

Action Agenda  
for Community Organizations  
and Law Enforcement to  
**Enhance the Response  
to Hate Crimes**





# TABLE OF CONTENTS

2 Acknowledgments

3 About the Organizations

4 Executive Summary

5 Introduction

**Five Critical Issues with Action Agenda, Promising Practices, Case Studies, and Examples:**

8  **1** Increasing Community/Law Enforcement Collaboration to Address Hate Crimes, Including Partnerships with Civil Rights and Community Organizations

11  **2** Enhancing Training and Education About Hate Crimes for Law Enforcement, Prosecutors, and Community Members

14  **3** Strengthening Data Collection, Reporting, and Analysis

17  **4** Improving Hate Incident and Crime Management Policies and Responses for Law Enforcement

21  **5** Role of Prosecutors: Early and Ongoing Communication with Law Enforcement, Proactive Engagement with Community, Development of Hate Crimes Expertise

23 Conclusion

24 APPENDIX I – Advisory Committee Members

25 APPENDIX II – International Association of Chiefs of Police and Lawyers’ Committee for Civil Rights Under Law Initiatives

26 APPENDIX III – Additional Case Studies, Promising Practices, and Examples

## ACKNOWLEDGMENTS

The International Association of Chiefs of Police and Lawyers' Committee for Civil Rights Under Law would like to thank the leading civil rights and law enforcement experts who met on September 19, 2017; October 22, 2017; and January 30, 2018, to lay the groundwork for this report, *Action Agenda for Community Organizations and Law Enforcement to Enhance the Response to Hate Crimes*. We are particularly grateful to the advisory committee members for their creativity in designing the action items to help community organizations and law enforcement agencies enhance their response to hate crimes, and to help make communities safer for individuals, their families, their neighborhoods, and for law enforcement officers. We extend sincere appreciation and gratitude for the survivors of hate crimes and the family members of victims who joined us on January 30, 2018, to courageously share their experiences. Their presence and stories helped ensure that this report and the action items within it are directly responsive to the needs of those targeted for hate.

# ABOUT THE ORGANIZATIONS

## THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE



The International Association of Chiefs of Police (IACP) is the world's largest and most influential professional association

for police leaders. With more than 30,000 members in 150 countries, the IACP is a recognized leader in global policing. Since 1893, the association has been speaking out on behalf of law enforcement and advancing leadership and professionalism in policing worldwide. The IACP is known for its commitment to shaping the future of the police profession. Through timely research, programming, and unparalleled training opportunities, the IACP is preparing current and emerging police leaders—and the agencies and communities they serve—to succeed in addressing the most pressing issues, threats, and challenges of the day.

The IACP is a not-for-profit 501c(3) organization headquartered in Alexandria, Virginia. The IACP is the publisher of *The Police Chief* magazine, the leading periodical for law enforcement executives, and the host of the IACP Annual Conference, the largest police educational and technology exposition in the world. IACP membership is open to law enforcement professionals of all ranks, as well as to non-sworn leaders across the criminal justice system. Learn more about the IACP at [www.theIACP.org](http://www.theIACP.org).

## THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW AND THE STOP HATE PROJECT



The Lawyers' Committee for Civil Rights Under Law (Lawyers'

Committee), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The Lawyers' Committee celebrates its 55th anniversary in 2018 and continues its quest of "Moving America Toward Justice." The principal mission of the Lawyers' Committee is to secure, through the rule of law, equal justice under the law, particularly in the areas of criminal justice, fair housing and fair lending, voting, education, and economic justice. For more information about the Lawyers' Committee, visit [www.lawyerscommittee.org](http://www.lawyerscommittee.org).

The Lawyers' Committee's Stop Hate Project works to strengthen the capacity of community leaders, local government, law enforcement, and organizations around the United States to combat hate by connecting them to existing legal and social resources and creating new resources to fill identified needs. The Project's resource and reporting hotline for hate incidents, 1-844-9-NO-HATE (1-844-966-4283), connects people and organizations combating hate with the resources and support they need. The <https://8449nohate.org/> website serves as an online resource hub for user-friendly content including "know your rights" guides, toolkits to support communities combating hate, and summaries of hate crime laws and relevant statutes in every U.S. state and the District of Columbia.

## EXECUTIVE SUMMARY

In response to hate crimes and hate incidents, the Lawyers' Committee and the IACP partnered to launch the Enhancing the Response to Hate Crimes Advisory Committee. This expert committee convened leaders in law enforcement, civil rights, and academia for a series of comprehensive discussions examining promising practices for response to hate crimes, as well as how these practices shape community-police relations.

The advisory committee led a collaborative effort to help stakeholders develop specific strategies to enhance their response to hate crimes and hate incidents. As the discussions progressed, the committee members identified five critical issues that are imperative to enhancing hate crimes response practices, as well as an action agenda for community organizations and law enforcement to address each critical issue.

The action agenda has three categories of action items—actions that community leaders, civil rights organizations, and law enforcement can take, together, to address these critical issues; actions that community and civil rights organizations can take to proactively engage law enforcement and other stakeholders in combating hate; and actions that law enforcement can take to effectively engage with vulnerable communities, including actions before, during, and after a crisis event.

The goal of these action items is to help break down barriers and strengthen trust between law enforcement and the communities they serve to enhance the prevention, reporting, investigation, and successful prosecution of hate crimes. Once implemented, these action items will enhance the ability of law enforcement, civil rights organizations, and community organizations to more effectively address hate and bias-motivated crimes in their communities and to ensure the safety of all individuals threatened by hate.

The report and action agenda, developed by law enforcement leaders, civil rights advocates, and academia, offer concrete strategies to institutionalize an enhanced response to hate crimes and hate incidents. These strategies require the committed efforts of both law enforcement agencies and community members to prevent hate and bias incidents as well as reduce the detrimental effects of these incidents by effectively responding when a hate crime occurs. The advisory group believes that these strategies, if implemented properly, will better serve and improve the well-being of targeted communities, as well as enhance the quality of overall community-police relations.

# INTRODUCTION

In August 2017, the Lawyers' Committee and the IACP partnered to launch the Enhancing the Response to Hate Crimes Advisory Committee. This committee convened a diverse array of leaders for a dialogue on overcoming barriers to effective response to hate crimes and to provide guidance on how all stakeholders can enhance collaborative efforts to combat hate and bias. These meetings included

- **a roundtable discussion** with leaders in law enforcement, civil rights, and academia to review, highlight, and analyze issues regarding hate crimes and hate incidents;
- **a listening session** at the IACP's 2017 Annual Conference and Exposition in Philadelphia, Pennsylvania, with law enforcement and advocacy leaders on priorities for strengthening hate crimes response; and
- **a final advisory committee meeting** to review synthesized information from the previous two meetings; to hear directly from community members and victims of hate crime; and to identify recommendations and promising practices for law enforcement, civil rights organizations, and community hate incident responses.

The meetings allowed members to brainstorm new, collaborative strategies for civil rights organizations, community-based organizations, and law enforcement agencies to work together to enhance the response to hate crimes. The advisory group convenings also provided a venue for insightful testimony and candid deliberations about obstacles to effective hate crime response practices. As a result, participants were able to recognize why inadequate response practices breed distrust and frustration in affected communities, which erodes their faith in civic institutions. The conversations enhanced the advisory committee members' overall understanding of the many issues that affect the response to hate crimes, including strained community relations, lack of proper training, budgetary constraints, and obsolete performance evaluation metrics.

While each participant provided a unique perspective on the critical issues around hate crimes and hate incidents, many overlapping themes emerged throughout the course of the dialogue. For example, throughout the first two meetings, the advisory committee learned that the deficiencies in hate crime response practices are often systemic and entrenched, and the work of overcoming these obstacles will be neither quick nor easy. The committee also learned about promising practices that have demonstrably enhanced hate crime response. The third meeting's breakout group discussions produced



*The tragic events in Charlottesville, Virginia, and more recently in Pittsburgh, Pennsylvania, and Jeffersontown, Kentucky, serve as a chilling reminder that too many communities are being targeted for hate-fueled acts. In these difficult moments, we must redouble our efforts to combat hate and bias-motivated incidents. Through partnership and collaboration between law enforcement and the civil rights community, we can work to overcome the roadblocks that too often have denied relief to communities targeted by hate, including African Americans, Latinos, Native Americans, religious minorities, LGBTQ, and other marginalized communities. The Lawyers' Committee for Civil Rights Under Law is proud to partner with the IACP in launching a timely and critical discussion with all key stakeholders on how best to respond to the hate crime crisis gripping the nation today.*

- **Kristen Clarke**, President and Executive Director of the Lawyers' Committee for Civil Rights Under Law

effective action items that can help law enforcement leaders, community leaders, and public officials collaboratively address cross-cutting critical issues and enhance the response to hate and bias within their communities. The innovative approaches and practical tools that the committee developed and recommended for this report will help to make communities safer and more welcoming for all residents at a point in history that compels us to do more to help those impacted by hate and intolerance.

As reflected in this report, the insights of the diverse members of the advisory committee resulted in the development of an action agenda for stakeholders to execute effective responses to hate crimes and hate incidents. The report includes the following sections:

- **Defining and Examining the Impact of Hate Crimes** provides a brief background on hate crimes, hate incidents, federal statutes, and the impact of hate crimes.
- **Five Critical Issues to Enhancing Hate Crimes Responses** is an in-depth look at the five critical issues, identified by the advisory committee, that must be addressed in order to enhance our responses to hate crimes. Each critical issue section includes the corresponding action agenda as well as promising practices, case studies, and examples:

- **Action Agenda** contributes specific, concrete steps that stakeholders can take to enhance their responses to hate crimes and hate incidents. The action items are specifically tailored to: (1) community and civil rights organizations and law enforcement agencies; (2) community and civil rights organizations; and, (3) law enforcement. Working together, these stakeholders and others can use this action agenda to help enhance the response to hate crimes and hate incidents in every community.
- **Promising Practices, Case Studies, and Examples** are informed by the five critical issues, this section identifies promising practices, case studies, and specific examples of productive responses to hate crimes and hate incidents in different jurisdictions.
- **Conclusion** emphasizes the critical role that all stakeholders play in responding to hate incidents and hate crimes and how the suggested action agenda will help enhance responses to hate crimes and hate incidents.



