

Combating Hate Crime

A Resource Guide



This document summarizes federal and state law relevant to combatting hate crime – including the rights afforded by the U.S. and Pennsylvania Constitutions, as well as federal and state criminal and civil statutes. In addition, the brochure lists the agencies you can contact if you have been subjected to hate, bias, or discrimination.

Constitutional Protections

Hate Speech and Hateful Beliefs

United States Constitution

The First Amendment of the U.S. Constitution prohibits the government from interfering in our most precious rights, including, among others: freedom of speech, press, free exercise of religion, and assembly. The First Amendment of the U.S. Constitution generally protects even unpopular ideas from government prohibition. Thus, words or other forms of expression are not unlawful merely because of their hateful content. Moreover, people cannot be prosecuted simply because of their hateful beliefs, or because they belong to groups with hateful beliefs. In addition, if a person commits a crime, the fact that the perpetrator holds hateful beliefs does not automatically make it a hate crime.

The Fifth and Fourteenth Amendments of the U.S. Constitution guarantee the right to due process, which provides a safeguard from arbitrary denial of life, liberty or property, and also guarantee equal protection under the law.

Pennsylvania Constitution

The Constitution of the Commonwealth of Pennsylvania is substantially equivalent to the United States Constitution. Article I, Sections 1, 3-4, 7, 9, 28.

Federal Hate Crime Laws

A number of federal hate crime laws are enforced by the Federal Bureau of Investigation and the U.S. Department of Justice:

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249 – The Shepard-Byrd Act makes it a federal crime to willfully cause bodily injury because of the victim’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. The Act also covers attempts to cause bodily injury to victims through the use of a firearm, dangerous weapon, explosive, or incendiary device.

Conspiracy Against Rights, 18 U.S.C. § 241 – This statute makes it unlawful for two or more persons to conspire to injure, threaten, or intimidate a person in any state, territory, or district in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or the laws of the U.S.

Deprivation of Rights under Color of Law, 18 U.S.C. § 242 – This statute makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

Violent Interference with Federally Protected Rights, 18 U.S.C. § 245 – The primary portion of the statute used in civil rights prosecutions is subsection (b)(2), which prohibits using force or threats to interfere with various enumerated activities because of race, color, religion, or national origin. The activities protected by subsection (b)(2) include attending public school; enjoying any state-provided facility or activity; working

or seeking private or state employment; serving as a juror; using facility of interstate commerce; and enjoying any public accommodation.

Damage to Religious Property, Church Arson Prevention Act, 18 U.S.C. § 247 – This statute prohibits defacement or destruction of religious property based on a property’s racial characteristics. It also prohibits defacement or destruction of such property based on the religious characteristic of that property if the offenses is in or affecting interstate commerce. Finally, it prohibits using force or threats to obstruct a victim’s free exercise of religion.

Criminal Interference with Right to Fair Housing, 42 U.S.C. § 3631 – This statute prohibits the use of force or threat of force to interfere with enumerated housing rights (selling, renting, purchasing, occupying) when motivated by bias based on race, color, religion, sex, handicap, familial status and national origin.

Pennsylvania’s **Ethnic Intimidation** Law

In Pennsylvania, what is commonly referred to as “hate crime” is covered in Pennsylvania’s Crimes Code as ***Ethnic Intimidation (18 Pa. C.S.A. § 2710)***. The crime of Ethnic Intimidation occurs when a person commits certain other crimes and is motivated in whole or in part by hatred toward the race, color, religion, or national origin of another person or group. For example, the offense of Ethnic Intimidation may be charged when certain underlying offenses are also charged – such as criminal mischief, assault, harassment, terroristic threats, stalking, and homicide – and the underlying offense was in whole or in part motivated by race, color, religion, or national origin.

Pennsylvania’s **Civil Redress** Law for Ethnic Intimidation

When a person is the victim of the crime of Ethnic Intimidation (18 Pa. C.S.A. § 2710), Pennsylvania law provides for ***Civil Redress (42 Pa. C.S.A. § 8309)***. The law allows individuals to file a civil rights lawsuit against the perpetrator of a hate crime or crimes relating to institutional vandalism to obtain money damages and a court order directing the criminal activity to stop. The Pennsylvania Attorney General, in consultation with the district attorney, may also file a civil lawsuit to obtain a court order to stop the activity or for other equitable relief.

What Should You Do If Subjected to Hate?

If it is an emergency, call **9-1-1**. If it is not an emergency, and you think you are a victim of a hate crime, you should report it to the **local police**. There are hundreds of local police departments in the Commonwealth of Pennsylvania. You should contact the **one nearest you**.

