



# Department of Justice

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**STATEMENT OF**

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U.S. DEPARTMENT OF JUSTICE**

**BEFORE THE**

**SENATE JUDICIARY COMMITTEE**

**AT A HEARING ENTITLED**

**“COMBATING THE RISE IN HATE CRIMES”**

**PRESENTED**

**March 8, 2022**

Testimony of Kristen Clarke  
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U.S. Department of Justice

Before the Senate Judiciary Committee  
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**Introduction**

Chairman Durbin, Ranking Member Grassley, and Members of the Senate Judiciary Committee. My name is Kristen Clarke, and I serve as the Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. Thank you for the opportunity to testify today on the Justice Department's hate crimes enforcement and prevention work, and on our efforts to implement the COVID-19 Hate Crimes Act, which includes the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats Equality Act of 2021 (Jabara-Heyer NO HATE Act).<sup>1</sup>

Combating hate crimes has always been central to the Justice Department's mission. Immediately after the Department's founding more than 150 years ago, the Department pursued white supremacists who sought to deny formerly enslaved persons their rights under the Constitution and laws of the United States, including the right to vote. And when mobs and vigilantes attacked and murdered Black people to prevent political expression, assassinated and deposed Black elected officials, and burned Black homes, businesses and churches, the Department poured its resources into establishing justice for, and defending the rights of, formerly enslaved people, successfully prosecuting hundreds of individuals for civil rights violations.

Today, combatting unlawful acts of hate remains an urgent and pressing mandate for the Department of Justice. As Attorney General Merrick Garland has stated, "the Justice Department does not investigate or prosecute people because of their ideology or the views they hold, no matter how vile. But the Justice Department does have the authority – and will not hesitate to act – when individuals commit violent acts that are motivated by bias or hatred."<sup>2</sup> Existing federal hate crimes statutes, such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009<sup>3</sup> and the Church Arson Prevention Act of 1996,<sup>4</sup> and federal civil rights statutes, such as Title IX of the Education Amendments of 1972,<sup>5</sup> the Fair Housing Act,<sup>6</sup> and the Religious Land Use and Institutionalized Persons Act,<sup>7</sup> have proven critical in the Department's work to prosecute hate crimes and address other bias-related incidents.

Unfortunately, we are now seeing a rise in criminal acts of hate across the country. FBI statistics confirm that, in 2020, reported hate crimes rose to their highest levels in nearly two decades.<sup>8</sup> The majority of these crimes – over 60% – were motivated by race and ethnicity.<sup>9</sup> Consistent with previous years, more than half of all hate crimes motivated by race and ethnicity targeted Black people.<sup>10</sup> Unlike past years, we have also seen a shocking rise in attacks on people of Asian descent, including multiple terrible attacks targeting elderly people and women.<sup>11</sup> The rise in anti-Asian hate crimes was dramatic – an over 70% increase in 2020,

compared to the FBI's 2019 statistics – representing the highest total in more than a decade.<sup>12</sup> We also saw a sharp rise of over 30% in hate crimes motivated by the gender identity of the victim, a category that has risen steadily every year since the FBI began tracking it in 2013.<sup>13</sup> And we have seen acts of hate targeting houses of worship and religious communities, including the recent, terrifying hostage-taking targeting the Jewish community at a synagogue in Colleyville, Texas.

Underscoring the Department's commitment to fighting unlawful acts of hate, Attorney General Merrick Garland's very first directive was to order an internal review to determine how the Justice Department can deploy all the tools at its disposal to counter the rise in hate crimes and hate incidents.<sup>14</sup> While that review was nearing completion, Congress passed an important piece of anti-hate legislation: the COVID-19 Hate Crimes Act, which included the Jabara-Heyer NO HATE Act. I want to recognize Chair Durbin, Senator Blumenthal, and Senator Hirono for all of your efforts to make this critical legislation possible.

In May 2021, in light of the internal review and the new law, the Attorney General issued a Memorandum, *Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents*, which laid out a number of new steps to enhance our efforts to address unlawful acts of hate and bias.<sup>15</sup> As outlined in the Attorney General's memorandum, Deputy Attorney General Lisa Monaco and Associate Attorney General Vanita Gupta are engaged in efforts to improve the Department's own incident reporting, increase law enforcement training and coordination at all levels, prioritize community outreach, and make better use of civil enforcement mechanisms. In addition, Deputy Associate Attorney General Rachel Rossi has been assigned to lead and coordinate the Department's anti-hate crime and incident response.

Furthermore, as required by the COVID-19 Hate Crimes Act,<sup>16</sup> and as further directed by the Attorney General, the Civil Rights Division is expediting its review of federal hate crimes. Since January 2021, the Justice Department has charged more than 30 defendants with federal hate crimes. We have also secured convictions and significant sentences in more than 20 notable hate crime cases, including a life-plus-30-years sentence for a man who opened fire at a California synagogue, injuring three people and killing one; this man also had attempted just weeks before to set fire to a nearby mosque.<sup>17</sup> And just last month, the Division secured hate crimes and attempted kidnapping convictions against the three men who murdered Ahmaud Arbery, a young Black man who was jogging on the public streets of a Brunswick, Georgia neighborhood. Two of the men were also convicted of using firearms during that crime of violence.<sup>18</sup>

These criminal enforcement tools are an essential and effective mechanism for fighting hate, but our work must go beyond prosecutions. For that reason, the Department is also hard at work maximizing the use of our non-criminal resources to address unlawful hate incidents, meaning acts of bias that do not rise to the level of criminal violations. For example, in October 2021, the Civil Rights Division and the United States Attorney's Office for Utah announced a settlement agreement with the Davis School District in Utah to address unlawful race discrimination in the district's schools, including serious and widespread racial harassment of Black and Asian American students.<sup>19</sup> The Department is also revitalizing its Community Relations Service (CRS), which works with communities, law enforcement, and other

stakeholders to promote healing after serious incidents like hate crimes occur, and to address the root causes of community conflict.<sup>20</sup>

These efforts remain a top priority for the Justice Department. As previously noted, the most recent FBI hate crimes statistics documented the highest number of hate crimes in two decades.<sup>21</sup> These numbers reflect an unacceptable reality – and yet, we also know that the statistics fail to account for the many, many unlawful acts of hate that go unreported. Far too many communities have experienced the horror of hate in recent years, and acts of hate continue to plague Black, Asian American, LGBTQI+, religious, and other marginalized communities. Just in the past few years, we have all witnessed the unspeakable horror and terror that these acts have on individuals and communities all across the country. In Charleston, South Carolina, a white supremacist shot and killed nine Black men and women who were praying in their church.<sup>22</sup> In El Paso, Texas, 23 people—most of whom were Latino—were killed while shopping at a Walmart store by a defendant who allegedly claimed he was “simply defending [his] country from cultural and ethnic replacement brought on by” an “Hispanic invasion of Texas.”<sup>23</sup> In Pittsburgh, Pennsylvania, 11 Jewish worshippers were shot and killed at their synagogue.<sup>24</sup> These attacks and other acts of hate share a similar distorted thread that is contrary to the very idea of America: the dangerous notion that characteristics of birth should limit people’s exercise of liberty and pursuit of opportunity.

My testimony today will address three critical areas in which the Justice Department is working to identify and combat hate: (i) enforcement, (ii) reporting, and (iii) community engagement. As discussed in further detail below, and in the attached appendices, the Justice Department is committed to combatting unlawful acts of hate, promoting public safety, and advancing our nation’s core values of equality, opportunity, and liberty for all.