*The IACP is excited to be partnering with the Lawyers' Committee to address the individual and collective harm faced in communities due to hate crime. By joining forces, we will assist agencies and community leaders in effectively responding to hate crimes, providing resources, and developing solutions to prevent such incidents. Through the advisory committee, the IACP and Lawyers' Committee will bring together unique expertise to establish an achievable action agenda that will help stakeholders across the United States respond quickly to these crimes, making a lasting impact on victims and their communities.*

- **Donald W. De Lucca**, then-President of the IACP and former Chief of the Doral, Florida, Police Department

A hate incident is any incident that is perceived as being motivated by prejudice or hate. It may or may not constitute a criminal offense.<sup>2</sup> Even where hate incidents do not rise to the level of crimes, they have a significant adverse impact on communities. Several law enforcement agencies track hate crimes as well as hate incidents, recognizing that tracking hate incidents can help to identify where law enforcement and community service providers should focus their resources, and to inform stakeholders about the larger climate of hate in a particular jurisdiction.

There are several federal statutes that protect victims of hate crimes.<sup>3</sup> Perhaps the most well-known federal law is the **Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act**, which provides that a person commits a hate crime if he or she “willfully causes bodily injury” or “attempts to cause bodily injury” using a dangerous weapon because of the victim’s perceived or actual religion, national origin, gender, sexual orientation, gender identity, or disability.<sup>4</sup> Other federal hate crimes include:

- **Federally Protected Activities:** This law makes it a federal offense if a person through force or threat of force “injures, intimidates or interferes with” another person based on his or her *race, color, religion, or national origin* and because he or she was engaged in a federally protected activity, to include enrolling in a public school, serving as a juror, and traveling across state lines.<sup>5</sup>
- **Damage to Religious Property, Church Arson Prevention Act:** This law prohibits the intentional defacement, damage or destruction of real property because of the *religious nature* of the property where the crime affects interstate or foreign commerce, or because of the *race, color, or ethnic characteristics* of the people associated with the property. The statute also makes it a crime to “intentionally obstruct, by force or threat of force, any person in the enjoyment of that person’s free exercise of religious beliefs.”<sup>6</sup>
- **Fair Housing:** Under this federal law, a person commits a federal crime if he or she uses or threatens to use force in order to interfere with another person’s right to fair housing based on the victim’s *race, color, religion, sex, disability, familial status, or national origin*.<sup>7</sup>
- **Conspiracy Against Rights:** This law makes it unlawful for two or more persons to conspire to

## Hate Crime Definitions and Federal Statutes

Legal definitions of hate crime vary, but for purposes of this report, according to the Federal Bureau of Investigation, a hate crime is defined as “a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”<sup>1</sup>

1 FBI, “Hate Crimes,” <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.  
 2 Lawyers’ Committee, “Targeted By Hate?” <https://8449nohate.org/resources/targeted-by-hate/>.  
 3 See the U.S. DOJ’s “Hate Crime Laws” webpage <https://www.justice.gov/crt/hate-crime-laws> for a complete review of federal hate crime laws.  
 4 18 U.S.C. § 249.  
 5 18 U.S.C. § 245.  
 6 18 U.S.C. § 247.  
 7 42 U.S.C. § 3631.

injure, threaten, or intimidate a person in any state, territory, or district in the free exercise or enjoyment of any right or privilege secured by the Constitution or federal law.<sup>8</sup>

Forty-five states and the District of Columbia have hate crime statutes that provide enhanced penalties for these crimes or create separate causes of action for crimes in which victims are selected because of a perpetrator's bias against a victim's identity. However, protected classes vary by state. Protected characteristics include an individual's actual or perceived race, color, national origin, gender, gender identity, sexual orientation, or disability.<sup>9</sup> State hate crime definitions may encompass not only violence against individuals or groups but also crimes against property, such as arson or vandalism, particularly those directed against community centers or houses of worship.

### Impact of Hate Crimes and Hate Incidents

Hate crimes and hate incidents—sometimes called “bias” or “message crimes”—are unique in that they can traumatize entire communities:

*Like a disease, [hate crimes] spread and seep into the entire community. If a hate crime is not recognized for its hatred, the responsible parties and hate groups become emboldened, and often feel like their sentiments are shared. Additionally, they can lead to a cycle of retaliatory crimes. Hate crimes cause fear, and if seen as not being taken seriously by law enforcement, they can cause distrust and resentment towards law enforcement by the victims and other members of a community.<sup>10</sup>*

- **Chief Cunningham** testimony, 2018

The impact of hate crimes on a family and an entire community was described by Sunayana Dumala, whose husband was shot and killed in 2017 in a bar in Olathe, Kansas, in an anti-immigrant hate crime. In Ms. Dumala's statement to the court upon the sentencing of the man who killed her husband, she talked about learning of her husband's murder, and addressed the man who was convicted of committing the hate crime:

*My hopes ended when the police knocked on my front door... Then they said something which shook me to core and left me breathless. I could not believe what I heard, and I prayed that they take their words back, that my husband was alive and not dead. Suddenly it felt like there was no purpose for my life... I wish you [Defendant] had the ability to see beyond my husband's skin color and the beautiful and kind-hearted person underneath it. And how do you expect me to measure the impact of your ignorance on our lives and dreams.<sup>11</sup>*

- **Sunayana Dumala**, Widow of Srinivas Kuchibhotla and Founder of Forever Welcome

Ms. Dumala has expressed her gratitude to the district attorney's office and the Olathe police for bringing the man who killed her husband to justice and reflected on the fact that in the days following her husband's death, she thought about the impact of the hate crime on immigrants more generally. In a Facebook post, she wrote about her struggle to decide whether to stay in the United States, writing “To answer the question that is in every immigrant's mind, DO WE BELONG HERE? Is this the same country we dreamed of and is it still secure to raise our families and children here?”<sup>12</sup> Ms. Dumala responded to that question with a resounding yes. She decided that she did belong here, and the United States is stronger because she and countless others have responded to hate with hope and love.

Not stopping there, Ms. Dumala partnered with her employer, Intouch Solutions, to launch Forever Welcome.<sup>13</sup> With the goal of helping to ensure that the United States is a safe place for current and future immigrant generations, Forever Welcome is an initiative designed to combat the devastating impact of hate crimes in a community and, more specifically, to generate empathy and understanding for U.S. immigrants by highlighting their critical contributions to society. Initiatives like those launched by Ms. Dumala and Intouch Solutions are exactly the types of programs and responses that will inspire stakeholders across the United States to join forces to enhance responses to hate crimes and hate incidents in their communities.

<sup>8</sup> 18 U.S.C. § 241.

<sup>9</sup> Some states have additional categories of protected characteristics; see the Lawyers' Committee's “State Hate Crime Laws” webpage <https://8449nohate.org/hate-crime-laws/state-hate-crime-overviews> for a review of state hate crime laws.

<sup>10</sup> *In the Name of Hate: Examining the Federal Government's Role in Preventing Hate Crimes*, before the U.S. Commission on Civil Rights, 115th Cong. (May 11, 2018) (testimony of Chief Terrance Cunningham, IACP president). Hereinafter “Chief Cunningham testimony, 2018.”

<sup>11</sup> Tony Rizzo, “Statement from Sunayana Dumala, widow of shooting victim Srinivas Kuchibhotla,” *The Kansas City Star*, May 04, 2018, <http://www.kansascity.com/news/local/crime/article210476814.html>.

<sup>12</sup> Olivia Beavers, “Widow of Slain Indian Man: What Will Government Do 'to Stop Hate Crime?'” *The Hill* (blog) March 1, 2017.

<sup>13</sup> Penelope Larson, “Forever Welcome: Intouch Helps Spread Message of Unity,” news release, February 26, 2018, <https://www.intouchsol.com/blog/forever-welcome-intouch-helps-spread-message-unity/>.



## CRITICAL ISSUE 1: INCREASING COMMUNITY/LAW ENFORCEMENT COLLABORATION TO ADDRESS HATE CRIMES, INCLUDING PARTNERSHIPS WITH CIVIL RIGHTS AND COMMUNITY ORGANIZATIONS

Increased collaboration between community-based organizations, civil rights organizations, and law enforcement leaders is essential to addressing hate crimes. The key to a successful collaborative effort is taking the time to develop and maintain strong community relationships to build trust outside of a crisis event. Every community is unique. For some, it may be more effective for law enforcement to host and lead task forces or advisory groups, while for others, local community organizations and leaders may be better positioned to facilitate the ongoing discussion. Where trust deficits can initially make establishing task forces difficult, law enforcement leaders can start initially with less formal engagements, building the foundation for a sustainable mechanism for collaboration.

Proactive community-police engagements can increase accessibility and promote community trust in law enforcement. Such engagements allow residents to speak directly to law enforcement agencies about hate and intolerance occurring in their communities, express their sentiments on hate crimes response tactics, and voice their public safety concerns more broadly. At the same time, these engagements provide law enforcement and prosecuting officials a chance to better inform the public on what constitutes a hate crime. Successful outcomes of these practices include increased transparency and trust for both the community and law enforcement. As trust deficits shrink, communities may see a corresponding increase in hate crimes reporting, effective investigations, and successful prosecutions.

*As a Chief, I recognize that not one single factor has been more essential to preventing and reducing crime levels than collaboration between law enforcement agencies and the communities they support and serve. In order for law enforcement to be truly effective, officers and agencies must have the active assistance of and support from every facet of our communities. Establishing and maintaining these crucial relationships in order to build a mutual understanding and level of trust with diverse communities requires time and is an ongoing effort.*

- **Chief Cunningham** testimony, 2018

The need to collaborate is particularly acute for new residents in a community. Officers are encouraged to be culturally competent and understand the needs of their community, which can be difficult if the community is undergoing a rapid change in population demographics.

A change in population can significantly impact community needs, community-police relations, and even public safety. During these situations, especially, the likelihood for hate crimes can increase, so all stakeholders should be prepared to respond effectively. Law enforcement agencies are encouraged to collaborate with their communities to share general areas of concern, develop solutions, and even conduct educational training to bring the law enforcement officers up to speed with their ever-changing communities.

*At the Lawyers' Committee, we have been working with communities targeted for hate for almost 50 years, and we know that the wisdom and strength to combat hate comes from those same communities. While the government can take concrete steps to improve the response to hate, I also want to recognize that the government cannot, and should not, do this alone. Indeed, we recognize that at this time more than ever, we must find ways to work with the law enforcement agencies sworn to protect and serve everyone in their communities.*

- **Kristen Clarke**, President and Executive Director of the Lawyer's Committee.<sup>14</sup>

Community stakeholders can assist local law enforcement with victims' needs, assessing training, and providing resources for outreach efforts. In some cases, national organizations already have compiled outreach resources, for example, South Asian Americans Leading Together (SAALT) has an online guide geared toward community members and victims of hate crime and can assist in identifying a trusted community organization in a specific location or neighborhood.<sup>15</sup> Similarly, the Lawyers' Committee also has a list of trusted community organizations on its website and can connect individuals with organizations and support in their local communities.<sup>16</sup> The Lawyers' Committee can also provide technical assistance to communities and law enforcement agencies working to establish hate crimes task forces or other regular mechanisms.

