY TO MAKE SURE OFFICERS WERE AWARE OF THE PROPER PROCEDURE TO REPORT AND INVESTIGATE HATE CRIMES.
13. MANY OF THE HATE CRIMES THAT ARE COMMITTED IN PHILA. APPEAR TO BE COMMITTED BY JUVENILES AND YOUNG ADULTS. MOST ARE VANDALISM AND PROPERTY CRIMES. MEETINGS BETWEEN THE CPR UNIT, COMMUNITY LEADERS POLICE DISTRICT COMMANDERS AND PHILA. COMMISSION OF HUMAN RELATIONS PERSONNEL HAVE HELPED THE LOCAL POLICE DISTRICTS TARGET TROUBLE SPOTS TO STEP UP ENFORCEMENT OF CURFEW LAWS AND OTHER VIOLATIONS THAT CAN CONTRIBUTE TO DELINQUENCY. THE RESULT OF THIS STEPPED UP ENFORCEMENT DOESN'T JUST AFFECT HATE CRIMES, IT ALSO HELPS REDUCE OTHER TYPES OF CRIMES COMMITTED IN THOSE AREAS.
14. IN CONCLUSION I WOULD LIKE TO SAY THAT I THINK THE KEY TO THE SUCCESS OF PREVENTING CONFLICT, PARTICULARLY IN THE AREA OF HATE ACTIVITY AND HATE CRIME LIES WITH THE DEVELOPING OF POLICIES WHICH ENABLE THE

POLICE AND THE COMMUNITY ALONG WITH OTHER LOCAL AND STATE AGENCIES TO ENGAGE IN DIALOGUE; INFORMATION EXCHANGE ; TRACKING; MONITORING AND PREVENTION. IT IS ALSO IMPORTANT THAT CULTURAL AND RACIAL DIVERSITY TRAINING BE INSTITUTED IN LAW ENFORCEMENT AND OTHER RELATED AGENCIES, AS WELL AS SCHOOLS THROUGHOUT THE COMMONWEALTH.

I ALSO FEEL THAT THE MASS MEDIA CAN BE AN EFFECTIVE PARTNER IN MAKING THE PUBLIC AWARE OF THE DESTRUCTIVE NATURE OF HATE CRIMES, AND ALSO MAKING THEM UNDERSTAND THAT THESE CRIMES WILL NOT BE TOLERATED AND WILL BE PUNISHED TO THE FULL EXTENT OF THE LAW.

SUBJECT: REPORTING AND INVESTIGATING BIAS INCIDENTS

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## I. POLICY

- A. It will be the policy of the Philadelphia Police Department that the rights and privileges of all people shall be protected regardless of race, color, national origin, religion or sexual orientation. Police Department personnel will be vigilant in ensuring that no one violates the rights of any individual and careful not to abridge the rights of any citizen in carrying out our law enforcement mandate.
  - B. The Conflict, Prevention and Resolution (CPR) Unit will assist the Detective Division of occurrence in the investigation of Bias incidents where the primary motivation for the commission of a crime can be traced to discrimination of any nature. Incidents not normally requiring a Detective Division investigation will be investigated by the CPR Unit. Where appropriate, the charge of Ethnic Intimidation (2710 PCC) will be added to other charges lodged against a defendant.
  - C. Although a criminal act motivated by the sexual orientation of an individual is not covered under 2710 PCC, it will still be the policy of the Department to investigate all criminal acts motivated by such orientation.
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## II. DEFINITIONS

- A. Bias Incident > any incident committed against a person or property which is motivated by malicious intention because of a person's race, color, religion, national origin or sexual orientation.
- B. Ethnic Intimidation (as defined by State Law PCC 2710) > with malicious intention, an individual or group of individuals commits an underlying offense motivated by hatred toward the race, color, religion or national origin of another individual or group of individuals. (See Appendix "B," Ethnic Intimidation Underlying Offenses.)

Note: The difference between the two is predicated on the Federal and State statutes. Sexual orientation is not covered under state law, but must be reported to the Federal Government through the Uniform Crime Reporting System.

C. Primary Motivation -> Because motivation is subjective, it is difficult to know with certainty if a crime was the result of the offender's bias. However, while no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias and may help define primary motivation:

1. The offender and the victim were of different racial, religious, color, ethnic origin or sexual orientation group. For example, the victim was Asian and the offender was Latino.
2. Bias-related oral comments, written statements or gestures were made by the offender which indicate his/her bias. For example, the offender shouted a racial epithet at a victim.
3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a member of the Jewish community.
4. Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, color, national origin or sexual orientation group.
5. The offender was previously involved in a similar hate crime or is a member of a hate group.