## **I. Background: Reported Hate Crimes Rose in 2020 to the Highest Level in Nearly Two Decades**

Before diving into the details of the Justice Department’s current efforts, I want to provide a little more background on the current problem of hate in America.

The FBI’s most recent hate crimes statistics are sobering. And they confirm what we have heard from communities, advocates, and our state and local law enforcement partners around the country: hate crimes are on the rise.

As noted above, in 2020, the number of hate crimes reported nationwide spiked to the highest level in nearly two decades.<sup>25</sup> Over 60% of these crimes were motivated by race and ethnicity and, of those, more than half targeted Black people.<sup>26</sup> We saw a dramatic, 70% increase in anti-Asian hate crimes and a significant rise of 34% in incidents based on the gender identity of the victim.<sup>27</sup> The statistics also showed an increase in antisemitic violence.<sup>28</sup>

Today, acts of hate present the most serious domestic terrorism threat to our country. A hate crime occurs when an attacker engages in criminal conduct motivated by a person’s actual or perceived characteristics, such as race, color, national origin, religion, sexual orientation, gender, gender identity, or disability. A hate crime that is also designed to coerce a civilian

population or influence the policy or affect the conduct of a government in furtherance of a socio-political goal may also qualify as domestic terrorism. Communities targeted for hate are keenly aware of the connection between hate crimes and domestic terrorism, and intelligence and law enforcement reports confirm it. In a March 2021 report, the Intelligence Community stated that “racially or ethnically motivated violent extremists and militia violent extremists present the most lethal [domestic violent extremist] threats.”<sup>29</sup> The FBI has also found that the top domestic violent extremist threat comes from “racially or ethnically motivated violent extremists, specifically those who advocate for the superiority of the white race.” Given this threat, the FBI has also recently elevated civil rights crimes to its highest-level national threat band.<sup>30</sup> In addition, hate crimes charges, including prosecutions brought under 18 U.S.C. §§ 245, 247, and 249, and 42 U.S.C. § 3631, may also be appropriate to address incidents of domestic terrorism.

Given these disturbing trends, today’s hearing comes at a critical moment. Upholding the rule of law and protecting people from hate-motivated violence is one of our nation’s most pressing obligations. Of course, combatting all types of crime is critical for public safety and the protection of communities. But hate crimes are unique. Acts of hate not only harm the direct victims, but they also reverberate to instill fear across entire communities. Acts of hate send a message that simply because of who you are, you are not welcome, you are not accepted, and, even worse, you are in danger.

Hate crimes and incidents are also destabilizing because they often occur in the very places where we should feel safe and therefore have tremendous power to invoke widespread instability, isolation, and trauma across communities. Victims have been targeted in their homes, at their businesses, and in their houses of worship, including synagogues, churches, mosques, temples, and gurudwaras. And victims have been attacked while engaging in the activities of everyday life, like attending school, enjoying a park, eating at a restaurant, shopping at a store, or just simply going for a run.

## **II. Enforcement**

### **A. Robust Prosecution and Investigation of Hate Crimes**

Since January 2021, the Justice Department has charged more than 30 individuals with hate crimes in more than 20 cases, and we have secured hate crimes convictions against more than 30 defendants. These cases have spanned a wide variety of types of misconduct, including acts of hate based on race, gender, gender identity, sexual orientation, religion, and more.

As noted above, hate crimes based on the race or ethnicity of the victim represent the majority of reported hate crimes, at over 60%, with over half of those crimes targeting Black people. Many of the Department’s hate crimes prosecutions involve attacks based on race and ethnicity. One timely example is the indictment and prosecution of three white Georgia men who were charged with hate crimes and attempted kidnapping for their roles in the murder of Ahmaud Arbery, a young Black man. As is very well known, Mr. Arbery was running on a public street in Brunswick, Georgia, when two of the men armed themselves with guns, got into

a truck, and chased Mr. Arbery through the neighborhood. They yelled at him, used their truck to cut off his route, and threatened him with firearms. A third man also joined the chase. When Mr. Arbery tried to get away from the men, one of them shot and killed him. The three men were tried and convicted on state murder charges, but, because Georgia did not have a hate crimes statute at the time of Mr. Arbery's death, these convictions did not include hate crime charges. Just two weeks ago, the Justice Department obtained hate crimes and attempted kidnapping convictions against the three men who murdered Mr. Arbery.<sup>31</sup> The evidence at trial revealed that the defendants had strongly held racist beliefs that led them to make assumptions and decisions about Mr. Arbery because he was Black. For instance, the evidence showed that one defendant had referred to his daughter's Black boyfriend as a "monkey" and used the "n-word"; that a second had made deeply racist comments, including that he wished that Julian Bond, a prominent Black civil rights leader, "had been put in the ground years ago," and that "those Blacks are nothing but trouble"; and that the third had expressed on social media and in text messages that he associated Black people with criminality and wanted to see them harmed or killed.

Sadly, the facts in this case are far from unique. One day after the jury issued its verdict in Georgia, a Texas man pleaded guilty to hate crimes charges for attacking an Asian family.<sup>32</sup> The defendant encountered the family in a store in Midland, Texas, followed them in the store, and violently attacked the father and his two young children with a knife. The defendant admitted to targeting the family because he believed they were Chinese, which he believed made them responsible for the COVID-19 pandemic. He is now awaiting sentencing.

Just a week before that, a Kansas man pleaded guilty to threatening a Black man with a knife because of the man's race, and in order to intimidate and interfere with the man's right to fair housing, in violation of the Fair Housing Act.<sup>33</sup> The Department alleged that the defendant had been driving in a residential neighborhood of Paola, Kansas, when he stopped, got out of his car, and approached the victim while brandishing a knife. The defendant threatened the man, yelled racial slurs, and told him that Paola was a "white town."

In September 2021, a Maine man was sentenced to three years in prison for his role in committing and conspiring to commit a series of racially-motivated assaults against Black men.<sup>34</sup> The defendant assaulted a Sudanese man without provocation outside of a bar, breaking the man's jaw, and then immediately attacked another Black man who was standing on the street nearby. In a separate incident that same day, he also aided another defendant in assaulting a Black man outside a convenience store.

Also in September, a California man pleaded guilty to federal hate crimes charges for attacking five victims at a family-owned Turkish restaurant.<sup>35</sup> The defendant shouted anti-Turkish slurs and hurled chairs at the victims and threatened to kill them, after sending a text message saying he planned to go "hunting for [T]urks." Multiple victims were injured in the attack, and the restaurant suffered at least \$20,000 in damages and had to close temporarily, resulting in thousands of dollars in lost revenue.

In addition, in June 2021, a man received a life sentence for murdering two shoppers at a Kroger grocery store near Louisville, Kentucky, because they were Black.<sup>36</sup> The defendant

followed a Black man who was shopping with his grandson through a shopping aisle before pulling a gun from his waistband and shooting the victim multiple times, killing him. He then re-holstered his gun, calmly walked out of the store, and approached a Black woman in the parking lot, shooting and killing her, as well. He unsuccessfully attempted to shoot a third Black victim. He then encountered a white man, who was legally armed with a firearm, and told him, “Don’t shoot me [and] I won’t shoot you. Whites don’t shoot whites.” When pleading guilty to these race-motivated crimes, the defendant admitted that he chose each of his targets because of their race.