Hate can come in a variety of forms, but so do the solutions to combat hate. Concrete action items for leveraging successful collaboration are identified in the following action agenda. Working together, law enforcement and community leaders can become stronger than hate. While building trust is a process that takes time, and often takes multiple events to improve, pursuing these relationships proactively before a crisis occurs can increase the likelihood of success.

<sup>14</sup> *In the Name of Hate*.

<sup>15</sup> SAALT, *Community Guide on Hate Crimes* (Takoma, Park MD), <http://saalt.org/wp-content/uploads/2017/09/Community-Guide-on-Hate-2017-2.pdf>.

<sup>16</sup> Lawyers' Committee, "Community Resources," <https://8449nohate.org/resources/community-resources/>.



## ACTION AGENDA

### Shared Action Items

- Proactively bring law enforcement officials, community leaders, and prosecutors together to discuss community response to hate crimes and hate incidents before a crisis occurs. For example, agencies and organizations can do the following:
  - Create a hate crimes task force that meets regularly.
  - Incorporate a discussion of hate crimes into existing community meetings or engagements.
  - Co-host outreach events that provide a platform for community members to ask questions or address concerns.
- Create a public awareness campaign that demonstrates a community-wide commitment to eliminating hate and intolerance and educates the public on legal protections against hate crimes. Consider promoting the campaign via social media with a concise hashtag, such as #strongerthanhate.
- Engage youth to drive change and community understanding around hate. Consider partnering with universities in the community to learn from their unique experiences in developing solutions to hate crime.<sup>17</sup>
- Ensure officers have a shared understanding of the experiences of communities targeted by hate and their engagement with law enforcement. This knowledge base can be informed by community surveys, community meetings, and other feedback mechanisms.

### Community and Civil Rights Organization Action Items

- Serve as a bridge to law enforcement. Proactively reach out to the local law enforcement agency to discuss hate and bias concerns affecting the community. For example, organizations can do the following:
  - Create a list of community-based organizations with points of contact that are available and open to assisting local law enforcement with victims' needs and outreach efforts.
  - Invite local law enforcement to community functions to provide informal opportunities for law enforcement to engage with community members.

- Highlight the importance of hate crimes response and reporting to local government and law enforcement officials and speak publicly about how an increase in hate crimes numbers can demonstrate a growing trust between police and the community.
- Each community should gauge its comfort level with law enforcement. Encourage agencies to offer anonymous online surveys to help evaluate community-police relationships.

### Law Enforcement Action Items

- Use the bully pulpit to speak out against hate and intolerance, even when the specifics of an investigation cannot be discussed. Publicly acknowledge the importance of correctly categorizing hate crimes and charging offenders due to the devastating impact on the entire community.
- Pursue and prioritize partnerships with a comprehensive group of community groups, local leaders, advocacy organizations, community health centers, educators, and other stakeholders.
- Invite community leaders to serve on a community advisory board or to other agency-sponsored events, for both formal and informal opportunities to engage with specific populations. Have them report regularly to the agency liaison.
- Reach out to and engage in community policing with new residents, especially if the community is undergoing a rapid change in population demographics. For example, partner with local leaders in the Latinx, transgender, Muslim, or other communities to drive collaboration.
- Prioritize participation in community functions hosted by local organizations and leaders, especially during religious holidays or cultural celebrations. These events may provide informal opportunities for law enforcement to engage with community members.
- Develop and adopt principles for engaging the community that are accessible to all members of the agency and to the community. Use principles developed by other police leaders as a starting point.<sup>18</sup>

<sup>17</sup> See also the Anti-Defamation League's No Place for Hate initiative <https://www.adl.org/who-we-are/our-organization/signature-programs/no-place-for-hate>; Lawyers' Committee for Civil Rights Under Law and Not In Our Town Stop Hate Action Kits for Schools and Campuses, <https://www.niot.org/stop-hate-action-kits>.

<sup>18</sup> See the Oak Creek Police Department's nine guiding principles for engaging the community, detailed in "Oak Creek: Leading a Community in the Aftermath of a Tragedy," *Police Chief* 80 (October 2013): 98-106.

## CASE STUDIES, PROMISING PRACTICES, AND EXAMPLES

**The Arc:** The Arc's Pathways to Justice Program is a criminal justice and disability training program that provides training to law enforcement on barriers to justice for people with intellectual or developmental disabilities. This program, managed by Executive Director (and advisory committee member) Peter Berns, created Disability Response Teams for law enforcement and the disability community to address disability-related issues in the criminal justice system. The Arc and its partners also have developed reports and guidelines for law enforcement agencies as well as EMTs, firefighters, and other first responders across the United States who may encounter hate crimes and hate incidents targeting the disability community.

**Clergy Anti-Racism Preparedness Toolkit:** A national coalition of clergy members developed the Clergy Anti-Racism Preparedness Toolkit to provide support for religious leaders seeking guidance on responding to hate groups that come to their houses of worship.<sup>19</sup> The toolkit, created in collaboration with civil rights organizations and the National Organization of Black Law Enforcement Executives, provides practical suggestions to leaders and also provides some insight into the concerns that community leaders may want to address in collaboration with law enforcement.

### **The Ohio State University Moritz College of Law**

**Divided Community Project:** The Divided Community Project provides law enforcement, government, and other community leaders with tools and strategies that have proven effective in preparing and responding to civil unrest. The project focuses on how communities can respond constructively to tension in communities in the aftermath of hate crimes and other events that harm entire communities. Resources include the following:

- Step by Step Toolkits on establishing committees including government and community leaders to respond to incidents<sup>20</sup>
- Simulations for city managers, elected officials, community members, civil servants, and law enforcement officials that enable leaders to develop strategies for their own cities to prepare and respond to civil unrest<sup>21</sup>

- Reports with effective problem-solving strategies used by other communities addressing division in communities in the aftermath of devastating and divisive incidents<sup>22</sup>

The Divided Community Project is also launching a rapid response initiative that will offer community mediation services free of charge. Upon request, mediators and experts with experience in helping local leaders respond effectively to civil unrest and tension in communities across the United States can help mediate conflicts between the community and law enforcement, train local community members on effective strategies to keep protests safe and offer technical assistance to executives and community members seeking to build community advisory boards or other sustainable infrastructure for engagement.

**Unidos:** Unidos is a Hispanic community outreach program, hosted by the Arlington (Texas) Police Department and other city agencies, that specifically targets Spanish-speaking residents in Arlington, Texas. Quarterly meetings conducted entirely in Spanish include police officers, as well as individuals from other professions, from across the community. These professionals engage a population that might not otherwise reach out to law enforcement, facilitating a "two-way communication and the promotion of trust between the police and the community we serve."<sup>23</sup>

**Wilton Manors & The LBGTQIA+ Community:** The Wilton Manors Police Department, along with the Pride Center at Equality Park, have built a collaborative relationship with the LBGTQIA+<sup>24</sup> community. According to Wilton Manors leadership, this partnership has helped law enforcement officers in the department recognize their role as liaisons to their community, and at the same time has helped the LBGTQIA+ community develop the trust necessary for effective engagement during a potential crisis.

19 AME, Clergy Anti-Racism Preparedness Toolkit, [http://ame3.3dame.org/wp-content/uploads/sites/16/2017/10/CLERGY-ANTI-RACISM-PREPAREDNESS-TOOLKIT.FINAL\\_.pdf](http://ame3.3dame.org/wp-content/uploads/sites/16/2017/10/CLERGY-ANTI-RACISM-PREPAREDNESS-TOOLKIT.FINAL_.pdf).

20 Divided Community Project, Moritz College of Law, *Planning in Advance of Civil Unrest Toolkit*, <https://moritzlaw.osu.edu/dividedcommunityproject/>.

21 Bill Froehlich, "ICMA Training Incorporates DCP's 'Midland Simulation,'" *Get Involved* (blog), June 14, 2018, <https://moritzlaw.osu.edu/dividedcommunityproject/2018/06/11/icma-training-incorporates-dcps-midland-simulation/>.

22 "Executive Summary," Key Considerations-Divided Community Project, <https://moritzlaw.osu.edu/dividedcommunityproject/key-consideration/executive-summary/>.

23 Arlington Police Department, "Unidos," <http://www.arlington-tx.gov/police/unidos/>.

24 Abbreviation for Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersexual, Asexual, and others (+)



## CRITICAL ISSUE 2: ENHANCING TRAINING AND EDUCATION ABOUT HATE CRIMES FOR LAW ENFORCEMENT, PROSECUTORS, AND COMMUNITY MEMBERS

Proper training is critical to enhancing law enforcement's response to hate crimes. The advisory committee agreed that local law enforcement and Peace Officer Standards and Trainings (POST) agencies should work collaboratively with civil rights and advocacy organizations to enhance the quality of law enforcement training curriculums, educate officers about the historical framework through which communities view hate crimes, and elevate law enforcement's awareness of various cultural concerns critical to hate crime investigations. While no nationwide standard for police training specific to hate crimes exists, a variety of resources are available to guide agencies in developing training curricula to meet their needs. Additionally, several promising practices have proven to enhance the quality of law enforcement training, which are highlighted below.

Maintaining quality training content is critical to preventing training curricula from becoming outdated as a community progresses. One way to achieve this goal is for law enforcement to collaborate with knowledgeable national or local organizations to better understand the concerns that communities are confronting and develop their training accordingly. Consistent internal evaluations of policy, training, officer conduct, recruitment, and retention can also be helpful to not only ensure quality training, but to disclose bias or discrimination that may exist in the department and provide an opportunity for leadership to support officers who need more training in this area.

As leaders and members of the communities they serve, officers should have access to the training they need to respond effectively to hate incidents, which requires finding creative ways to deliver training as efficiently as possible. A comprehensive training program for entire departments, from academy cadets to experienced officers, will ensure that every officer is consistently exposed to the training material. Departments should also consider training specifically for leadership and command staff to prepare them to lead their subordinate officers to respond effectively to hate crimes and hate incidents. Regardless of agency size, all jurisdictions should aim to provide some form of hate crimes training. Luckily, the modes of training are diverse: large departments

might have the bandwidth for a comprehensive, federal-level training, which may require considerable time and resources, while smaller departments may find a pocket guide, roll call training, or webinar more appropriate. If an agency uses webinars, it is encouraged to also invite community members affected by hate crimes into the training to reduce potential criticism and avoid reinforcing the dehumanization of victims of hate crimes.