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### III. PROCEDURE

A. Where it appears to the first officer on the scene that an incident is the result of hostility between individuals or groups whose primary motivation results from the difference in race, color, national origin, religion or sexual orientation, that officer will:

STEP	ACTION
1	Request the presence of a supervisor and notify Police Radio.
2	Take appropriate police action and adhere to Directive 2, "Responsibilities at a Crime Scene."
3	Confer with the supervisor to determine the cause of the incident.
4	The responding supervisor will make a determination as to whether the incident meets the definition of a Bias Incident or Ethnic Intimidation.

Note: The CPR Unit is a resource to be used for consultation, assistance or training as needed.



## STEP

## ACTION

- 5 Notify Police Radio administrative lines providing pertinent information so that all necessary notifications can be made by Radio Room personnel.
- 6 Prepare a 75-48 which reflects the details of the incident. Do not hesitate to include the exact language or explicit description of the events which have resulted in ethnic intimidation.
- 7 Notify the Detective Division of Occurrence when the incident appears to involve ethnic intimidation.

Note: It is important to recognize that most incidents between different individuals or groups are NOT the result of hostility based on one of the above mentioned affiliations.

Simply because two combatants are of different racial groups, for example, does not automatically mean that ethnic intimidation has occurred.

- B. The Detective Division of Occurrence will have the primary responsibility for the investigation and submission of all pertinent Department reports on incidents of ethnic intimidation, joined by the CPR Unit, except as outlined in Section IV-F. They will also notify the following units:

- \* Conflict, Prevention and Resolution Unit
- \* Civil Affairs Division
- \* Philadelphia Commission on Human Relations (see Appendix "A")
- \* Juvenile Aid Division, where appropriate

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#### IV. RESPONSIBILITIES OF THE CPR UNIT

- A. The CPR Unit is the Department's liaison with the Philadelphia Commission on Human Relations, the Philadelphia Anti-Drug, Anti-Violence Network (PAAN) and social service and community-response agencies charged with interceding in incidents relating to ethnic intimidation.
- B. The CPR Unit is the Department's central repository for all racial incidents or ethnic intimidation investigations conducted by Philadelphia Police personnel. The unit will also submit the Pennsylvania Monthly Ethnic Intimidation Report to the Research and Planning Unit for review.

- C. When informed by the Detective Division concerning an incident of ethnic intimidation, the CPR Unit will respond to and join the investigation, acting in a secondary capacity and be responsible for the preparation of the Supplemental Report (75-52). The report will be submitted to the Commanding Officer of the Detective Division of Occurrence.
- D. The CPR Unit will maintain constant communications with the assigned detective and will be apprised of all interviews, investigations and any intelligence that has been developed.
- E. A preliminary informational report on all incidents will be prepared by CPR and submitted to the:
- \* Police Commissioner
  - \* Deputy Commissioner, Operations
  - \* Chief Inspectors Civil Affairs and pertinent Operations Bureau
  - \* Commanding Officer Civil Affairs Division, pertinent Patrol Division, Patrol District and Detective Division Commanding Officers
- F. The CPR Unit will conduct the primary investigation and be responsible for all reports under the following circumstances:
- \* as requested by the Police Commissioner or by a divisional commander or higher rank (Requests must be coordinated through the Chief Inspector, Civil Affairs Bureau.)
  - \* upon mutual agreement between the supervisor of the Detective Division of Occurrence and the CPR Unit supervisor.

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#### V. POTENTIALLY RIOTOUS CONDITIONS

- A. In addition to calling for assistance from surrounding district personnel, the first supervisor on the scene will request Police Radio make all appropriate notifications when an incident (e.g. racial) has escalated beyond the control of district personnel.

Note: The CPR Unit and the Philadelphia Commission on Human Relations will be notified immediately when such events develop.

- \* CPR Unit -> 686-3108
- \* Human Relations Commission -> 686-5665
- \* Lazar Kleit, Assistant Director for Community Services, Human Relations Commission -> 686-4676 or 924-6998 (home #)  
(This organization may be notified when any bias incident occurs.)

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BY COMMAND OF THE POLICE COMMISSIONER