We have also investigated and prosecuted cases involving hate based on gender, gender identity, and sexual orientation. In July 2021, for example, the Department charged an Ohio man and self-identified “incel,” or “involuntary celibate,” with allegedly attempting to conduct a mass shooting of women in a sorority at a university in Ohio, and illegally possessing a machine gun.<sup>37</sup> The defendant allegedly wrote a manifesto stating he would “slaughter” women, and a note indicating he hoped to “aim big” for a kill count of 3,000 people. In August 2021, the Department charged three Puerto Rico men with hate crimes for allegedly assaulting a transgender woman because of her gender identity, including by verbally harassing her and shooting her with a paintball gun.<sup>38</sup> In June 2021, a Texas man pleaded guilty to hate crime charges after using a dating app to target gay men for violent crimes.<sup>39</sup> The defendant admitted that he and his co-conspirators used the dating app Grindr to lure gay men to a vacant apartment and other areas around Dallas and committed robbery, carjacking, kidnapping, and hate crimes based on the victims’ sexual orientation. Similarly, in November 2021, the Department announced that it had charged an Oregon man with allegedly using the Grindr app to target and brutally assault a gay man because of the victim’s sexual orientation.<sup>40</sup>

And we have prosecuted numerous cases involving hate crimes based on religion. In December 2021, a man was sentenced to life in prison plus 30 years after he opened fire inside the Chabad of Poway synagogue in California.<sup>41</sup> After weeks of planning, the man drove to the synagogue, where members of the congregation were gathered for religious worship, entered the building armed with an assault rifle and many additional rounds of ammunition, and opened fire. He killed one person, injured three, and endangered more than 50 others. This same man had also attempted to set fire to the nearby Dar-ul-Arqam mosque the month before. Investigators found a manifesto written by the defendant and posted online in which he made many antisemitic and anti-Muslim statements, including expressing a desire to kill Jewish people and regret he could not kill more. He pleaded guilty to a 113-count indictment that included 54 counts of violating the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, 55 counts of violating the Church Arson Prevention Act, and four firearms offenses.

In September 2021, a woman was sentenced to life in prison for bombing of the Dar al-Farooq Islamic Center in Bloomington, Minnesota.<sup>42</sup> The defendant had established a terrorist militia group, recruited co-defendants, obtained paramilitary equipment and assault rifles, and targeted the Islamic Center specifically to terrorize Muslims into believing they are not welcome in the United States and should leave the country. The defendant detonated a 20-pound black powder pipe bomb inside the Islamic center when worshipers were gathered for prayer, causing extensive damage to the building because of its religious character. After a

five-week trial, a jury convicted the defendant on all five counts of the indictment.

In addition, in November 2021, a New Jersey man was sentenced for conspiring with white supremacists to threaten and intimidate African Americans and Jewish Americans by vandalizing properties throughout the country.<sup>43</sup> Just last month, a Tennessee man was sentenced to seven years in federal prison for the arson of four Nashville-area churches – a Catholic church, a Methodist church, and two Baptist churches.<sup>44</sup>

To leverage resources from across the entirety of the Justice Department, the Civil Rights Division also works closely with the National Security Division to identify and appropriately address those plots or incidents that may constitute hate crimes and acts of domestic terror. For example, we successfully prosecuted four Neo-Nazis who plotted to target journalists and advocates,<sup>45</sup> three Kansas men who conspired to blow up an apartment complex housing Somali immigrants,<sup>46</sup> as well as a Colorado man who plotted to bomb a synagogue.<sup>47</sup>

These are only a few examples of the many prosecutions the Department has pursued to fight back against hate crimes.<sup>48</sup>

The Justice Department is not alone in our efforts to hold those who perpetrate acts of hate accountable. Most hate crimes are prosecuted at the state and local level. For many of these cases, the Department acts as a critical backstop if state and local governments are unable to bring perpetrators to justice. In addition to the Department's efforts investigating and prosecuting hate crimes, the Department also works with, and provides training to, its state, local, and Tribal partners to ensure that hate crimes are effectively investigated and prosecuted. These trainings, given by Department prosecutors and FBI agents, provide information and guidance regarding the applicability and use of federal hate crimes statutes and also impart basic investigative concepts applicable to both federal and state law.

It is also important to note that there are a number of barriers that prevent the prosecution of many acts of hate at the federal level. For instance, many violent acts of hate do not meet the strict elements of federal statutes and cannot be prosecuted as federal crimes. Moreover, there are also gaps in existing federal hate crime laws that limit our jurisdiction. For example, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act does not penalize threats to inflict bodily harm. Additionally, there is also no federal hate crime conspiracy law or federal law expressly prohibiting solicitation of federal hate crime offenses.

## **B. Addressing Unlawful Hate Incidents and Preventing Acts of Hate**

The Justice Department is also increasing our focus on unlawful acts of hate that violate federal civil rights statutes. For example, unlawful hate incidents may occur in the context of education, employment, or housing, and, thus, may violate laws like, Title IX of the Education Amendments of 1972, Titles IV, VI and VII of the Civil Rights Act of 1964, and the Fair Housing Act. Since January 2021, the Division has been regularly engaging with affected communities and working to educate them about our civil enforcement authority to combat unlawful acts of hate. The Division also provides a reporting portal on our website that allows the public to directly communicate with the Department about potential civil rights violations,



including allegations of unlawful hate incidents.

These enforcement efforts can have an enormous impact, as demonstrated by the racial harassment case, brought under Title IV of the Civil Rights Act of 1964, against the Davis School District in Utah discussed above.<sup>49</sup> The Department's investigation revealed persistent failures to respond to reports of race-based harassment of Black and Asian American students by district staff and other students. For example, between 2015 and 2020, the Department found hundreds of documented uses of the "n-word," among other racial epithets, derogatory racial comments, and physical assaults targeting district students at dozens of schools. The investigation also showed that the school district disciplined Black students more harshly than their white peers for similar behavior. The Department's resolution of this case requires the school district to enact significant institutional reforms to address discrimination and protect vulnerable students.

In 2021, the Civil Rights Division also collaborated with the Department of Education to issue a joint fact sheet reaffirming that it is a violation of federal law for school districts to prohibit or discourage children from enrolling in public schools based on national origin and immigration status,<sup>50</sup> as well as fact sheets addressing the legal prohibitions against anti-LGBTQI+ harassment in schools,<sup>51</sup> and COVID-19-related harassment of Asian American and Pacific Islander (AAPI) students.<sup>52</sup> And the Division has continued to protect people of faith and religious communities through its enforcement of the Religious Land Use and Institutionalized Persons Act (RLUIPA). In 2021, for example, the Department resolved allegations against a Virginia County that had refused to allow an Islamic cemetery to be built,<sup>53</sup> and against a New Jersey township that was limiting the locations available for places of worship, a restriction that had a particular impact on the local Orthodox Jewish population.<sup>54</sup> Efforts like these help not only to prevent and address hate incidents, but also to assist individuals and communities hurting from hate-motivated bias and discrimination.

### **C. Assisting Victims Targeted for Hate**

Justice for victims of hate crimes extends beyond punishment of the individuals who commit hate crimes. Justice also means treating victims of crime with respect and dignity throughout the criminal justice process. This is especially true when crime victims may be members of communities that have experienced discrimination and that may distrust law enforcement. As a result, we emphasize a victim-centered approach in our hate crimes prosecutions. The Department takes its responsibilities under the Crime Victims' Rights Act<sup>55</sup> and the Victims' Rights and Restitution Act<sup>56</sup> very seriously. These laws require that Justice Department prosecutors and federal agents keep victims informed of important case developments and that victims be provided with referrals to counseling and other services. They also seek to ensure and facilitate victim participation in the criminal prosecution process whenever appropriate, among other obligations. The Justice Department uses our best efforts to protect the private information of victims and we support victims in seeking services they may need to help in their recovery process from the harm caused by these horrible crimes. In addition, the Department seeks financial restitution for victims of hate crimes that result in a conviction.