Regardless of what method or resources are used to deliver training, the main takeaway from any training curricula that law enforcement adopts should be to educate your officers about the importance of unequivocally condemning hate incidents after they occur; how to recognize bias indicators before a hate crime occurs; how to effectively respond to and investigate a hate crime; and how to communicate the status of these investigations in a way that respects the community's need to be informed without jeopardizing an ongoing investigation. Ultimately, community assistance with training content and delivery can promote community-police relations by increasing transparency, enhancing the quality of training content, and enhancing the public's faith in the investigative process.





## ACTION AGENDA

### Shared Action Items

- Collaborate to develop and provide insight for law enforcement training on recognizing and classifying hate crimes, improving cultural competency, and avoiding bias and discriminatory stereotypes. Continue these efforts on an annual basis so training does not become “out of touch” as the community progresses.

### Community and Civil Rights Organization Action Items

- Offer training and educational opportunities to help police and other community leaders understand what hate looks like in marginalized communities and others targeted for hate.
- Recommend training providers, ensuring they have enough expertise and experience to offer credible training that does not promote stereotypes.

### Law Enforcement Action Items

- Prioritize training on hate crimes in the academy, and continually train experienced officers throughout their career. Provide officers with related, ongoing training on cultural competency, professionalism, and implicit bias training. Evaluate training to ensure its continued relevance and effectiveness.
- Actively engage with community organizations to identify trusted and credible leaders from your community that can serve as bridges between targeted communities and law enforcement. Leverage these partnerships to advise training curricula.
- Work with community organizations to stay abreast of changing demographics, adjusting and updating training accordingly.
- Inform local and state government officials about the importance of effective hate crimes response. This can help an agency obtain and direct more resources as well as increase understanding among decision makers.

## CASE STUDIES, PROMISING PRACTICES, AND EXAMPLES

**Federal Bureau of Investigation (FBI):** In 2015, the FBI developed a training module that may be useful for law enforcement in classroom settings, the Hate Crime Data Collection and Training Guidance Manual. This module is “intended to assist law enforcement agencies in reporting incidents of hate crime to the FBI Uniform Crime Reporting (UCR) Program... [and addressing] policy, the types of bias crime to be reported, how to identify a hate crime and guidelines for reporting hate crime.”<sup>25</sup> The UCR Program collaborated with community organizations representing people targeted for hate in developing portions of the manual.

**Lawyers’ Committee for Civil Rights Under Law, Matthew Shepard Foundation, and Civil Rights Enforcement Associates (CREA):**

The Lawyers’ Committee, Matthew Shepard Foundation, and CREA also have developed hate crimes training programs designed for law enforcement officers and prosecutors. The training instructors have over 100 years of combined experience at the DOJ’s Civil Rights Division and Community Relations Service, as well as the FBI’s Civil Rights Unit. These training programs focus on key areas of knowledge and practice that are essential for investigators and prosecutors confronted with hate crime cases. The training also explores ways that law enforcement officers and community leaders can build trusting relationships to better prepare for the report of a hate incident. In 2018, the Flagstaff, Arizona Police Department<sup>26</sup> and the City of Chicago’s Commission on Human Relations<sup>27</sup> hosted this training for prosecutors and law enforcement investigators from across their respective regions. In Arlington, Texas, the Arlington Police Department hosted the training in coordination the IACP Human and Civil Rights Committee. This training is available to other interested jurisdictions by reaching out to the Lawyers’ Committee or the Matthew Shepard Foundation.

**Pennsylvania Human Relations Commission (PHRC):** Local communities, in some cases, have developed their own training modules unique to their jurisdiction. The PHRC trains local law enforcement and college campus crime prevention authorities on how to recognize and address hate crimes and bias incidents in their communities. This training typically includes legal training as well as “incident response methods and effect on community relations... [s]tatistical and historical overview of hate crimes, regional hate activity and types of incidents that may escalate into community tension or violence.”<sup>28</sup> Other jurisdictions may be able to use PHRC trainings as a model for training in their own communities.

**Sikh Coalition:** Over the last 17 years, the Sikh Coalition has provided Sikh awareness trainings to local, state, and federal law enforcement agencies for the purpose of providing government employees with the tools to understand the Sikh community, culture, and faith.<sup>29</sup> These awareness trainings outline the basic tenets of Sikhi, detail how to investigate and handle future hate crimes, and provide resources for positive engagement between the local police department and the Sikh community.

**Southern Poverty Law Center (SPLC):** The SPLC has video roll call trainings that may be particularly useful to agencies short on time and resources. Published in the summer of 2017, these trainings include specific guidance for law enforcement responding to potential threats involving extremist movements—especially helpful may be the SPLC checklist for responding to such events. The website also offers, in response to the Charleston, South Carolina, church massacre in 2015, “a training video to help law enforcement officers combat ‘lone wolf’ domestic terrorists;” a 15-minute video that outlines “how to respond to, recognize, and report hate crimes properly and promptly;” and, videos on responding to anti-government extremists, the sovereign citizen movement, Aryan prison gangs, and skinhead groups.<sup>30</sup>

25 Law Enforcement Support Section, Crime Statistics Management Unit, *Hate Crime Data Collection Guidelines and Training Manual*, v2.0 (Criminal Justice Information Services, 2015), <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf>.

26 Troy Brunson and Sherrod Smith, “Flagstaff, Arizona Hate Crimes Training,” *Stop Hate Project* (blog), June 29, 2018, <https://8449nohate.org/flagstaff-arizona-hate-crimes-training/>.

27 Justin Kwasa, “Chicago Hate Crimes Training,” *Stop Hate Project* (blog), June 22, 2018, <https://8449nohate.org/chicago-hate-crimes-training/>.

28 Pennsylvania Human Relations Commission, “Training and Education: Bias & Hate Crime Training,” <http://www.phrc.pa.gov/About-Us/Pages/Training-and-Education.aspx#1>.

29 “IL Hate Crime Leads to Police & Community Trainings,” *The Sikh Coalition* (blog), April 6, 2018, <https://www.sikhcoalition.org/blog/2018/il-hate-crime-leads-police-community-trainings>.

30 Southern Poverty Law Center “Roll Call Videos,” <https://www.splcenter.org/what-we-do/fighting-hate/law-enforcement-resources/roll-call-videos>.



## CRITICAL ISSUE 3: STRENGTHENING DATA COLLECTION, REPORTING, AND ANALYSIS

There is a significant gap in hate crime reporting. This gap is illustrated statistically, by the number of hate crimes reported to the Federal Bureau of Investigation (FBI) Uniform Crime Report (UCR) compared to the Bureau of Justice Statistics (BJS) National Crime Victimization Survey (NCVS), despite both bureaus belonging to the U.S. Department of Justice. Specifically, in 2015, the UCR reported 5,818 single-bias incidents,<sup>31</sup> while the NCVS estimates that 250,000 hate crimes occurred during that same year.<sup>32</sup> The advisory committee agreed that this disparity needs to be addressed because the data do not seem to accurately reflect the true landscape of hate crimes taking place in the United States.

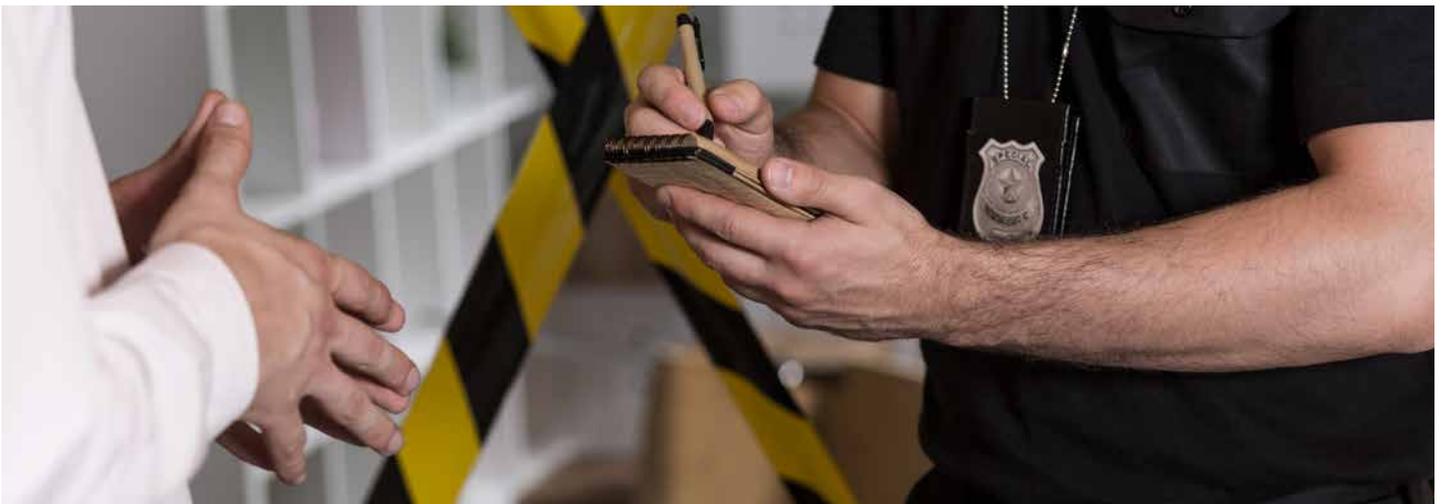


*Our response to these numbers must be one focused on making it easier, safer, and more productive for communities targeted for hate to report hate incidents and hate crimes. We also must work to increase the reporting of hate crimes by law enforcement agencies to the FBI. With the rise of white supremacy and increasing numbers of hate incidents at schools, workplaces, and college campuses, we must work to ensure full and complete reporting of hate crimes to appropriately target hate prevention efforts.*

- **Kristen Clarke**, President and Executive Director of the Lawyers' Committee.

Law enforcement, community groups, and civil rights organizations collectively play a major role in overcoming the barriers to accurate data collection and reporting. These barriers may include fear of law enforcement and uncertainty about agency responses; cultural and language barriers; privacy concerns; fear of revictimization or retaliation; and, for some immigrants, fear of immigration enforcement. Community-based and civil rights organizations can encourage reporting and data collection, while law enforcement agencies can strive to change the “crime is crime” culture that often deters the recognition and reporting of hate crimes. Additional approaches to enhancing data collection and reporting include educating all stakeholders about the advantages of reporting, ensuring that reporting mechanisms are safe and accessible, and cultivating a culture of transparency.

