



**Statement of Chief Will D. Johnson
Chair of the International Association
of Chiefs of Police
Human and Civil Rights Committee**

Responses to the Increase in Religious Hate Crimes
Committee on the Judiciary
United States Senate

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Good Morning Chairman Grassley, Ranking Member Feinstein, and Members of the Committee.

Thank you for the opportunity to speak with you today about an issue of major concern to the law enforcement profession – the increase in religious hate crimes.

My name is Chief Will Johnson and I am currently the Chief of Police of the Arlington, Texas, Police Department. I am also a member of the board of directors for the International Association of Chiefs of Police (IACP) and currently the chair of the IACP Human and Civil Rights Committee. The IACP is the world's largest association of law enforcement leaders, with more than 28,000 members in 137 different countries.

Hate crimes and hate incidents are heinous acts that demand immediate attention, response, and resolution whenever possible. Today, we are focusing solely on religious hate crimes, but hate crimes incidents can also extend to crimes based on someone's race, national origin, ethnicity, gender, gender identity, disability, or sexual orientation.

What makes religious hate crimes so malicious is that their impact spreads far beyond the direct victims and their families. These crimes have far reaching effects on large segments of the communities in which they take place – spreading fear and toxicity throughout communities.

The broad impact of religious hate crimes makes them a major concern for all law enforcement agencies. The IACP has been discussing the challenges and broad impacts of hate crimes for close to two decades, when we held our first summit on the issue and developed recommendations and a guide for officer response and investigation to hate crimes. Since that time, we have developed a model policy and an accompanying concept and issues paper on the investigation of hate crimes to aid law enforcement agencies. This resource was developed in conjunction with the Anti-Defamation League (ADL) in September 2016. I am happy to be here participating in conjunction with the ADL as they have been a leading resource on effective responses to hate crimes, as well as developing innovative materials and programs.

I would like to discuss some of the challenges law enforcement faces when it comes to religious hate crimes, and where we could benefit from assistance from the federal government.

Underreporting of Hate Crime Statistics

Over the years, one of the greatest barriers to confronting and overcoming hate violence on national, state, and local levels has been the lack of firm statistical data on the incidence and nature of those crimes. Participation in the FBI's national reporting program, which—like the rest of the UCR Program—is voluntary. While participation has increased over the years, participation levels are still lacking. As of 2015 (the most current year for which statistics are available), 14,997 law enforcement agencies across the nation voluntarily reported 5,818 single-bias-motivated criminal acts, involving 7,121 victims to the FBI.ⁱ A percent distribution of

victims by bias type showed that 19.7 percent were targeted because of the offenders' religious bias.ⁱⁱ

While these numbers show that we are facing a clear hate crimes problem, we know that this does not encompass the totality of hate crimes incidents. Figures, as reported to the FBI, strongly suggest a serious undercounting of hate crimes in the United States—and the need for more training and education on the importance and utility of hate crime data collection as a tool for law enforcement in preventing these impactful community disturbances and advancing police-community relations.

While more data needs to be reported by law enforcement agencies, we also need our communities to report hate crimes incidents. Twice a year, the Bureau of Justice Statistics (BJS) conducts the National Crime Victimization Survey (NCVS). This national survey reaches between 49,000 and 77,400 households. The most recent Hate Crime Victimization Publication from BJS shows that an estimated 60% of total and violent hate crime victimizations were not reported to police in 2012.ⁱⁱⁱ This was a slight decline from 2011, when about three-quarters of total (74%) and violent (73%) hate crime victimizations were not reported to police.^{iv} In addition, the percentage of hate crimes motivated by religious bias was nearly three times higher in 2012 (28%) than in 2004 (10%).^v

Challenges Investigating Hate Crimes

The decision of law enforcement officials whether to classify a crime as a hate crime, and the separate decision of a local prosecutor whether or not to bring hate crime charges, can be complicated. It is extremely difficult to determine the motives of one's heart and their intentions. The ADL and the Cook County, Illinois, State's Attorney's Office have developed a very helpful Frequently Asked Questions document to address some of the basic legal and practical considerations involved in labeling and charging a hate crime.^{vi} Additionally the FBI, developed a Hate Crime Training Manual that is a great resource for law enforcement agencies in understanding hate crimes and the importance of reporting them.^{vii} As previously mentioned, the IACP has an Investigation of Hate Crimes model policy and concepts and issues paper to aid law enforcement in the investigation of hate crimes.

Additionally, the Internet provides extremists with an unprecedented ability to spread hate and recruit followers. Individual racists and organized hate groups now have the power to reach a global audience of millions and to communicate among like-minded individuals easily, inexpensively, and anonymously. Equally troubling, Internet users, particularly young people, have never been more exposed and vulnerable to the efforts of these extremists to influence, recruit, and intimidate. Moreover, there is significant evidence that the Internet is playing an increasing role in facilitating self-radicalization.

Although hate speech is offensive and hurtful, the First Amendment usually protects such expression. However, there is a growing trend to use the Internet to intimidate and harass individuals on the basis of their race, religion, sexual orientation, gender, gender identity,

disability, or national origin. When speech contains a direct, credible threat against an identifiable individual, organization, or institution, it becomes criminal conduct. Regardless of the mode of delivery, hate speech containing criminal threats is not acceptable or protected by the First Amendment.