### **III. Reporting**

#### **A. Barriers to Reporting Hate Crimes and Hate Incidents**

Robust and accurate data reporting is critical to identifying and preventing hate crimes and hate incidents. Accurate data helps law enforcement understand the threats posed to specific communities and allows them to engage in more targeted and effective strategies to keep communities safe.

Accurate and complete data reporting is needed to ensure that resources deployed match the most pressing needs in our communities. For example, before the FBI began to track anti-Sikh hate crimes in 2015, these crimes were categorized under a more general “other” category within religious bias. Adding the anti-Sikh category has allowed the FBI to more accurately understand the threats posed to this community.

Unfortunately, non-reporting and underreporting of hate crimes have been longstanding issues. For the third year in a row, the number of police agencies participating in the FBI’s annual hate crimes report declined, with thousands of departments either not reporting any data to the FBI or reporting zero hate crimes. In fact, for the 2020 dataset, over 12,000 law enforcement agencies affirmatively reported zero hate crimes—including 65 agencies in cities with populations over 100,000 people.<sup>57</sup> This lack of accurate hate crimes data not only makes it harder for law enforcement to address and prevent hate crimes, but also can cause individuals and communities victimized by acts of hate to believe that law enforcement agencies are not responding to their experiences.<sup>58</sup> This, in turn, diminishes trust between these communities and law enforcement and reduces public safety.

#### **B. Implementation of COVID-19 Hate Crimes Act and Jabara-Heyer NO HATE Act**

First, the COVID-19 Hate Crimes Act/Jabara-Heyer NO HATE Act required the Attorney General to “designate an officer or employee of the Department of Justice whose responsibility during the applicable period shall be to facilitate the expedited review of hate crimes (as described in section 249 of title 18, United States Code) and reports of any such crime to Federal, State, local, or Tribal law enforcement agencies” within seven days of enactment.<sup>59</sup> The Justice Department has done so, designating the Chief of the Civil Rights Division’s Criminal Section to serve in this critically important role.

The Act also requires the Justice Department to issue a number of guidance documents. For the first set, the Department is required to issue guidance in partnership with the Department of Health and Human Services (HHS) aimed at raising awareness of the increase in hate during the COVID-19 pandemic, and to do so in collaboration with community-based organizations and the COVID-19 Health Equity Task Force. The Department launched a process to draft this guidance by convening, in October 2021, a virtual stakeholder listening session jointly hosted by Attorney General Garland and HHS Secretary Xavier Becerra, and moderated by Associate Attorney General Vanita Gupta. After that listening session, the Department worked with HHS

to establish an email account to solicit additional stakeholder feedback and collected a number of submissions.

The Justice Department is also working to develop other guidance documents that are directed at increasing and improving the reporting of hate crimes and incidents. The first set, directed at state, local, and Tribal law enforcement agencies, relates to establishing online portals to report hate crime and hate incidents; disaggregating hate crime and incident reporting data collected; and creating public awareness campaigns. The second set of guidance relates to establishing state-run hate crime reporting hotlines.

The Jabara-Heyer NO HATE Act also authorizes three new grant programs, for: (1) law enforcement transition to the FBI's National Incident Base Reporting System (NIBRS), a more sophisticated system for hate crime reporting; (2) the establishment of state-run hate crime reporting hotlines; and (3) anti-hate law enforcement activities or crime reduction programs. Due to the timing of the enactment of the Act during Fiscal Year 2021, no dedicated appropriations have yet been provided by Congress to fund these programs. Even so, the Department's Office of Justice Programs (OJP), through which the Act's three grant programs will be administered, has already begun its initial planning and coordination with federal, state, and local partners to be ready to implement these grant programs contingent on receiving appropriations for FY2022. The Department already prioritized the allocation of its FY2021 funding under existing programs to combat hate crimes and, as discussed in Appendix B, OJP awarded \$21 million to investigate and prosecute hate crimes and assist hate crime victims in furtherance of the priority it places on fighting hate crimes. The Justice Department, to the extent allowable, will continue to use existing resources to combat hate in a manner consistent with the spirit of the law, and to prepare for implementation as soon as funding authorization occurs.<sup>60</sup>

#### **IV. Community Engagement**

##### **A. Law Enforcement**

Positive relationships between law enforcement and the community encourage the reporting of all crimes, including hate crimes, and ultimately lead to greater public safety. At the same time, a lack of trust makes it more difficult for law enforcement officers at all levels to do their jobs. It is harder to find and apprehend dangerous criminals, including those who might engage in acts of hate-motivated acts of domestic terrorism, if communities do not know how to report crimes or are afraid to speak to law enforcement.

The Colleyville, Texas, hostage crisis is an example of the importance of having robust relationships before a crisis. The Department places a strong emphasis on engaging community leaders to establish relationships and share relevant information to protect public spaces and fulfill our obligation to the American public.

Attorney General Garland's May 2021 Memorandum directed the Department to take concrete steps to improve community engagement and build this critical trust. In accordance with this memorandum, and consistent with the COVID-19 Hate Crimes Act and the Jabara-

Heyer NO HATE Act, Deputy Associate Attorney General Rachel Rossi has been assigned to serve as the Department's anti-hate coordinator, leading the creation and coordination of the Department's anti-hate crime and incident resources. The anti-hate coordinator serves as the hub for Department attorneys, law enforcement partners, community organizations, and other stakeholders, including by ensuring that U.S. Attorneys' Offices (USAOs) have ready access to relevant training and outreach materials. The Civil Rights Division has partnered closely with USAOs across the country to implement the Attorney General's directives.

In January 2022, through a partnership between USAOs and the Civil Rights Division, the Department launched a toolkit for USAOs with information, samples, and training on hate crimes and hate incidents, information on conducting effective outreach, and information on Department resources such as funding and technical assistance programs, victim resources, and language assistance.

In addition, the Attorney General has encouraged USAOs to proactively engage with the communities they serve by creating district alliances against hate. These alliances can serve as focal points within communities to deepen partnerships between law enforcement agencies and the communities they serve by providing points of contact for community representatives and local civil rights groups, convening regular community forums to build relationships of trust, and providing education about civil rights statutes and incident reporting mechanisms. And, to the extent district-wide efforts are not feasible for particular USAOs, the Attorney General directed the USAOs' civil rights coordinators to meet with state, local, and Tribal law enforcement agencies to discuss federal hate crimes laws and other tools for responding to acts of hate and bias. The Civil Rights Division is partnering with select USAO jurisdictions across the country to pilot anti-hate community outreach programs in the coming months.<sup>61</sup>

Furthermore, the Justice Department is committed to revitalizing the Community Relations Service. Given CRS' role as "America's Peacemaker," it serves as a critically important resource in assisting communities navigate conflicts and addressing acts of hate. More information about CRS' efforts is available in Appendix C to this testimony.

## **B. Language Access**

Language access is a key barrier to the reporting of hate crimes and incidents. To improve knowledge, use, and expansion of the Department's language resources, the Attorney General has directed the Deputy Attorney General to oversee the establishment of a full-time Language Access Coordinator within the Department.

The Justice Department has also worked to increase translation of our resources. For example, the Department has added information to its hate crimes website ([United States Department of Justice-Hate Crimes](#)) on reporting hate crimes in 24 languages. Information is now available in 18 of the most frequently spoken AAPI languages in the United States, including Chinese (both Simplified and Traditional), Japanese, Korean, Tagalog, and Vietnamese. The Department is also working to ensure that our efforts are culturally competent and accessible, including for people with disabilities.