Ultimately, responding effectively to hate crimes and hate incidents will be difficult without accurate data. Accurate data will allow law enforcement to examine trends in hate incidents and hate crimes, which can position officers to identify escalating offenders and incidents through tracking and analysis, and ultimately direct resources to better address and prevent hate crimes. Not only will strengthening data collection help law enforcement respond to these incidents but recording and publishing accurate data will demonstrate that reporting, investigating, and prosecuting hate crimes are high priorities.



31 Criminal Justice Information Services, “Incidents and Offenses: Overview,” *Hate Crime Statistics, 2015*, [https://ucr.fbi.gov/hate-crime/2015/topic-pages/incidentsandoffenses\\_final](https://ucr.fbi.gov/hate-crime/2015/topic-pages/incidentsandoffenses_final).

32 Lynn Langton, and Madeline Masucci, *Hate Crime Victimization, 2004-2015* (Office of Justice Programs, Bureau of Justice Statistics, 2017), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>.



# ACTION AGENDA

## Shared Action Items

- **Work together to help build better community-police relations, foster trust, and encourage hate incident reporting to law enforcement.**
- **Communicate with local government representatives to emphasize the importance of adequately funding and supporting local law enforcement agencies in the collection and reporting of hate crime data.**

## Community and Civil Rights Organization Action Items

- Encourage community members to report hate crimes and hate incidents to law enforcement agencies where they feel comfortable reporting.
- Identify community leaders that can serve as a liaison between law enforcement and the community for concerns regarding data collection and reporting hate crimes. Ensure that these representatives can adequately explain the importance of hate incident data collection and reporting hate crimes.
- Publicly support agencies that improve hate incident and hate crime reporting, especially if local officials are concerned that a reported increase in these incidents would be misinterpreted and reflect poorly on the community. For example,

Emphasize that a reported increase in hate crime may demonstrate that the city is a safe one in which community members trust law enforcement enough to report hate crimes and further, that the city prioritizes combating hate.

## Law Enforcement Action Items

- Track and report both hate incidents and hate crimes and make the data available to the public. Ensure your reporting forms make it easy to mark an incident or crime as a suspected hate incident or hate crime.
- Recognize the barriers that some communities confront in reporting hate crimes, including concerns around immigration status. Make it easy and safe for all victims to report hate crimes. Provide reporting options in multiple languages and methods to ensure your reporting mechanisms are accessible.
- Survey your community to measure the climate of hate and to effectively evaluate the agency-community relationship.
- Review your own reporting history and identify possible reporting barriers to the national crime data collection systems.
- Transition to the National Incident-Based Reporting System (NIBRS) for reporting of all crimes. NIBRS allows researchers to identify bias if an incident wasn't originally investigated as a biased motivated crime.
- Designate an in-house analyst to examine trends in hate incidents.
- Include cultural competency and proactive community engagement activities in performance evaluations for law enforcement officers.

## CASE STUDIES, PROMISING PRACTICES, AND EXAMPLES

**Delaware State Police Unified Statewide Reporting:** The Delaware State Police reported to the advisory committee on the efficiencies of a unified statewide reporting management system. When entering data, the software explicitly asks the officer to record whether an incident is hate or bias motivated. Further, the statewide reporting system allows law enforcement agencies to notify in-house victim services workers of a hate crime incident to automatically trigger coordinated responsive action.

**Police Foundation/Anti-Defamation League (ADL) and Open Data:** The Police Foundation recently announced an important initiative in partnership with the ADL, in which more than 50 police agencies have chosen to release open data on hate and bias crime. Upon the announcement of the initiative, Police Chief J. Thomas Manger, Montgomery County Police, noted that: “Hate and bias crimes affect many citizens... By making the data from these incidents public through open data reporting, all residents can be aware of these incidents and work together with law enforcement to help the community overcome and prevent hate crimes.”<sup>33</sup>

**Seattle Police Department’s Bias Crimes Coordinator and Dashboard:** The Seattle Police Department’s Bias Crimes Coordinator is a position in the Seattle Police Department, designed to ensure improved data reporting, collection, and analysis. Similarly, the agency’s data-driven dashboard makes hate crime and hate incident data from all the city precincts publicly available and helps to facilitate community education about hate and bias. Seattle also records and publishes hate *incidents* even if they do not rise to the level of a hate crime. By tracking these incidents publicly, local leaders can design targeted and evidence-based policies to combat bias-motivated crimes.<sup>34</sup>

**Commission on Accreditation for Law Enforcement Agencies (CALEA) Proposed Voluntary Professional Standard to Support Law Enforcement Reporting of Hate Crimes to FBI UCR:** CALEA has proposed a standard for hate crimes reporting that states that if an agency is eligible to remit hate crime data directly to the national UCR Program, or to a state UCR program, a written directive establishes procedures for collecting and submitting such data. As the United States DOJ’s Civil Rights Division remarked in a letter of support for this standard, the “adoption of [CALEA’s] proposed standard for hate crimes reporting would serve as a critical step forward in combating hate crimes....”



<sup>33</sup> Police Foundation, “Law Enforcement Agencies Across the U.S. Standing Up to Hate Crimes,” news release, May 30, 2018, <https://www.policefoundation.org/54-law-enforcement-agencies-across-the-u-s-standing-up-to-hate-crimes/>.

<sup>34</sup> Seattle Police Department, “Bias/Hate Crime Data,” <http://www.seattle.gov/police/information-and-data/bias-crime-unit/bias-crime-dashboard>.



## CRITICAL ISSUE 4: IMPROVING HATE INCIDENT AND CRIME MANAGEMENT POLICIES AND RESPONSES FOR LAW ENFORCEMENT

To enhance the response to hate incidents and hate crimes, stakeholders require a better understanding of the factors that affect law enforcement policies and procedures. This section focuses on applying modern approaches to existing practices to enhance agency responses to hate and bias incidents. Modern practices include effective identification of bias indicators, improved communication with the community, planning for scheduled protests and rallies, conducting swift and efficient investigations, and establishing a hate crimes response unit.

The initial inquiry phase of a hate crime investigation is critical. The question, “*Is this offense motivated by hate or bias?*” should be one of the first items on an officer’s checklist when investigating a crime, whether he or she is dealing with a high-level or a low-level crime, or with incidents that are not criminal offenses. Additionally, in the immediate aftermath of an alleged hate crime and when an investigation is ongoing, officers can maintain community trust and enhance community-police relations by ensuring that comments from the department to the media or public do not rule out bias motivation.



*As officers, we have a duty to put ourselves in the victim’s shoes. If we see a religious hate symbol or hateful words graffitied on a school, church, or house in our community, we must ask ourselves, how would that make me feel? Even if we are not the same faith, we must recognize how these acts would make segments of the community feel and then act urgently. Initial steps can be taken that can quickly bring comfort to the community. Reinforce the message that hate crimes will be investigated promptly and aggressively, thus, enhancing the likelihood that the perpetrators will be apprehended and successfully prosecuted. In the case of graffiti, collect the evidence needed, take photos, write up the necessary reports, etc.—and then quickly make all attempts to have it removed. It sends a truly strong and powerful message to your community if you and your officers are out there painting over hate symbols.*

- Chief Cunningham testimony, 2018.

In addition to the day-to-day response and investigation of hate crimes, there are also public events that are particularly prone to hate crimes, such as a protest or rally. Often, these events are scheduled ahead of time due to permit requirements on public property. In this case, agencies should take advantage of the advanced notice and plan for an effective response to maintain public safety during an event in their jurisdiction. Effective strategies for a protest or rally include keeping opposing groups separated, setting up a command center for onsite coordination, and post-event debriefs on planning, response, and organization changes that may be required for future events.

The way hate crimes are perpetrated over the Internet also presents a special challenge for first responders. The Internet is vast, and perpetrators of online hate crimes can hide behind anonymous screen names, distorted addresses, and websites that can be relocated and abandoned overnight. As a result, the ease of sending online hate messages and threats across state lines can make perpetrators and victims difficult to identify and locate, which can impede criminal investigations due to jurisdictional confusion. While advanced technology and the ease of rapid communication present new and growing challenges, it is imperative that law enforcement agencies keep pace with the vast changes brought by emerging technology. As a result, agencies are encouraged to reach out to civil rights organizations for more information about combating hate online.



According to the Lawyers’ Committee: *We have worked to combat hateful websites that promote or encourage violence. In the aftermath of the Charlottesville rally in August 2017, we took down the Daily Stormer website, known as the ‘murder capital of the Internet,’ by raising concerns with their domain registrar that their website violated their terms of service, we were able to disrupt one of the largest organizing platforms for violent white supremacists for over two months. More recently, our work to track and document how the website alright.com incited violence led to GoDaddy terminating services with Richard Spencer’s white supremacist site.*

There are several resources available that are designed to help law enforcement respond to hate crimes and hate incidents:

- The IACP's *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention* is a tool that provides promising practices for investigating hate crimes. The guide provides information including why quick response is important; the key indicators of hate crimes; promising approaches to working with victims; and the role police officers play with hate crime victims and the community.<sup>35</sup>
- The IACP's *Tear-Out Pocket Guide* provides an easy-to-use reference to information about community and victim trauma, victim support strategies, and investigation procedures.
- A hate symbols database, launched in September 2012 by the ADL and IACP, enables law enforcement officers to quickly and easily access ADL's expert information on hate and international terrorist symbols and bias indicators.<sup>36</sup>
- The ADL's Center for Technology and Society employs technology experts to understand the root causes of hateful speech and specifically to combat harassment across the Internet. Similarly, the Lawyers' Committee employs creative strategies to address hate online,<sup>37</sup> to include identifying civil claims that can be brought by victims of crime perpetrated online.<sup>38</sup>



35 IACP, *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention* (Alexandria, VA, 2001), [https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate\\_Crimes\\_Brochure.pdf](https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate_Crimes_Brochure.pdf).

36 IACP, *Tear-Out Pocket Guide*, <https://www.adl.org/education-and-resources/resource-knowledge-base/hate-symbols>.

37 Lawyers' Committee for Civil Rights Under Law, "Legal Overviews," <https://3449nohate.org/legal-overviews/>; Lawyers' Committee for Civil Rights Under Law, "Altright.com Hate Site Shut Down by Lawyers Committee for Civil Rights Under Law," press release, May 3, 2018, <https://lawyerscommittee.org/press-release/altright-com-hate-site-shut-down-by-lawyers-committee-for-civil-rights-under-law/>.