You should **also** report **hate crimes** to:

- [*The Federal Bureau of Investigation*](#)

<u>Philadelphia Division</u>	<u>Pittsburgh Field Office</u>
600 Arch Street, 8th Floor Philadelphia, PA 19106 (215) 418-4000 Toll Free: 1-800-CALLFBI	3311 East Carson Street Pittsburgh, PA 15203 (412) 432-4000 Toll Free: 1-800-CALLFBI
Covers eastern Pennsylvania and three counties in New Jersey	Covers 25 counties in western Pennsylvania as well as the entire state of West Virginia

- [*The Pennsylvania State Police*](#)

Southeastern Pennsylvania

Troop J - Lancaster	Troop K - Philadelphia	Troop M - Bethlehem
2099 Lincoln Hwy East Lancaster, PA 17602-3384 (717) 299-7650 FAX Number: (717) 299-7663 TTY Number: (717) 299-7727 Avondale Crime Tip Line: (866) 279-1504 ext. 130	2201 Belmont Avenue Philadelphia, PA 19131 (215) 452-5216 FAX Number: (215) 452-5235 TTY Number: (215) 452-5196	2930 Airport Road (PA-987) Bethlehem, PA 18107-2149 (610) 861-2026 FAX Number: (610) 861-2031 TTY: (610)861-2018

Western Pennsylvania

Troop A - Greensburg	Troop B - Washington	Troop D - Butler
100 North Westmoreland Ave Greensburg, PA 15601-0436 (724) 832-3288 FAX Number: (724) 832-3276 TTY: (724) 832-7977	150 State Route 519 Eighty Four, PA 15330 (724) 223-5200 FAX Number: (724) 223-4593 TTY: (724) 223-4678	200 Barracks Road Butler, PA 16001-2689 (724) 284-8100 FAX Number: (724) 284-8279 TDD : (724) 283-3151

South Central Pennsylvania

Troop G - Hollidaysburg	Troop H - Harrisburg	Troop L - Reading
1510 N Juniata Street Hollidaysburg, PA 16648 (814) 696-6100 FAX Number (814) 696-6108 TTY Number(814) 696-6105	8000 Bretz Drive Harrisburg, PA 17112 (717) 671-7500 FAX Number: (717) 671-7516	600 Kenhorst Blvd. Reading, PA 19611 (610) 378-4011 FAX Number: (610) 378-4009 TTY: (610)-378-4002

Northeastern Pennsylvania

Troop N - Hazleton	Troop P - Wyoming	Troop R - Dunmore
250 Dessen Drive Hazleton, PA 18202 (570) 459-3890 FAX Number: (570) 459-3942 TTY Number: (570) 582-1101	475 Wyoming Avenue Wyoming, PA 18644 (570) 697-2000 FAX: (570) 697-2010 TTY: (570) 693-5803	85 Keystone Industrial Park Dunmore, PA 18512 (570) 963-3156 FAX Number: (570) 963-3070

Northwestern and North Central Pennsylvania

Troop C - Punxsutawney	Troop E - Erie	Troop F - Mountoursville
485 N Findley Street Punxsutawney, PA 15767 (814) 938-0510 FAX Number: (814) 938-0516 TTY: (814) 938-0517	4320 Iroquois Avenue Erie, PA 16511 (814) 898-1641 FAX Number: (814) 871-4782 TTY (814) 899-6339	899 Cherry Street Montoursville, PA 17754 (570) 368-5700 FAX Number: (570) 368-5704 TTY:(570)368-5761

- **[The Governor's Office of Homeland Security](#)**

This agency coordinates homeland security activities by working with federal agencies, regional task forces, local governments and the private sector. The office is located at the Pennsylvania State Police Departmental Headquarters in Harrisburg.

1800 Elmerton Avenue
Harrisburg, PA 17110
Telephone: 717-346-4460
ra-homelandsecurity@state.pa.us

For hateful incidents which may not necessarily be crimes, you should also contact **civil rights enforcement agencies, which may investigate and potentially obtain civil remedies for discrimination in an array of contexts. Key agencies include (not exhaustive):**

State and Local

- **[The Pennsylvania Human Relations Commission \(PHRC\)](#).**

The PHRC enforces the Commonwealth’s flagship human rights law, the Pennsylvania Human Relations Act (PHRA), by investigating, conciliating, and adjudicating complaints of discrimination. In general, the PHRA covers discrimination in employment, housing, commercial property, and public accommodations (including education), based on race, color, religious creed, ancestry, age (40 and over), sex, national origin, familial status (only in housing), handicap or disability and the use, handling or training of support or guide animals for disability. Retaliation for filing a complaint, opposing unlawful behavior or assisting investigations is also illegal.