### **C. Protecting Places of Worship**

As the recent attack on the Colleyville, Texas, synagogue reminds us, places of worship have long been unique targets for hate. The Justice Department is deeply committed to protecting people of all faiths and their houses of worship. In addition to our vigorous enforcement of hate crimes laws that prohibit bias-motivated crimes, the Department also uses other federal laws (such as those prohibiting interstate threats, arson, and the use of weapons of mass destruction), and provides training and consultation services to faith organizations and communities about how to strengthen community relations and enhance security at their houses of worship. In fact, the Rabbi of Congregation Beth Israel in Colleyville credited active shooter trainings by the FBI and other organizations with saving his and his congregants' lives during the attack on their synagogue.<sup>62</sup>

The Civil Rights Division has also directly engaged with religious organizations and community groups, including through listening sessions and stakeholder outreach. For instance, in January 2022, after the attack on the synagogue in Colleyville, Texas, Division leadership convened religious leaders and groups to discuss the aftermath of that horrific event. This outreach is an important aspect of our efforts to combat acts of hate. And, for over a decade, the Division has regularly convened federal interagency meetings with Muslim, Arab, Sikh, South Asian American, and Hindu organizations to address acts of hate and discrimination directed towards those communities.

Finally, as noted above, the Civil Rights Division works to enforce the Religious Land Use and Institutionalized Persons Act, which protects people of all faiths in exercising their religion. In addition to the Virginia and New Jersey settlements mentioned above, in 2021, the Department resolved allegations of religious discrimination against the Michigan Department of Corrections<sup>63</sup> and, just a few weeks ago, the Department reached an agreement with a village in Nebraska to permit a congregation to construct a new church building on its own land.<sup>64</sup>

### **V. Conclusion**

Acts of unlawful hate come in many forms—from online harassment and verbal threats to physical assaults, cross burnings, attacks on and inside houses of worship, vandalizing places of business, and mass murder. But these acts have one thing in common: they terrorize not only individuals and families, but entire communities because of their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

To shed light on these critically important issues, the Department's Civil Rights Division hosted a virtual conference entitled *Confronting Hate: Strategies for Prevention, Accountability, and Justice*, in October 2021. The event brought together more than 1,000 participants to hear from leading experts, law enforcement officials, advocates, and academics from around the country about successful practices and challenges in combating unlawful acts of hate. Leadership from across the Department, including the Attorney General, the Associate Attorney General, the Assistant Attorney General for Civil Rights, the Deputy Assistant Director of the FBI, and the United States Attorney for the Western District of Virginia also gave remarks and participated in panels.<sup>65</sup> The conference also featured powerful testimony from survivors of hate

crimes, including the parents of Matthew Shepard, Judy and Dennis Shepard, and the sister of James Byrd Jr., Louvon Harris.

Learning from survivors about hate crimes can be heartbreaking and difficult, but we can draw strength from the examples of those brave people who have stood up and made a difference. It was years of advocacy and activism that made passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act possible 12 years ago. Standing up to modern-day hate remains one of the Justice Department's top priorities, and our prosecutors have excelled over the last decade at handling hate crimes cases and holding perpetrators accountable, thanks in part to this critical federal law.

Still, prosecutions alone cannot address the many forms of hate crimes and hate incidents, and the lasting injuries they cause to people and to communities at large. Congress' attention to this issue also made the COVID-19 Hate Crimes Act and Jabara-Heyer NO HATE Act a reality. We look forward to using the tools provided by the Act to build a foundation supporting efforts beyond prosecution. Indeed, hate prevention efforts and seeking redress outside of the courtroom are a core part of the comprehensive approach to this work.

The Civil Rights Division and the whole Department of Justice remain deeply committed to serving alongside our partners on the front lines in the battle against hate, standing firm in the face of animus and hate, and speaking with one voice about the values and principles that must drive our never-ending pursuit for a more just and perfect Union.

## APPENDIX A

### FURTHER INFORMATION ON EFFORTS TO COMBAT AND PREVENT ACTS OF HATE – FBI

To help address unlawful acts of hate in all its forms, the FBI has elevated civil rights crimes to its highest-banded national threat priority. Civil rights crimes now join public corruption as the top-banded threats in the country.

The FBI assigns a criminal threat banding designation to all threats, ranging from band I to band V, or “un-banded.” In FY22, civil rights became a National Threat Priority and a Criminal Investigative Division band I threat. This designation resulted in 17 FBI field offices increasing the banding of civil rights crimes locally. At a practical level, threat band increases result in increased staffing and resources assigned to the program.

In 2019, the FBI created a Domestic Terrorism-Hate Crimes Fusion Cell to facilitate coordination and information-sharing between agents and prosecutors specifically regarding incidents and investigations that could constitute hate crimes and/or acts of domestic terrorism. This Fusion Cell provides multi-program coordination, helps ensure seamless information sharing, and enhances investigative resources.

The FBI works closely with state and local authorities when investigating hate crimes, even when federal charges are not pursued. FBI resources, forensic expertise, experience in identification, and proof of hate-based motivations often provide an invaluable complement to local law enforcement. The FBI also forges partnerships nationally and locally with many civil rights organizations, to establish rapport, to share information, to address concerns, and to solve problems through cooperation.

The FBI conducts hundreds of seminars, workshops, and training sessions annually for federal and local law enforcement, religious organizations, and community groups to promote cooperation and provide education about civil rights statutes. Each year, the FBI also provides hate crimes training for new agents.

The FBI is also making special efforts to reach out to historically underrepresented and targeted populations.<sup>66</sup> Last summer, the FBI launched a National Anti-Hate Crimes Campaign involving all 56 FBI field offices to encourage reporting by the public. FBI headquarters allocated each field office funds for an advertising campaign to encourage victims and witnesses of hate crimes to contact the FBI. The campaign includes advertisements on billboards, buses, gas stations, and radio streaming services, a social media awareness campaign, and in-language materials. The FBI is also asking law enforcement agencies to update their NIBRS reports before submitting their data to the FBI to ensure that even the most recent evidence is captured in the final tally.

FBI headquarters divisions and every one of the FBI's 56 field offices engage in robust outreach and work with community groups, academic institutions, religious, civic, and non-profit organizations to promote crime prevention. The FBI's outreach also includes local, national, and international safety campaigns and educational video screenings.

Additionally, the FBI created a Multi-Cultural Engagement Council, composed of ethnic, religious, and community leaders, to improve cultural competence and sensitivity, and devise solutions to the threats facing these communities. The FBI is also working to mitigate language barriers by leveraging the FBI's language resources. The Directorate of Intelligence's Language Services Translation Center has access to over 1,300 linguists to support FBI investigators in more than 100 languages. The FBI's Victim Services Division also has victim specialists who speak myriad languages and come from a range of cultural backgrounds (or have experience working with many different cultures) to ensure they can best communicate with the communities they are trying to reach. For example, many victim specialists located in Indian Country and on tribal lands are members of the Tribes that they assist.

The FBI is also working to protect faith communities and houses of worship. In October 2020, the FBI and Department of Homeland Security hosted a virtual Security and Safety Symposium for Faith-Based Communities, which was attended by approximately 2,000 people across the country. The webinar focused on strengthening relationships between law enforcement and communities of faith and contained two main teaching blocks: Enhancing Security in Houses of Worship, and Practicing Safety Within Your Community.

The FBI's outreach efforts help individuals and families stay safe; protect houses of worship, academic institutions, and workplaces; and help all citizens stay alert to potential acts of terror and extremism.