38 Sue Dorfman, "Black Student at American University Sues Neo-Nazi Site Founder over 'Troll Storm,'" news release, May 1, 2018, <https://lawyerscommittee.org/newsclip/black-student-at-american-university-sues-neo-nazi-site-founder-over-troll-storm/>.



# ACTION AGENDA

## Shared Action Items

- All stakeholders should seek a better understanding of the existing policies and practices to address hate crime.
- Reach out to local legislators to advocate for more inclusive hate crime policies and legislation.

## Community and Civil Rights Organizations Action Items

- Host meetings with community members to collect feedback on responses to hate incidents and hate crimes and to better understand what hate looks like in the community. This includes examining what has worked and not worked with respect to responses by law enforcement and social service providers.
- Participate in community advisory boards to help progress law enforcement's policies and procedures regarding hate crimes.
- Proactively reach out to agencies to offer a community perspective and advise on their response efforts in the aftermath of an incident.

## Law Enforcement Action Items

- Quickly recognize and identify bias indicators where present to accurately identify hate crimes. For example, after gathering necessary evidence, paint over hate symbols to send a powerful message to the community that there is no place for hate in the town.
- In the immediate aftermath of an alleged hate crime, ensure that comments from the department to the media or public do not rule out bias motivation. Emphasize more generally that hate and discrimination have no place in the community.
- Provide access to a readily accessible or easy-to-use pull-out checklist when planning for a demonstration or responding to a call to determine if it is bias-motivated.<sup>39</sup>

- Publish adopted policies and procedures online and identify them in community engagements to increase transparency and accountability.
- If resources allow, establish and dedicate a unit of officers skilled in hate crime response specifically for responding to these types of crimes.
- Develop policies modeled after the Oak Creek Police Department's nine guiding principles for engaging the community, which include the following:
  - Maintain a strong, visible leadership role in the aftermath of a hate crime or any public safety crisis and continue this role with the public, the media, and the survivors and the victims' families.
  - Be transparent and share as much information about an incident as the department can without jeopardizing an investigation.
  - Thoroughly investigate and accurately report every incident that might be a hate crime.
- Focus on diversity and cultural competency in recruiting and retention. Local law enforcement agencies should strive to reflect the population demographic of their community.
- Address the bias and discrimination that may exist in the department.
- Encourage the community to report hate incidents as well as hate crimes, recognizing that identifying where hate incidents occur may help to direct resources to address and prevent hate crimes.

<sup>39</sup> See also IACP, *Responding to Hate Crimes*, [https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate\\_Crimes\\_Brochure.pdf](https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate_Crimes_Brochure.pdf).

## CASE STUDIES, PROMISING PRACTICES, AND EXAMPLES

**Dedicated Hate Crimes Units:** Whether the unit is labelled a hate crimes unit, bias crimes unit, or civil rights unit, the key element is to have a core group of officers skilled in hate crimes responses. Seattle, San Francisco, Chicago, and Phoenix are great examples of where these specialized units have been developed. Similarly, jurisdictions including Washington, DC; Albuquerque; Denver; and Knoxville have developed dedicated community liaison units that can serve as vehicles for engaging stakeholders on hate crimes concerns. Additionally, both Cleveland and Nashville have a designated community liaison officer.

**Divided Communities and Social Media - Strategies for Community Leaders:** This report, by the Ohio State University Moritz College of Law Divided Communities Project, was created in response to a request to provide detailed guidance regarding the use of social media following a hate crime or other incident dividing and harming communities. This report recognizes the challenges posed by social media and identifies new opportunities for engaging with the community through social media platforms. For example, social media is a great way to quickly provide information to the community, to hear and serve constituents, to strengthen connections among residents, and to maintain their pride in the community.<sup>40</sup>

**The Lawyers' Committee and Not in Our Town (NIOT):** This partnership was formed to develop resources for law enforcement on hate crime reporting; what law enforcement can do to enhance the response to hate crimes; and how to effectively respond to hate and bias motivated protests.<sup>41</sup> The NIOT/Lawyers' Committee Law Enforcement Toolkit includes key lessons learned from the past and promising practices for the future.

**The Lawyers' Committee and National Organization of Black Law Enforcement Executives (NOBLE):** Through this partnership, the Lawyers' Committee and NOBLE produced two guides that highlight tips for counter protesters and law enforcement in responding to hate and bias-motivated protests.<sup>42</sup>

**The Official Blog of IACP:** To effectively evaluate a perpetrator's motive for committing a crime, law enforcement is encouraged to consider the following potential bias indicators, as identified on the IACP blog:

- Perceptions of the victim(s) and witnesses about the crime
- Whether the victim is a member of a marginalized community
- The perpetrator's comments, gestures, or written statements that reflect bias against a group, including graffiti or other symbols
- Any differences between the perpetrator and victim, whether actual or perceived by the perpetrator
- Similar incidents in the same location or neighborhood to determine whether a pattern exists
- Whether the victim was engaged in activities promoting his or her group or community, for example, by clothing or conduct
- Whether the incident coincided with a holiday or date of significance
- Involvement with organized hate groups or their members
- Absence of any other motive such as economic gain<sup>43</sup>

**Targeted Messaging in Kent, Washington:** The official response to any hate crime or hate incident should emphasize that hate and discrimination have no place in the community. When there is any evidence or suggestion of a hate crime, targeted messaging to the community is critical. A model example of an official response occurred in March 2017 when a Sikh man was shot by a white man in a hate-fueled act of violence in Kent, Washington, and Police Chief Ken Thomas immediately promised to “generate the full force and effect of the Kent Police Department and all resources that we can possibly muster up to hold all people [responsible for committing] this type of crime that is completely unacceptable.”<sup>44</sup> For the people of Kent, and for the Sikh community especially, such a direct message from Chief Thomas made clear that violence inspired by religious intolerance was not just abhorrent—it was a crime and it was a top priority for the police.

40 Moritz College of Law, “Divided Community Project,” <https://moritzlaw.osu.edu/dividedcommunityproject/social-media/>.

41 Not In Our Town and the Lawyers' Committee for Civil Rights Under Law, *Law Enforcement Standing Against Hate*, <https://8449nohate.org/wp-content/uploads/2018/02/Law-Enforcement2.pdf>.

42 Lawyers' Committee for Civil Rights Under Law, “Tips for Counter Protests in Response to Hate and Bias Motivated Protests” (blog), August 18, 2017, <https://8449nohate.org/tips-for-counter-protests-in-response-to-hate-and-bias-motivated-protests/>.

43 IACP, *Responding to Hate Crimes*, [https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate\\_Crimes\\_Brochure.pdf](https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate_Crimes_Brochure.pdf).

44 Nadia Romero, “Get Out of Our Country’: Kent Police Investigate Possible Hate Crime,” Q13 Fox News, March 4, 2017, <http://q13fox.com/2017/03/04/get-out-of-our-country-kent-police-investigate-possible-hate-crime/>.



## CRITICAL ISSUE 5: ROLE OF PROSECUTORS: EARLY AND ONGOING COMMUNICATION WITH LAW ENFORCEMENT, PROACTIVE ENGAGEMENT WITH COMMUNITY, DEVELOPMENT OF HATE CRIMES EXPERTISE

Law enforcement officers and prosecutors must function as a tight-knit team to successfully navigate the complex legal and practical considerations during the investigation and prosecution of a hate crime case. Prosecutors should be fully informed of an ongoing hate crime investigation and, where appropriate, provide helpful insight on investigative techniques for the case. Prosecutors also can provide regular and updated training for their law enforcement counterparts to ensure that officers are aware of their jurisdiction's hate crime statutes, while officers can share helpful information for communicating with witnesses or victims who often provide key facts and details during a trial.

Both officers and prosecutors can also participate in “know your rights” trainings, which bring together prosecutors, law enforcement officers, and community members. At these engagements, officers can discuss the policies and procedures governing their investigations to increase transparency and accountability. On the other hand, prosecutors can address the legal elements of a hate crime as well as the practical challenges in prosecuting hate crimes. By sharing investigation requirements and the difficulties in prosecuting these crimes before a crisis occurs, communities are more likely to engage with law enforcement in the aftermath of a crime to share the information necessary for a successful prosecution.

In addition to working together to ensure investigations are efficient, several practical examples came to light during the advisory committee meeting. Michael Barry, a veteran prosecutor of the Philadelphia District Attorney's Office, joined Rue Landau, the Executive Director of the Philadelphia Commission on Human Relations (PCHR), to discuss how their agencies work together to enhance the response to hate in Philadelphia, Pennsylvania. Mr. Barry described a hate crime that he prosecuted in the past, what he learned from the community and victims in those crimes, and collaborative ideas that his office has been developing to further enhance their investigation and prosecution of hate crimes. Ms. Landau spoke about the effective hate crimes task force that the PCHR convenes, which brings together communities and law enforcement leaders outside of a crisis to build trust and improve support for communities.<sup>45</sup>

These collaborations also occur on the federal level. At the advisory committee meeting, Saeed Mody, Acting Deputy Chief in the Criminal Section of the U.S. Justice Department of Justice (USDOJ) Civil Rights Division, joined Tahirah Amatul-Wadud, an attorney and a longtime advocate for women's rights, to discuss the impact of a hate crime targeting the Muslim community in the small town of Islamberg, New York. Ms. Amatul-Wadud talked about working with local and federal law enforcement throughout the investigation and prosecution of the hate crime, highlighting the community's strong relationship with local law enforcement. Mr. Mody, emphasizing the importance of engaging regularly with the community for effective investigations and prosecutions, discussed how the USDOJ worked with the targeted community in Islamberg as well as several of the hate crimes he has prosecuted in the Civil Rights Division.



45 Philadelphia Commission on Human Relations, “Bias & Hate Crimes,” <http://www.phrc.pa.gov/Resources/Pages/Hate-Crime.aspx>.



## ACTION AGENDA

### Shared Action Item

- Establish hate crimes task forces that meet on a regular basis or incorporate hate crimes into existing community meetings or engagements, to bring together law enforcement leaders, prosecutors, and community leaders before a crisis occurs. Collaborative efforts can help build relationships for more effective identification of hate incidents and crimes, better training, and improved preparation of prosecution cases.

### Community and Civil Rights Organizations Action Items

- Invite prosecutors to community outreach engagements.

- Partner with local prosecutorial offices to host “know your rights” trainings on hate crimes and hate incidents for community members. Include information about the legal elements of hate crimes and challenges in prosecuting hate crimes.