Philadelphia Regional Office	Harrisburg Regional Office	Pittsburgh Regional Office
110 North 8th Street Suite 501 Philadelphia, PA 19107 (215) 560-2496 (215) 560-3599 (TTY)	555 Walnut Street Suite 808 Harrisburg, PA 17101 (717) 787-9780 (717) 787-7279 (TTY)	301 Fifth Avenue Suite 390, Piatt Place Pittsburgh, PA 15222 (412) 565-5395 (412) 565-5711 (TTY)

- ***Local Human Relations Commissions***

<u>Philadelphia Commission on Human Relations</u>	<u>Harrisburg Human Relations Commission</u>	<u>Pittsburgh Commission on Human Relations</u>
601 Walnut Street Suite 300 South Philadelphia, PA 19106 Phone: 215-686-4670	10 N. 2nd Street Suite 302 Harrisburg, PA 17101 Phone: 717-255-6471	414 Grant Street Pittsburgh, PA 15219-2464 Phone: 412-255-2600
<u>City of York Human Relations Commission</u>	<u>Allentown Human Relations Commission</u>	<u>Reading Human Relations Commission</u>
1381 W. Poplar Street York, PA 17404 Phone: 717-846-2926	435 Hamilton Street Allentown, PA 18101 Phone: 610-437-7743	815 Washington Street Reading, PA 19601 Phone: 610-655-6141
<u>Erie County Human Relations Commission</u>	<u>Lancaster City Human Relations Commission</u>	<u>State College Human Relations Commission</u>
24 West Eighth St. Erie, PA 16501 Phone: 814-451-7021	P.O. Box 8292 Lancaster, PA 17604 Phone: 717-719-1212	243 South Allen Street State College, PA 16801 Phone: 814-234-7115

- ***The Pennsylvania Office of Attorney General, [Civil Rights Enforcement Section](#)***

The PA-OAG Civil Rights Enforcement Section brings actions before the PHRC, as well as in state and federal courts, to challenge discrimination when the case presents an important legal issue of statewide significance. The Section also, in consultation with local district attorneys, obtains civil injunctions or other equitable relief under the Civil Redress Statute (42 Pa. C.S.A. § 8309) against continuing acts of ethnic intimidation (18 Pa. C.S.A. § 2710).

Pennsylvania Office of Attorney General
Civil Rights Enforcement Section
14th Floor, Strawberry Square
Harrisburg, PA 17120
717.787.0822
civilrights@attorneygeneral.gov

Federal

- ***U.S. Department of Justice***

The Department of Justice enforces various federal civil rights statutes and coordinates with other federal civil rights agencies. The [Department of Justice’s hate crimes website](#) is a centralized portal containing the department’s hate crimes resources. To report incidents, in addition to the [FBI](#) as stated above, you also may contact the [Civil Rights Division](#), (202) 514-4609; (202) 514-0716 (TTY), or one of Pennsylvania’s three ***U.S. Attorney’s Offices (USAO)***.

USAO Eastern District of PA	USAO Middle District of PA	USAO Western District of PA
Philadelphia Office: (215) 861-8200	Scranton Office: (570) 348-2800	Pittsburgh Office: 412-644-3500
Allentown Office: (215) 861-8540	Harrisburg Office: (866) 673-7340 (717) 221-4482	Erie Office: 814-452-2906
	Williamsport Office: (570) 326-1935	Johnstown Office: 814-533-4547

- **[U.S. Equal Employment Opportunity Commission](#)**
EEOC enforces the federal employment discrimination laws and coordinates with other federal civil rights agencies.

Philadelphia District Office	Pittsburgh Area Office
801 Market Street, Suite 1300 Philadelphia, PA 19107-3127 Phone: 1-800-669-4000 or 267-589-9700 Email: PDOContact@eeoc.gov Fax: 215-440-2606 TTY: 1-800-669-6820 ASL Video Phone: 844-234-5122	William S. Moorhead Federal Building 1000 Liberty Avenue, Suite 1112 Pittsburgh, PA 15222 Phone: 1-800-669-4000 or 412-588-6905 Fax: 412-395-5749 TTY: 1-800-669-6820 ASL Video Phone: 844-234-5122

- **[U.S. Department of Education](#)**
The Department of Education enforces federal civil rights laws that prohibit discrimination by schools, colleges, and universities that receive federal funds.

The OCR office for Pennsylvania is located at:

Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
FAX: 404-974-9406; TDD: 800-877-8339
Email: OCR.Atlanta@ed.gov