## APPENDIX B

### FURTHER INFORMATION ON EFFORTS TO COMBAT AND PREVENT ACTS OF HATE – OFFICE OF JUSTICE PROGRAMS

In addition to the Justice Department's own criminal and civil enforcement efforts, the Department provides significant support to state and local law enforcement agencies to fight hate and support victims. In December 2021, the Justice Department's Office of Justice Programs (OJP) awarded almost \$21 million in grants to state, local, and tribal agencies to investigate and prosecute hate crimes and assist hate crime victims.<sup>67</sup> As a part of this nearly \$21 million, OJP's Bureau of Justice Assistance (BJA) administered a program named in honor of Matthew Shepard and James Byrd Jr. Through the Shepard-Byrd solicitation and the related Collaborative Responses to Hate Crimes program that seeks to address precipitous increases in hate crimes, BJA awarded \$7.4million in site-based funding and training and technical assistance.<sup>68</sup> BJA also awarded \$1.5 million under the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 to help solve cold case civil rights murders that occurred before December 31, 1979, and an additional \$1.8 million to offer training and technical assistance to other communities seeking to resolve these cases, including making microgrants to the field.<sup>69</sup> OJP's Office for Victims of Crime awarded \$2 million to respond to the needs of individuals and communities victimized by hate crime.<sup>70</sup> In June 2021, BJA issued [guidance to State Administering Agencies](#) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, emphasizing to stakeholders and communities at risk of hate crimes that JAG funds may be used to respond to and prevent these attacks. The guidance not only highlighted the marked rise in hate crimes, but it also offered clarity on the types of programs and supports that may be supported by JAG funds, for example efforts to increase patrols and deployments that increase the security at places of worship.

OJP's Office for Victims of Crime (OVC) awarded \$2 million to respond to the needs of individuals and communities victimized by hate crime.<sup>71</sup> OVC has also supported hate crime victims through its Antiterrorism and Emergency Assistance Program (AEAP) and mass violence program. Additionally, States use Victims of Crime Act (VOCA) funding to support survivors through services and compensation.

Furthermore, the Office of Juvenile Justice and Delinquency Prevention has launched a comprehensive national initiative to prevent youth hate crimes and identity-based bullying, including a virtual symposium held in October 2021, literature review, development and distribution of a prevention and intervention curriculum, youth roundtables, and an ongoing 12-part webinar series for juvenile justice professionals, law enforcement, and school communities.<sup>72</sup>

Finally, the Justice Department is investing in research on hate crimes. For example, OJP's National Institute of Justice (NIJ) has awarded almost \$7.5 million to support research designed to develop a better understanding of domestic radicalization and to advance evidence-based strategies for preventing and intervening in acts of domestic terrorism.<sup>73</sup>

## APPENDIX C

### FURTHER INFORMATION ON EFFORTS TO COMBAT AND PREVENT ACTS OF HATE – COMMUNITY RELATIONS SERVICE

The Justice Department is currently revitalizing the Community Relations Service (CRS). This committee is currently considering the nomination of Paul Monteiro, nominated as Director of CRS. If confirmed, he would provide vitally important leadership for CRS. The Community Relations Service is uniquely positioned to assist in developing community partnerships with law enforcement, and the empowerment of communities to develop community-driven hate incident response and prevention efforts.

CRS works with communities in conflict; it partners with state and local officials, community-based organizations, civil rights advocates, faith-based groups, and law enforcement to help rebuild relationships, facilitate mutual understanding, and encourage the development of local solutions. CRS engages with communities when conflicts arise from differences of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. In the aftermath of hate crimes or incidents involving law enforcement uses of force, CRS can help communities respond and prepare for protests by providing training to local leaders and law enforcement to de-escalate and reduce the potential for violence. CRS also helps local leaders lay a foundation to address longer standing issues around racism and discrimination in communities.

The Community Relations Service also regularly works with faith leaders as part of its mission, providing facilitation, mediation, training, and consultation services. CRS responds to requests from religious leaders seeking to identify actions their congregations can take to deter future hate incidents and increase reporting. For example, CRS's *Protecting Places of Worship* forum is a half-day session that provides faith leaders and congregations with information about religious hate crimes, state and federal hate crimes laws, law enforcement threat assessments, and ways to protect places of worship from potential hate crimes and other threats of violence. CRS held three forums in 2021, including one after a shooting at a church in Texas.

Because CRS is not a law enforcement agency and does not investigate or prosecute cases, it operates under a confidentiality and neutrality mandate that enables it to work effectively across communities and agencies in conflict. As a result, CRS is also effective in cases where criminal charges cannot be brought. CRS can work with all parties to identify what steps can be taken to address longstanding concerns around allegations of racism and other forms of discrimination outside the context of a prosecution. Building these partnerships and engaging with the community can help empower community-driven non-enforcement responses, and can reduce tensions during moments of civil unrest. Ultimately, these efforts can help communities to heal and move forward together after a hate incident occurs.

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<sup>1</sup> COVID-19 Hate Crimes Act, Pub. L. No. 117-13, 135 Stat. 265, *incorporating* Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021, Pub. L. No. 117-13 §5, 135 Stat. 266 (codified at [34 U.S.C. § 30507](#)).

<sup>2</sup> Attorney General Merrick B. Garland Delivers Remarks After Federal Jury Finds Three Men Guilty of Hate Crimes in Connection with the Pursuit and Killing of Ahmaud Arbery (2022), <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-after-federal-jury-finds-three-men> (last visited March 2, 2022).

<sup>3</sup> [Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249.](#)

<sup>4</sup> Church Arson Prevention Act of 1996, Pub. L. No. 104-155, 110 Stat. 1392 (codified at [18 U.S.C. § 247](#)).

<sup>5</sup> Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 373, Title IX (codified at 20 U.S.C. §§ 1681–1688).

<sup>6</sup> Fair Housing Act, 42 U.S.C. §§ 3601-3619, 3631.

<sup>7</sup> Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc.

<sup>8</sup> Fed. Bureau of Investigation, Crime Data Explorer, *Hate Crime in the United States Incident Analysis*, <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/hate-crime> (last visited Feb. 24, 2022).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *See, e.g.,* Jada Chin, *Covid fueled anti-Asian racism. Now elderly Asian Americans are being attacked.*, Washington Post, (Feb. 9, 2021), <https://www.washingtonpost.com/nation/2021/02/09/attacks-asian-american-elderly/>; Kiara Brantley-Jones and Stacy Chen, *Violent attacks on elderly Asian Americans in Bay Area leaves community members 'traumatized'*, ABC News, (Feb. 11, 2021),

<https://abcnews.go.com/US/violent-attacks-elderly-asian-americans-bay-area-leaves/story?id=75759713>; Terry Tang, *More Than 9,000 Anti-Asian Incidents Have Been Reported Since The Pandemic Began*, Associated Press, (Aug. 12, 2021), <https://apnews.com/article/lifestyle-joe-biden-health-coronavirus-pandemic-race-and-ethnicity-d3a63408021a247ba764d40355ecbe2a>.

<sup>12</sup> Fed. Bureau of Investigation, Crime Data Explorer, *Hate Crime in the United States Incident Analysis*, <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/hate-crime> (last visited Feb. 24, 2022).

<sup>13</sup> *Id.*

<sup>14</sup> Memorandum for Dep't of Justice Employees: Hate-Based Violence and Incidents, available at <https://www.justice.gov/ag/page/file/1381396/download> (last visited March 2, 2022).

<sup>15</sup> Memorandum for Dep't of Justice Employees: Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents (2021), <https://www.justice.gov/ag/page/file/1399221/download> (last visited March 2, 2022).