### Law Enforcement Action Items

- Prosecutors and law enforcement should engage in joint training on hate crimes and community engagements.
- Engage prosecutors early during the investigation of hate crimes cases.
- Consider recommending that a prosecutor’s office delegate one attorney to prosecute hate crimes in the community.

## CASE STUDIES, PROMISING PRACTICES, AND EXAMPLES

**Anti-Defamation League (ADL):** The ADL’s “Frequently Asked Questions” document is a helpful guide for community and civil rights organizations on “some of the basic legal and practical considerations involved in labeling and charging a hate crime.” Some of the important questions asked and answered in the document include the following:

- How do state hate crimes statutes work?
- Sometimes especially serious offenses like murder or attempted murder that are motivated by bias are not charged as hate crimes. Why not?
- Are hate crimes charges more difficult to prove than other crimes?
- Do hate crimes laws violate the First Amendment or punish thought?
- Can the federal government become involved with hate crime charges?
- What can individuals do?<sup>46</sup>

**The Greater Sacramento Area Hate Crimes Task Force:** An example of a successful collaborative effort is in Sacramento, California:

Since its inception in 1994, the Greater Sacramento Area Hate Crimes Task Force has brought a diverse group of community leaders together with federal, state, and local law enforcement officials to form a united front in our District’s effort to combat hate crimes. The Task Force was formed following a string of hate-related fire bombings in Sacramento, and now meets bi-annually to update members on current prosecutions and investigations, as well as to provide a forum for dialogue between community members and law enforcement personnel.<sup>47</sup>

**Philadelphia Commission on Human Relations (PCHR):** The PCHR has partnered closely with the Philadelphia District Attorney’s office to make bias-motivated incidents a priority by enhancing data collection efforts; advancing evidence-based policy and legislative solutions to hate incidents; launching a hate crime hotline for victims; partnering on hate incident cases that do not rise to the level of a crime; and ensuring designation of an attorney in each region to focus specifically on prosecuting hate crimes. These actions have sent an unequivocal message to city residents that hate will not be tolerated and has helped to improve trust with vulnerable communities.<sup>48</sup>

46 Anti-Defamation League “Hate Crimes Data Collection and Prosecutions FAQ,” December 31, 2012, <https://www.adl.org/news/article/hate-crimes-data-collection-and-prosecutions-faq>.

47 United States Attorney’s Office for the Eastern District of California, “Hate Crimes Task Forces: Greater Sacramento Area Hate Crimes Task Force,” <https://www.justice.gov/usao-edca/hate-crimes-task-forces>.

48 Philadelphia Commission on Human Relations, “Bias & Hate Crimes,” <http://www.phrc.pa.gov/Resources/Pages/Hate-Crime.aspx>.

# CONCLUSION

Law enforcement, community leaders, and community organizations play a critical role in responding to hate incidents and hate crimes. While the mutual goal is to prevent and respond to hate crimes, the increase in these incidents has brought hate crimes to the forefront of training and policy priorities. The deficiencies in hate crime response affect all stakeholders, and the work of overcoming the obstacles to combating hate crimes will be neither quick nor easy. Effective solutions to this widespread problem will require increased funding, resources, and implementation of dramatically improved strategies to effectively combat hate crime.

The IACP and Lawyers' Committee are committed to driving the change needed to enhance law enforcement and community response to hate crimes and hate incidents. With this report, the IACP and Lawyers' Committee hope to provide useful tools for community leaders, advocates, and criminal justice officials who are leading the way in bringing people together in their respective communities to combat hate. All stakeholders are encouraged to launch innovative strategies that help defeat hate crime offenders' efforts to traumatize individuals, families, and entire communities. These tools and strategies are reflected in the action agenda, a menu of action items from which stakeholders may choose to employ to enhance their response to hate crimes and hate incidents.

# APPENDIX I - Advisory Committee Members

**Madihha Ahussain**

Special Counsel for Anti-Muslim Bigotry  
Muslim Advocates

**Peter Berns**

Chief Executive Officer  
The Arc

**Kristen Clarke**

President & Executive Director  
Lawyers' Committee for Civil Rights Under Law

**Sakira Cook**

Senior Counsel  
Leadership Conference on Civil & Human Rights

**Tracy Cormier**

Special Agent in Charge  
St. Paul, MN  
Homeland Security Investigations

**Clarence E. Cox III**

Past President  
The National Organization of Black Law  
Enforcement Executives

**Donald W. De Lucca**

Past President  
International Association of Chiefs of Police

**Darryl De Sousa**

Former Commissioner  
Baltimore Police Department

**Cynthia Deitle**

Programs and Operations Director  
Matthew Shepard Foundation

**Louis Dekmar**

Past President  
International Association of Chiefs of Police

**Billy Grogan**

Chief of Police  
Dunwoody Police Department

**Hon. Kelley Hodge, Esq.**

Of Counsel, Elliott Greenleaf, P.C.  
Former District Attorney of Philadelphia

**Will Johnson III**

Chief of Police  
Arlington Police Department

**Michael Lieberman**

Washington Counsel & Director, Civil Rights Policy  
Planning Center  
Anti-Defamation League

**Albert Liebno**

Maryland Representative  
International Association of Directors of Law Enforcement  
Standards and Training

**Clarissa Martinez**

Deputy Vice President  
UnidosUS

**Daniel Meadows**

Major  
Delaware State Police

**Phillip Morse**

AVP, University Police Services & Emergency Management  
American University

**Deanna Nollette**

Assistant Chief of Investigations  
Seattle Police Department

**Nichole Parisi**

General Counsel  
Association of Prosecuting Attorneys

**Frank S. Pezzella, PhD**

Associate Professor, Dept. of Criminal Justice  
John Jay College of Criminal Justice

**Suman Raghunathan**

Executive Director  
South Asian Americans Leading Together

**David Rausch**

Director  
Tennessee Bureau of Investigation

**Ronald A. Sellon**

Chief of Police  
Mansfield Police Department

**Sim Singh**

National Advocacy Manager  
Sikh Coalition

**David Stacy**

Government Affairs Director  
Human Rights Campaign

**Perry Tarrant, MPA**

Past President  
The National Organization of Black Law  
Enforcement Executives

**Mateo De La Torre**

Racial and Economic Justice Policy Advocate  
National Center for Transgender Equality

**Lianne Tuomey**

Chief of Police  
University of Vermont Police Services

**James L. Whalen**

Director of Public Safety  
University of Cincinnati

**Laurie Wood**

Director for Investigations  
Intelligence Project/Southern Poverty Law Center

**Advisory Committee Facilitator****Karol V. Mason**

President  
John Jay College of Criminal Justice

# APPENDIX II - International Association of Chiefs of Police and Lawyers' Committee for Civil Rights Under Law Initiatives

## IACP's Past Strategies & Successes

The IACP, the world's largest and most influential professional association for police officers, has always taken a stand against hate crimes in any form. Through programs, committee work, advocacy efforts, and other initiatives, the IACP continues to work to support law enforcement agencies' efforts to prevent, combat, and investigate hate crimes in communities around the world. In 1998, the IACP's Hate Crime in America Policy Summit produced 46 recommendations to address hate crime, as well as a Law Enforcement Action Agenda of 12 essential actions to help police address hate crime.<sup>49</sup> In 2012, the IACP and the Anti-Defamation League (ADL) established a website to enable law enforcement officers to quickly and easily access ADL's expert information on hate symbols, international terrorist symbols, and hate crime indicators.<sup>50</sup>

More recently, the IACP has published a number of useful tools for investigating hate crimes, including the IACP's blog post, "Responding to Hate Crimes."<sup>51</sup> This blog contains several links to useful tools for law enforcement agencies of all sizes, to include the *IACP Model Policy on Hate Crimes*,<sup>52</sup> and *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*.<sup>53</sup> The latter guide advises police officers on the key indicators that a hate crime has been committed, actions to take at the scene of a hate crime, and promising practices when working with victims of hate crime.

One of the IACP's 27 programmatic committees, the Human and Civil Rights Committee, comprises subject matter experts that study, consider, and determine the programs, policies, and initiatives that enhance law enforcement's role in strengthening and protecting the civil rights of all people.<sup>54</sup> The primary goal of this committee is to set professional standards for human and civil rights policy and to develop a clearinghouse of information for police agencies seeking to implement programs to increase efforts designed to safeguard human and civil rights. Several members of the Human and Civil Rights Committee were part of the advisory committee that influenced this report.

## The Lawyers' Committee's Response to Internet Hate Crimes

The Lawyers' Committee has taken on a modern weapon in hate crimes that creates challenges for law enforcement hate crimes investigations: the Internet. The Internet is a powerful tool with an unprecedented ability to often anonymously spread hate and recruit followers, particularly young people, who are increasingly vulnerable to the efforts of these extremists to influence, recruit, and intimidate. In 2017, the Stop Hate Project helped to take down one of the largest organizing platforms for violent white supremacists, Stormfront:



*Stormfront.org has been home to over 300,000 registered users who used the website to promote white supremacist violence across the world. In addition to the explicitly bigoted, racist, anti-Semitic, and Islamophobic discussions that take place on Stormfront, more than 100 murders can be traced back to Stormfront users who frequented the site to discuss their hateful ideologies.*

— **Kristen Clarke**, President & Executive Director, Lawyers' Committee.<sup>55</sup>

The Stop Hate Project issued a demand letter to Network Solutions and parent company Web.com, and two days later Web.com stopped providing domain registration services to Stormfront. While preventing just one site from serving as a platform for hate does not end hate crimes, these efforts will continue to serve to deter white supremacists and other groups from producing hatred in a community.

49 IACP, "Hate Crime in America Policy Summit," <https://www.theiacp.org/resources/hate-crime-in-america-policy-summit>.

50 Anti-Defamation League, "Hate Crimes," <https://www.adl.org/what-we-do/combat-hate/hate-crimes>.

51 "Resources for Law Enforcement on Hate Crimes," *IACP Blog*, August 14, 2017, <https://theiacpblog.org/2017/08/14/resources-for-law-enforcement-on-hate-crimes/>.

52 The full Policy Center library is available exclusively to IACP members and IACP Net customers. Not an IACP member? Visit [www.theiacp.org/membership](http://www.theiacp.org/membership) for more information on the benefits of joining.

53 IACP, *Responding to Hate Crimes*, [https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate\\_Crimes\\_Brochure.pdf](https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate_Crimes_Brochure.pdf).

54 IACP, "Human and Civil Rights Committee," <https://www.theiacp.org/working-group/committee/human-and-civil-rights-committee>.

