

CHAPTER 53. COLLECTION, PRESERVATION, PROTECTION AND DISSEMINATION OF ETHNIC INTIMIDATION STATISTICS

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Authority

The provisions of this Chapter 53 issued under section 701 of the Ethnic Intimidation Statistics Collection Act (71 P. S. § 250), unless otherwise noted.

Source

The provisions of this Chapter 53 adopted February 26, 1988, effective February 27, 1988, 18 Pa.B. 862, unless otherwise noted.

PRELIMINARY PROVISIONS

§ 53.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Ethnic Intimidation Statistics Collection Act (71 P. S. § 250).

Commissioner—The Commissioner of the State Police.

Department—The State Police.

Ethnic intimidation—alicious intention motivated by hatred toward the race, color, religion or national origin of another individual or group of individuals manifested through the commission of an act which is a necessary element of an offense under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

- (i) Article B (relating to offenses involving danger to the person).

- (ii) Chapter 33 (relating to arson, criminal mischief and other property destruction (excluding section 3307 (relating to institutional vandalism))).
- (iii) Section 3503 (relating to criminal trespass).
- (iv) Section 5504 (relating to harassment by communication or address).

Reporting agency—A Commonwealth law enforcement agency contributing to the Pennsylvania Uniform Crime Reporting Program and the State Fire Marshal.

Uniform Crime Reporting (UCR) Program—A program established by law which provides a Statewide view of crime trends and volume based on the submission of statistics by law enforcement agencies throughout this Commonwealth. The Department, under the act of November 22, 1978 (P. L. 1166, No. 274) (71 P. S. §§ 1190.21—1190.30) and an interagency agreement between the Department and the Commission on Crime and Delinquency, acts as the administrator of the UCR Program, with the authority and responsibility for collection and dissemination of this statistical information.

§ 53.2. Scope.

This chapter sets forth rules for the submission, collection, preservation, protection and dissemination of information, records or statistics relative to crimes and incidents related to ethnic intimidation. This chapter is applicable to Commonwealth law enforcement agencies, the State Fire Marshal and agencies, departments, boards, commissions or officials who are required to report information or who request information, records or statistics collected.

GENERAL PROVISIONS

§ 53.11. Responsibilities of reporting agencies.

(a) A reporting agency is responsible for submitting the information required in § 53.13 (relating to information required to be submitted) when a crime or incident related to ethnic intimidation occurs within its reporting jurisdiction. This information shall be reported on a monthly basis in conjunction with and as an attachment to the monthly UCR Program submission. The form prescribed in § 53.21 (relating to forms) shall be submitted as the reporting document. If no crime or incident related to ethnic intimidation occurs, no submission is required.

(b) A reporting agency shall be guided by the Pennsylvania Supplemental Uniform Crime Reporting Manual in determining the appropriate reporting jurisdiction.

§ 53.12. Responsibilities of the Department.

(a) The Department is responsible for collecting, preserving, protecting and disseminating the information which is submitted by reporting agencies.

(b) Requests for ethnic intimidation information, records or statistics and the release of this information shall be regulated as provided in § 53.14 (relating to dissemination of information).

§ 53.13. Information required to be submitted.

A reporting agency shall include the following information when reporting crimes and incidents related to ethnic intimidation:

- (1) Date the incident occurred.
- (2) Time the incident occurred.
- (3) Type of incident.
- (4) Victim information.
- (5) Offender information.
- (6) Arrest information.
- (7) Description of weapons used, injuries and property damage sustained.

Cross References

This section cited in 37 Pa. Code § 53.11 (relating to responsibilities of reporting agencies).

§ 53.14. Dissemination of information.

(a) A reporting agency or other interested agency, department, board, commission or official desiring information, records or statistics collected under the act shall address the request to the Commissioner, State Police, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. The request shall be made upon the official letterhead stationery of the requesting agency, department, board, commission or official and shall specify:

- (1) The exact information, records or statistics being requested.
- (2) The need for and anticipated use of the information, records or statistics being requested.

(b) The Commissioner, or a designee, will determine whether or not the requested information, records or statistics will be furnished and will inform the requestor of the determination. The determination will be based upon consideration of:

- (1) The information furnished by the requestor as provided in subsection (a).
- (2) The necessity to preserve the information, records or statistics.
- (3) The necessity to protect confidential information or the circumstances of a pending prosecution.

Cross References

This section cited in 37 Pa. Code § 53.12 (relating to responsibilities of the Department).

FORMS**§ 53.21. Forms.**

(a) The reporting document prescribed by the Department to be utilized by a reporting agency to report crimes or incidents related to ethnic intimidation shall be Return J, Pennsylvania Monthly Ethnic Intimidation Report, of the UCR Program report form system.

(b) The Return J report form and detailed instructions for its completion will be furnished to law enforcement agencies in the UCR Program by the Department through a State Police UCR Liaison Officer.

Cross References

This section cited in 37 Pa. Code § 53.11 (relating to responsibilities of reporting agencies).

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