<sup>16</sup> COVID-19 Hate Crimes Act, Pub. L. No. 117-13 § 3(a), 135 Stat. 266 (incorporated by note at 34 U.S.C. § 30501).

<sup>17</sup> California Man Sentenced to Life Followed by 30 Years in Prison for Federal Hate Crimes Related to 2019 Poway Synagogue Shooting and Attempted Mosque Arson (2021), <https://www.justice.gov/opa/pr/california-man-sentenced-life-followed-30-years-prison-federal-hate-crimes-related-2019-poway> (last visited Feb. 23, 2022).

<sup>18</sup> Federal Jury Finds Three Men Guilty of Hate Crimes in Connection with the Pursuit and Killing of Ahmaud Arbery (2022), <https://www.justice.gov/opa/pr/federal-jury-finds-three-men-guilty-hate-crimes-connection-pursuit-and-killing-ahmaud-arbery> (last visited Feb. 23, 2022).

<sup>19</sup> Justice Department Reaches Settlement to Remedy Severe Racial Harassment of Black and Asian-American Students in Utah School District (2021), <https://www.justice.gov/opa/pr/justice-department-reaches-settlement-remedy-severe-racial-harassment-black-and-asian> (last visited Feb. 23, 2022).

<sup>20</sup> More information about the work of the CRS is available in Appendix C to this testimony.

<sup>21</sup> *See* FBI Hate Crime Data, *Crime Data Explorer*, available at <https://crime-data-explorer.fr.cloud.gov/pages/explorer/crime/hate-crime> (last visited Feb. 23, 2022).

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- <sup>22</sup> Attorney General Lynch Statement Following the Federal Grand Jury Indictment Against Dylann Storm Roof (2015), <https://www.justice.gov/opa/pr/attorney-general-lynch-statement-following-federal-grand-jury-indictment-against-dylann-storm> (last visited Feb. 23, 2022).
- <sup>23</sup> Texas Man Charged with Federal Hate Crimes and Firearm Offenses Related to August 3, 2019, Mass-Shooting in El Paso (2020), <https://www.justice.gov/opa/pr/texas-man-charged-federal-hate-crimes-and-firearm-offenses-related-august-3-2019-mass> (last visited Feb. 23, 2022).
- <sup>24</sup> Pennsylvania Man Charged with Federal Hate Crimes for Tree Of Life Synagogue Shooting (2018), <https://www.justice.gov/opa/pr/pennsylvania-man-charged-federal-hate-crimes-tree-life-synagogue-shooting> (last visited Feb. 23, 2022).
- <sup>25</sup> See FBI Hate Crime Data, *supra*, showing 8,263 incidents reported as hate crimes in 2020.
- <sup>26</sup> *Id.*
- <sup>27</sup> *Id.*
- <sup>28</sup> *Id.*
- <sup>29</sup> Off. of the Dir. of Nat'l Intelligence, *Domestic Violent Extremism Poses Heightened Threat in 2021*, (2021), available at <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>.
- <sup>30</sup> More information about the FBI's efforts to combat hate is available in Appendix A to this testimony.
- <sup>31</sup> Federal Jury Finds Three Men Guilty of Hate Crimes in Connection with the Pursuit and Killing of Ahmaud Arbery, (2022), <https://www.justice.gov/opa/pr/federal-jury-finds-three-men-guilty-hate-crimes-connection-pursuit-and-killing-ahmaud-arbery> (last visited Feb. 23, 2022).
- <sup>32</sup> Texas Man Pleads Guilty to Hate Crime Charges for Attacking Asian Family (2022), <https://www.justice.gov/opa/pr/texas-man-pleads-guilty-hate-crime-charges-attacking-asian-family>
- <sup>33</sup> Kansas Man Pleads Guilty to Racially Motivated Federal Hate Crime Targeting Black Man (2022), <https://www.justice.gov/opa/pr/kansas-man-pleads-guilty-racially-motivated-federal-hate-crime-targeting-black-man> (last visited Feb. 25, 2022).
- <sup>34</sup> Maine Man Sentenced for Committing and Conspiring to Commit Federal Hate Crime (2021), <https://www.justice.gov/opa/pr/maine-man-sentenced-committing-and-conspiring-commit-federal-hate-crime> (last visited Feb. 25, 2022).
- <sup>35</sup> California Man Agrees to Plead Guilty in Federal Hate Crime Case for Attacking Family-Owned Restaurant and Making Death Threats (2021), <https://www.justice.gov/opa/pr/california-man-agrees-plead-guilty-federal-hate-crime-case-attacking-family-owned-restaurant> (last visited Feb. 25, 2022). In addition, in 2020, a Utah man was convicted by a jury of hate crimes charges stemming from an incident in which he attacked three men with a metal pole because he believed them to be Mexican and wanted to "kill Mexicans." Utah Man Convicted on Hate Crime Charges After Attacking Three Men with a Metal Pole (2020), <https://www.justice.gov/opa/pr/utah-man-convicted-hate-crime-charges-after-attacking-three-men-metal-pole> (last visited March 2, 2022).
- <sup>36</sup> Kroger Shooter Sentenced to Life in Prison for Hate Crime Murders (2021), <https://www.justice.gov/opa/pr/kroger-shooter-sentenced-life-prison-hate-crime-murders> (last visited Feb. 23, 2022).
- <sup>37</sup> Ohio Man Charged with Hate Crime Related to Plot to Conduct Mass Shooting of Women, Illegal Possession of Machine Gun, (2021), <https://www.justice.gov/opa/pr/ohio-man-charged-hate-crime-related-plot-conduct-mass-shooting-women-illegal-possession> (last visited Feb. 23, 2022). The incel movement is an online community of predominantly white men who harbor anger towards women. Incels seek to commit violence in support of their belief that women unjustly deny them sexual or romantic attention to which they believe they are entitled.
- <sup>38</sup> Puerto Rico Men Charged with Hate Crimes for Shooting Transgender Woman with a Paintball Gun (2021), <https://www.justice.gov/opa/pr/puerto-rico-men-charged-hate-crimes-shooting-transgender-woman-paintball-gun> (last visited Feb. 25, 2022).
- <sup>39</sup> Texas Man Pleads Guilty to Hate Crime Charges After Using Dating App to Target Gay Men for Violent Crimes (2021), <https://www.justice.gov/opa/pr/texas-man-pleads-guilty-hate-crime-charges-after-using-dating-app-target-gay-men-violent> (last visited Feb. 25, 2022).