55 Lawyers' Committee for Civil Rights Under Law, "Lawyers' Committee for Civil Rights Under Law Takes Action Leading to Shut Down of Stormfront.com," news release, August 28, 2017, <https://lawyerscommittee.org/press-release/lawyers-committee-civil-rights-law-takes-action-leading-shut-stormfront-com/>.

# APPENDIX III - Additional Case Studies, Promising Practices, and Examples

## CASE STUDY: Oak Creek, Wisconsin

Oak Creek, Wisconsin, is an example of a town where law enforcement officials successfully reached out to the Sikh community in the wake of a tragic shooting, by a white supremacist, of six Sikh persons and the injuring of four others. Previously, Sikh residents reportedly had questioned the Oak Creek Police Department (OCPD) engagement overtures as these residents had a longstanding mistrust of police. However, one day after the shooting, Chief John Edwards, Mayor Steve Scaffidi, and other city officials scheduled a meeting with Sikh leaders in the community. The outcomes of this meeting and subsequent official commitments produced a collaborative working relationship between the department and the Sikh community, which continues today:

- To be available to address current concerns, OCPD third-shift officers go to the Sikh Temple every morning at 5:00am and have tea with members of the Temple.
- Officers often write their reports in the Temple's parking lot and an officer patrol car is posted in the lot for major events.
- To teach officers and leadership in the department about their religious communities and traditions, OCPD invites leaders from the Sikh Temple, the Egyptian Coptic Church, and other religious organizations to officer trainings.
- Mayor Scaffidi appointed one of the Sikh elders to the City's Community Development Commission, to include their voices in critical city planning issues.
- OCPD participates in the annual National Night Out, an event that occurs in thousands of communities throughout the United States to enhance community-law enforcement relationships.<sup>56</sup>

In light of OCPD's success, the advisory committee recommends adopting the agency's nine guiding principles for engaging the community, which are listed here and developed in greater detail throughout this report:<sup>57</sup>

1. Prioritize education and training for officers, including education and training about working with diverse communities.
2. Be proactive about reaching out to and establishing positive working relationships with different cultural groups in the community.
3. Maintain a strong, visible leadership role in the aftermath of a hate crime or any public safety crisis.
4. Be transparent and share as much information about an incident as the department can without jeopardizing an investigation.
5. Maintain a strong relationship with the media; "No comment" does not get you anywhere.
6. Be approachable—agree to meet with anyone in the community.
7. Establish a standard of meaningful community engagement that encourages residents to bring in new ideas.
8. Thoroughly investigate and accurately report every incident that might be a hate crime.
9. Recognize that the police department is a community itself and prioritize officer wellness. Officer wellness is important to officers and their families, as well as the community, because ensuring that officers are mentally, emotionally, and physically able to protect and serve with respect for the diverse communities they serve is essential to public safety.

<sup>56</sup> National Association of Town Watch, "National Night Out," <https://natw.org/about>.

<sup>57</sup> See the Oak Creek Police Department's nine guiding principles for engaging the community, detailed in "Oak Creek: Leading a Community in the Aftermath of a Tragedy," *Police Chief* 80 (October 2013): 98-106.

Notably, the OCPD response also is a useful case study of a successful training outcome. OCPD's effective outreach response "to guiding the community forward in the aftermath of the devastating violence" did not happen by accident; rather, Chief John Edwards ensured that his officers were prepared for this type of event through the expansion of the program Career Survival Training:



*[Career Survival Trainings] address ethics, how to treat people with respect, and avoiding unnecessary confrontations that can derail an officer's success. The training also serves to address the needs of officers who have been involved in shootings and other violent incidents. Recognizing that the police department is effectively a community of officers and their families, OCPD seeks to support and serve its members, so they are prepared to serve the greater community with respect.<sup>58</sup>*

#### CASE STUDY: Charlottesville, Virginia

In response to the tragic deaths and the chaotic, dangerous atmosphere at the Charlottesville, Virginia, demonstrations in 2017, the City of Charlottesville commissioned an independent report to evaluate the city's advanced planning and responses to the events and to provide recommendations and guide future planning.<sup>59</sup> The report was the initial step toward rebuilding trust with a community that was frightened, angered, and frustrated by the violence that took place in August of 2017. The noteworthy findings from this report are listed below.

- The demonstrations caught Charlottesville Police Department (CPD) by surprise because permits were not required, and events were not announced to the public. Social media monitoring and increased research about these groups and their regional members can improve intelligence gathering.
- Operational plans for the Klan demonstration and the Unite the Right rally would have been more effective if law enforcement had sought out and integrated advice from jurisdictions that had experienced similar events, for example, the need to implement strict separation between opposing groups.
- Officers did not receive sufficient information or training to be prepared. Department-wide training, all-hands meetings, and day-of briefings cannot be replaced by roll call updates or email communications. De-escalation techniques and expectations of the rally should have been more effectively communicated to responding officers.
- Participating agencies must work in coordination and operate within a unified command. Critical points include awareness of operations plans; integrated on-site communications; and joint trainings.
- Poor planning led to several unlawful-assembly declarations, which required aggressive actions by law enforcement to enforce, including forced dispersal with tear gas.
- Preoccupied with preparations for the Unite the Right rally, city leaders did not sufficiently respond to criticism or questions from the public or explain tactical decisions after the chaotic Klan rally, leaving residents and business owners feeling extremely frustrated and distrustful.
- Local law enforcement underestimated the potential for violence and was unprepared for violent clashes. All agency personnel should be prepared to respond immediately to violence of any kind without unduly jeopardizing officer safety.

<sup>58</sup> Edwards and McInerney, "Oak Creek," <https://www.niot.org/cops/casestudies/oak-creek-leading-community-aftermath-tragedy>.

<sup>59</sup> Hunton & Williams, *Final Report: Independent Review of the 2017 Protest Events in Charlottesville, Virginia* (2017), <http://www.charlottesville.org/home/showdocument?id=59691>.

**ADL & No Place for Hate:** The youngest members of communities are included in an educational initiative through the Anti-Defamation League (ADL) No Place for Hate. This program is specifically designed and may be tailored for any school or organization, and further “enables schools and organizations to challenge anti-Semitism, racism and bigotry in all forms... [By] providing an innovative and powerful model for creating more inclusive environments, No Place for Hate aims to reduce bias and bullying, increase appreciation for diversity and build communities of respect.”<sup>60</sup>

**Safe Place Campaign:** Still other programs combine private sector and business community partnerships, one of the most notable examples being the Safe Place Campaign. While originally designed by the Seattle Police Department to assist victims of LGBTQ hate crimes, this campaign is easy to adopt and scale, inclusive of all hate crimes. Among its features includes participating local businesses who place stickers in the windows of the business. If someone is experiencing a problem, he or she can enter the business for assistance. Tampa and Denver officials also have launched a Safe Place program to give victims of hate crimes and bullying a safe spot to wait for law enforcement to arrive.

**District of Columbia Office of Religious Affairs:** After a series of nooses and other hate symbols were discovered in early 2017 in Washington, D.C., Mayor Muriel Bowser called a press conference directing the city’s Metropolitan Police Department to investigate; the Office of Human Rights to activate the city’s hate crimes protocol; and the Office of Religious Affairs to immediately engage with the Mayor’s Interfaith Council to reach out to affected residents. This pre-existing and collaborative infrastructure—including the DC Values in Action resource guide that identifies specific city agencies serving the city’s diverse population, and a Call 911 campaign to encourage residents to immediately report hate incidents and hate crimes—facilitates proactive, collaborative responses to hate incidents and hate crimes in the District’s neighborhoods.<sup>61</sup>

**U.S. Department of Justice (DOJ):** The DOJ has developed roll call trainings that, while not directly addressing hate crimes, are designed to help agencies to develop the cultural competency essential to building trust with communities targeted for hate. For example, one roll call training features “scenarios of three of the most common ways police officers encounter members of the transgender community and provides information, tools, and techniques to help ensure your interactions with them are mutually respectful and professional.”<sup>62</sup> Another roll call video trains law enforcement officials and others on the “cultural and religious practices associated with Sikhism” with the goal of helping to raise “[a]wareness of cultural and religious observations, including those of Sikhism, [to] help avoid misunderstanding and tension.”<sup>63</sup>

**Knoxville Police Department’s Police Advisory and Review Committee Community Survey:** To assess training needs that may be acutely relevant to a specific agency, the Knoxville Police Department’s Police Advisory and Review Committee developed a useful tool—and model for other jurisdictions—to assist in agency self-evaluation and self-reflection. Specifically, Knoxville has published an anonymous online community survey that asks questions about citizens’ perception of the city officers’ attitudes and behaviors. This survey may serve as a helpful vehicle to both self-evaluate an agency’s responsiveness and to identify and navigate citizens’ opinions about where improvements may be needed with respect to officer responses to hate crimes, among other things.<sup>64</sup>

**Anti-Defamation League (ADL) FAQs:** The ADL’s “Frequently Asked Questions” site is a particularly helpful guide for community and civil rights organizations, answering questions such as: “How does the federal government record hate crimes?” (answer: directly from police reports), and, “Does a perpetrator have to be convicted of a hate crime for the FBI to count the crime as a hate crime?” (answer: no, the FBI records the incident “whether or not the perpetrators of the crime were ever charged with a hate crime.”)<sup>65</sup>

60 Anti-Defamation League, “No Place for Hate,” <http://philadelphia.adl.org/noplaceforhate/>.

61 DC.gov, “Office of Religious Affairs,” <https://ora.dc.gov>.

62 U.S. Department of Justice, *Law Enforcement and the Transgender Community*, CRS roll call training video, 12:48, <https://www.justice.gov/crs/video/law-enforcement-and-transgender-community-crs-roll-call-training-video>.

63 U.S. Department of Justice, *On Common Ground*, CRS roll call training video, 17:17.

64 Knoxville Police Department, “Citizen Survey,” <https://www.surveymonkey.com/r/KPD-CITIZEN-2014?sm=IOT3N%2fi0tMtysRQZEwqn%2b2vKK04CtJ4eL4gyFSaPZI%3d>.

65 Anti-Defamation League “Hate Crimes Data Collection and Prosecutions FAQ,” <https://www.adl.org/news/article/hate-crimes-data-collection-and-prosecutions-faq>.





**44 Canal Center Plaza, Suite 200  
Alexandria, VA 22314**

**1.800.THE IACP  
theIACP.org**



**LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS  
UNDER LAW**

**1500 K Street NW, 9th Floor  
Washington, DC 20005**

**202.662.8600  
lawyerscommittee.org**