



United States Mission to the OSCE

SHDM on Hate Crimes - Effective Implementation of Legislation

As prepared for delivery by Steven M. Freeman, Anti-Defamation League
May 5, 2009

U.S. DELEGATION STATEMENT

Improving the Policing and Prosecution of Hate Crimes

Hate is like a virus, and no society is immune. But those of us dedicated to fighting hate, in the United States and across the OSCE region, have made some rather remarkable progress in combating this virus. This conference is another step on that long road, and I am pleased and honored to offer some ideas and recommendations today on how the policing and prosecution of hate crimes can be improved.

I believe that everyone here understands the problem. Certainly, governments, law enforcement and communities each have a stake in crafting an effective response to violent bigotry, and the launch this past March of the OSCE's publication "Hate Crimes Laws: A Practical Guide" was a seminal tool created in this kind of collaborative effort to meet this challenge. But, as always, the real challenge is putting the tools to use.

One of the primary concerns we share about hate crimes is their impact beyond the individual victim. Without an effective law enforcement and community response, isolated incidents can explode into widespread community tension. They can and often do intimidate other members of the victim's community, leaving them feeling unprotected and vulnerable. However, experience teaches us that improved enforcement of hate crimes laws can have a significant deterrent impact.

There are three key components to an effective law enforcement response to hate crimes all of which are familiar to everyone in this room. These are (1) police-community cooperation; (2) training; and (3) data collection. Meetings like this and events at the Ministerial level have been essential in making the public case for these components. I am going to use this opportunity to offer some specific suggestions as to how communities and governments can overcome the many hurdles to their implementation.

POLICE - COMMUNITY COOPERATION

Confidence building and mitigating distrust are the key to enhancing police – community cooperation. Relationships require nurturing, and it is in the best interest of both senior law enforcement officials and community leaders to open lines of communication and forge a relationship before an incident occurs.

Here are some steps a local law enforcement agency could take to build trust:

- Entrust specific officials with responsibility for focusing on bias crimes
- Open lines of communication to community leaders
- Set up a hot-line for complaints regarding local hate crimes, in cooperation with local groups that can provide assistance to victims
- Where there may be a language barrier, prepare resource materials in all relevant languages, and work with local community leaders to identify an appropriate interpreter to be on call when needed
- Make it clear to local leaders that police will not check the immigration status of any victim, witness or community member who comes forward with information regarding a hate crime
- Seek advice on specific steps the police can take to reduce community tensions

Here are some steps a local community group or NGO could take to build trust:

- Create and publicize available community resources for victims and witnesses
- Serve as a communications link between anxious victims and the police
- Form a Task Force with local clergy, community leaders and others to address sensitive inter-group and inter-religious issues
- Provide information to the police about outside individuals and groups who may pose a threat
- Make sure the police are aware of important holidays, anniversaries and other occasions when a community might be particularly vulnerable

TRAINING

There are two steps to effective training: law enforcement buy-in, and useful content.

Law Enforcement Buy-In

Police agencies typically operate with a command structure requiring discipline in the ranks. If senior officials make training a priority and evaluate officer performance accordingly, buy-in will follow. Of course, this message can be reinforced further if law enforcement personnel are persuaded that there is something in it for them that will make their jobs easier and help them keep their communities safer. So the first step to effective training is to sell it to police commanders, persuasively, as something that will help their agency function more effectively.

Here are some reasons senior leaders could provide when mandating hate crimes training:

- It makes a police officer's job easier in the long-run because addressing minor incidents effectively will reduce the likelihood of reprisals and an escalating cycle of violence

- It builds allies in the community and will make it easier to open lines of communication, even encouraging community leaders to report crime or terrorist threats emanating from their own communities
- It reinforces the positive reasons many of them had for becoming police officers in the first place to serve their community and to enforce the law

One unique element of ADL's law enforcement training takes a broader historic perspective which underscores this last point. For the past several years, in conjunction with the United States Holocaust Memorial Museum, ADL has been using lessons of the Holocaust as a dramatic example of what can happen when police whose job it is to enforce the rule of law instead become instruments of persecution. Most law enforcement professionals embrace the opportunity to visit the Museum, and find the training thought-provoking rather than intimidating. They also tend to emerge from this particular training held following a museum tour with a renewed appreciation for the trust we all place in them, and the dangers that can happen when that trust is abused.

Useful Content

An effective law enforcement training should include more than how to recognize bias indicators and to understand offender typologies.

Hate crimes training should include:

- Encouraging police and civic leaders to use their bully pulpit to speak out against racism and anti-Semitism and to condemn acts of bigotry loudly after they occur. There should be no doubt about their rejection of bigotry.
- Checklists that remind law enforcement officers what to look for at the scene of a potential hate crime
- Information on tattoos, symbols, ideology, and other intelligence related to extremist groups active in the area, particularly those with violent tendencies
- Specific information about minority groups that may be targeted, including for religious groups their holidays, houses of worship, sacred texts and objects, and traditions
- A reminder that hate crimes laws should not be used to punish or chill non-violent criticism or protest

If law enforcement agencies resist training, a community group might consider recognizing or honoring an individual law enforcement official who has been responsive and using that occasion to emphasize the importance the community attaches to effective training. Positive reinforcement, even if not always fully deserved, can sometimes encourage additional activity.

DATA COLLECTION

Experts on hate crimes agree on the importance of data collection, but there has been considerable reluctance on the part of many political leaders and law enforcement officials to compile such data. They may believe that the existence of such crimes will reflect negatively on

their communities and injure their reputation. There may also be no legal mandate requiring data collection. Of course, gathering such data is critical because it will facilitate the allocation of necessary resources and reinforce the need for training confronting a problem is ultimately better than pretending it does not exist. Hoping a virus will go away by itself is never an effective course of treatment.

How can hate crime policing be improved when there is no data collection? Here too, sometimes all it takes is one compelling example.

Law enforcement agencies and NGOs interested in effective data collection should:

- Start small, identifying one jurisdiction which can serve as an example for data collection done right
- Encourage public and media praise for law enforcement agencies which are gathering and making more information available, and question those which aren't with healthy skepticism
- Be prepared to rebut with examples political leaders who deny the existence of hate crimes in their jurisdictions

Earlier I referred to hate as a virus. I'm not the first to do that, but it can be a useful analogy. If in fact we are dealing with a virus, an effective response requires us to understand it, to confront it, and to address the symptoms directly and forcefully while the search for a cure continues. I believe everyone here shares the dream that someday we will rid our world of the scourge of hate. In the meantime, it is an honor and a privilege to work with all of you to try to make our world a safer and more secure place for everyone.

Thank you.

Steven M. Freeman
Associate Director, Civil Rights
Director, Legal Affairs
Anti-Defamation League
605 Third Avenue, New York, NY 10153-3560
tel. (212) 885-7733 fax: (212) 885-5882
sfreeman@adl.org