Yet, hate crimes perpetrated over the Internet present a special challenge for investigators. The ease of sending Internet hate messages and threats across state lines can make perpetrators and victims difficult to identify and locate and creates criminal jurisdictional issues. Criminal cases concerning hate speech on the Internet have, to date, been few in number. The Internet is vast and perpetrators of online hate crimes hide behind anonymous screen names, electronically garbled addresses, and websites that can be relocated and abandoned overnight. Advancing technology and the ease of rapid communication presents new and growing challenges, but it is imperative that law enforcement authorities keep pace with the vast changes brought by emerging technology, which will require more support from the federal government.

The Role of Hate Crimes on Community Police Relations

The United States has experienced a significant increase in acts of intimidation, vandalism, and violence towards the Muslim and Jewish communities. Following the September 11, 2001, terrorist attacks, the nation witnessed a wave of attacks against Americans and others who appeared to be Muslim, Sikh, Middle Eastern, or South Asian. We have also witnessed an uptick in crimes against the Jewish community in 2016 and 2017.

The impacts of these increasing religious hate crime incidents, have far reaching effects. Like a disease, they 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.

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. To maintain and establish strong community-police relations, we must work towards the prevention of hate crimes in our communities.

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 could 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.

In my own department, in Arlington, TX, we have long prioritized engagement with all community members. The department has a large and active volunteer unit that engages community members in unique ways. One key initiative is the Arlington Clergy and Police Partnership (ACAPP), which allows the department to engage with the community through direct outreach with faith leaders. The Arlington Clergy and Police Partnership has 28 church pastors, imams, and other faith leaders, and brings various faiths and denominations together in one cohesive network.

ACAPP members complete a 12-week training program facilitated by the police department that enables clergy members to gain knowledge of police functions and procedures by observing interactions with the officers and community. ACAPP serves an important role in helping to support officers and reassure community members during critical incidents.

Legislative, Policy, and Action Recommendations

Provide Federal Program and Funding Assistance

- **Training:** Law enforcement officers need training to identify, investigate, and report hate crimes. Training is also needed to help understand the victims' culture, language, and what questions to ask.
- **Enhancing Community Police Relations:** Positive relationships between law enforcement and the community will help encourage members to report hate crimes and minimize the chances of retaliatory crimes. Law enforcement needs assistance to build and sustain strong community-police relationships and implement sound strategies.
- **Enhance Reporting:** Provide incentives, including additional financial resources through the Byrne-JAG program, to states and localities to report crime data, particularly hate crimes, to the FBI.
- **Specialized Units and Task Forces:** Funding to create specialized hate crimes units or to help agencies team up to develop multi-agency task forces.
- **Victim Services:** Victim services assistance to help people come forward and to provide the care they need after a hate crime occurs. Funding to provide victim advocates that will walk a person through the process, while law enforcement investigates the crime.

Task Force on Crime Reduction and Public Safety

The IACP is pleased with Attorney General Sessions commitment to addressing hate crimes through the creation of the Justice Department Hate Crime Subcommittee as part of the Attorney General’s Task Force on Crime Reduction and Public Safety. As part of this effort, DOJ’s Civil Rights Division will be reaching out to affected communities to hear directly what strategies and support are needed to reduce and eliminate these pernicious crimes. The IACP looks forward to participating in the National Summit on Crime Reduction and Public Safety, and will echo our concerns regarding religious hate crimes during that venue. We are hopeful that the report produced will provide good solutions on how to combat religious hate crimes, however, we cannot let this report be just a piece of paper. It needs to be followed up with action and the necessary funding and resources to take proper steps to prevent and prosecute hate crimes.

Speak Out Against Hate Crimes

The President, Members of Congress, state and local elected officials all need to condemn acts of bigotry every chance they can. As elected officials, you hold important roles, and the nation and your communities want to hear from you. Use your role to speak out against the hateful incidents that are plaguing our communities and send a message that these acts will not be tolerated. All of us, law enforcement included, must work together to put an end to hate crimes.

Conclusion

On behalf of the IACP, I conclude by thanking you again for the opportunity to appear before you today. I would be happy to answer any questions you may have.

ⁱ U.S. Department of Justice, Federal Bureau of Investigation, “Hate Crime Statistics 2015,” https://ucr.fbi.gov/hate-crime/2015/resource-pages/hate-crime-2015_summary_final.pdf (accessed April 28, 2017).

ⁱⁱ Ibid

ⁱⁱⁱ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, “Hate Crime Victimization, 2004-2012 – Statistical Tables,” <https://www.bjs.gov/content/pub/pdf/hcv0412st.pdf> (accessed April 28, 2017).

^{iv} Ibid

^v Ibid

^{vi} Anti-Defamation League and Cook County Hate Crimes Prosecution Council, Hate Crimes Data Collection and Prosecutions: Frequently Asked Questions, <https://www.adl.org/news/article/hate-crimes-data-collection-and-prosecutions-faq> (accessed April 28, 2017).

^{vii} Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting Program, “Hate Crime Data Collection Guidelines and Training Manual,” <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf> (accessed May 1, 2017)