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- <sup>40</sup> Oregon Man Charged with Federal Hate Crime After Attacking Gay Man, (2021), <https://www.justice.gov/opa/pr/oregon-man-charged-federal-hate-crime-after-attacking-gay-man> (last visited Feb 23, 2022).
- <sup>41</sup> California Man Sentenced to Life Followed by 30 Years in Prison for Federal Hate Crimes Related to 2019 Poway Synagogue Shooting and Attempted Mosque Arson (2021), <https://www.justice.gov/opa/pr/california-man-sentenced-life-followed-30-years-prison-federal-hate-crimes-related-2019-poway> (last visited Feb 23, 2022).
- <sup>42</sup> Dar al-Farooq Mosque Bomber Sentenced to 53 Years in Prison (2021), <https://www.justice.gov/opa/pr/dar-al-farooq-mosque-bomber-sentenced-53-years-prison> (last visited Feb 23, 2022).
- <sup>43</sup> New Jersey Man Sentenced to One Year and One Day in Prison for Conspiring with White Supremacists to Vandalize Synagogues Across the Country, (2021), <https://www.justice.gov/opa/pr/new-jersey-man-sentenced-one-year-and-one-day-prison-conspiring-white-supremacists-vandalize> (last visited Feb. 23, 2022).
- <sup>44</sup> Tennessee Man Sentenced to Seven Years for Series of Church Arsons, (2022), <https://www.justice.gov/opa/pr/tennessee-man-sentenced-seven-years-series-church-arsons> (last visited Feb. 23, 2022). In addition, in 2020, a Louisiana man was sentenced to 25 years in prison for intentionally setting fire to three Black Baptist churches. Louisiana Man Sentenced for Arson of Three African-American Churches (2020), <https://www.justice.gov/opa/pr/louisiana-man-sentenced-arson-three-african-american-churches> (last visited March 2, 2022).
- <sup>45</sup> Leader of Neo-Nazi Group Sentenced for Plot to Target Journalists and Advocates (2022), <https://www.justice.gov/opa/pr/leader-neo-nazi-group-sentenced-plot-target-journalists-and-advocates> (last visited Feb. 25, 2022).
- <sup>46</sup> Three Southwest Kansas Men Sentenced to Prison for Plotting to Bomb Somali Immigrants in Garden City (2019) <https://www.justice.gov/opa/pr/three-southwest-kansas-men-sentenced-prison-plotting-bomb-somali-immigrants-garden-city> (last visited Feb. 25, 2022).
- <sup>47</sup> Southern Colorado Man Sentenced to More than 19 Years for Plotting to Blow Up Synagogue (2021), <https://www.justice.gov/opa/pr/southern-colorado-man-sentenced-more-19-years-plotting-blow-synagogue> (last visited Feb. 25, 2022).
- <sup>48</sup> The Department also works to defend the rights of people with disabilities to be free from hate. In 2019, for example, the Department obtained a 28-year sentence for a Louisiana man who conspired to obtain forced, unpaid household labor and services from an adult woman with cognitive disabilities, for assaulting the woman, and for violating her Fair Housing Act rights because of her disabilities. The defendant had previously pleaded guilty to charges that included a hate crime. He admitted he forced the woman to live in a locked backyard cage and to perform housework and yard work in exchange for food and water, and that he and his family members subjected her to routine physical abuse, threats, and psychological abuse designed to ensure her continued compliance with the family's orders. *See* Louisiana Man Sentenced for Violating Civil Rights of Woman with Disabilities (2019), <https://www.justice.gov/opa/pr/louisiana-man-sentenced-violating-civil-rights-woman-disabilities>.
- <sup>49</sup> Justice Department Reaches Settlement to Remedy Severe Racial Harassment of Black and Asian-American Students in Utah School District (2021), <https://www.justice.gov/opa/pr/justice-department-reaches-settlement-remedy-severe-racial-harassment-black-and-asian> (last visited Feb. 23, 2022).
- <sup>50</sup> Confronting Discrimination Based on National Origin and Immigration Status (August 2021), <https://www.justice.gov/crt/page/file/1425321/download> (last visited March 2, 2022).
- <sup>51</sup> Confronting Anti-LGBTQI+ Harassment in Schools (June 2021), <https://www.justice.gov/crt/page/file/1405661/download> (last visited March 2, 2022).
- <sup>52</sup> Confronting Covid-19-Related Harassment in Schools (May 2021), <https://www.justice.gov/crt/page/file/1392041/download> (last visited March 2, 2022).
- <sup>53</sup> Stafford County, Virginia, to Allow Islamic Cemetery in Response to Justice Department Lawsuit (2021), <https://www.justice.gov/opa/pr/stafford-county-virginia-allow-islamic-cemetery-response-justice-department-lawsuit> (last visited March 3, 2022).

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<sup>54</sup> Justice Department Settles Claims Against Toms River, New Jersey Over Zoning Code that Restricts Houses of Worship (2021), <https://www.justice.gov/opa/pr/justice-department-settles-claims-against-toms-river-new-jersey-over-zoning-code-restricts> (last visited March 3, 2022).

<sup>55</sup> Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act, 18 U.S.C. § 3771.

<sup>56</sup> Victims' Rights and Restitution Act of 1990, 34 U.S.C. § 20141.

<sup>57</sup> See Hate Crime Dataset, *Crime Data Explorer*, available at <https://crime-data-explorer.fr.cloud.gov/pages/downloads#datasets> (last visited Feb. 23, 2022). The hate crimes dataset includes reporting figures for all of the 15,138 law enforcement agencies that submitted hate crime data to the FBI in 2020, including agencies that reported zero hate crimes.

<sup>58</sup> See Grace Kena and Alexandra Thompson, *Hate Crime Victimization 2005-2019* (2021), available at [https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519\\_1.pdf](https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519_1.pdf)

<sup>59</sup> COVID-19 Hate Crimes Act, Pub. L. No. 117-13 §3(a), 135 Stat. 266 (incorporated by note at 34 U.S.C. § 30501).

<sup>60</sup> More information about OJP's efforts is available Appendix B to this testimony.

<sup>61</sup> The Attorney General's May 2021 Memorandum also encouraged USAOs to designate both civil and criminal Assistant United States Attorneys as local civil rights coordinators. Increasing both criminal and civil capacity to handle civil rights enforcement is an important way to address unlawful acts of hate, whether or not they rise to the level of a federal criminal violation.

<sup>62</sup> More information about the FBI's efforts in this area and others is available in Appendix A to this testimony.

<sup>63</sup> Justice Department Reaches Agreement Resolving Investigation of Religious Practice Policies and Procedures within Michigan Department of Corrections (2021), <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-resolving-investigation-religious-practice-policies-and> (last visited March 2, 2022).

<sup>64</sup> Justice Department Settles Case Against Village of Walthill, Nebraska, for Restricting Christian Church from Building New Place of Worship (2022), <https://www.justice.gov/opa/pr/justice-department-settles-case-against-village-walthill-nebraska-restricting-christian> (last visited March 2, 2022).

<sup>65</sup> See Attorney General Merrick B. Garland Gives Remarks at the Civil Rights Division's Virtual Conference: Confronting Hate: Strategies for Prevention, Accountability and Justice, (2021), <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-gives-remarks-civil-rights-division-s-virtual>; see also Assistant Attorney General Kristen Clarke Gives Remarks at the Civil Rights Division's Virtual Conference: Confronting Hate: Strategies for Prevention, Accountability and Justice (2021), <https://www.justice.gov/opa/speech/assistant-attorney-general-kristen-clarke-gives-remarks-civil-rights-division-s-virtual> (last visited Feb. 23, 2022).

<sup>66</sup> The FBI Encourages the Public to Report Hate Crimes, (2021), <https://www.fbi.gov/news/pressrel/press-releases/the-fbi-encourages-the-public-to-report-hate-crimes> (last visited Feb. 23, 2022).

<sup>67</sup> Justice Department Will Award More Than \$21 Million to Prevent and Respond to Hate Crimes, (2021), <https://www.justice.gov/opa/pr/justice-department-will-award-more-21-million-prevent-and-respond-hate-crimes> (last visited Feb. 23, 2022).

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> OJJDP Symposium To Address Identity-Based Bullying and Hate Crimes by Youth (2021), <https://ojjdp.ojp.gov/newsletter/ojjdp-news-glance-septemboctober-2021/top-story-ojjdp-symposium-address-identity-based-bullying-and-hate-crimes-youth> (last visited Feb 23, 2022).

<sup>73</sup> Justice Department Will Award More Than \$21 Million to Prevent and Respond to Hate Crimes, (2021), <https://www.justice.gov/opa/pr/justice-department-will-award-more-21-million-prevent-and-respond-hate-crimes> (last visited Feb. 23, 2022).