

Table of Contents

1. Racial Justice Organizations/Leaders/Advocates
2. Latino Leaders
3. AAPI
4. Digital Justice
5. Environmental Justice
6. Fair Housing/Lending
7. HIV/AIDS Advocates
8. LGBTI+
9. Disability Rights
10. Voting
11. Education
12. Criminal Justice
13. Gender Justice & Reproductive Health
14. MASSAH
15. Hates Crimes & Reporting
16. Jewish Community Leaders
17. Interfaith Leaders
18. Black Faith Leaders
19. Hate Crimes/Jewish Community Members --May 2021 Interagency Listening Session

1. Racial Justice Organizations, Leaders, Advocates

[illegible]

CRT Stakeholder Engagement Email Lists

(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)

a. Racial Justice-- Black/Immigration/Border Issues

Guerline Jozef
Haitian Bridge Alliance

(b) (6)
(b) (6)

Nana Gyamfi, Executive Director
Black Alliance for Just Immigration
President, National Conference of Black Lawyers

(b) (6)
(b) (6)

Shaw Drake/Kathryn Huddleston
ACLU Texas

(b) (6)
(b) (6)

Nicole Morgan
RAICES

Patrice Lawrence
Co-Director of UndocuBlack Network

(b) (6)
(b) (6)

2. Latino Leaders (see also Mikael for a larger list that he has been working to develop)

(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)

[illegible][illegible][illegible]

7. HIV/AIDS Advocates

Catherine Hanssens, Founder/Chief Strategy Advisor, Center for HIV Law and Policy, (b) (6)

James Esseks, Director of ACLU's LGBT and HIV Law Project, (b) (6)

Greg Nevins, Senior Counsel, Lambda Legal, (b) (6)

Ben Klein, Senior Director of Litigation and HIV Law, GLAD, (b) (6)

8. LGBTQI+

a. LGBTI+Leaders—Compiled November 21, 2022 (Club Q Briefing)

(b) (6)

CRT Stakeholder Engagement Email Lists

(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ;

b. CRT LGBTI Working Group Outreach List (Fall 2022) – Targeted POCs

1. Trans Legal Defense and Education Fund (TLDEF) – David Brown
(b) (6)
2. GLAD – Jennifer Levi (b) (6)
3. NCLR – Shannon Minter (b) (6)
4. Lambda Legal – Sharon McGowan (b) (6)
5. ACLU – James Esseks (b) (6)
6. Center for Constitutional Rights – Chinyere Ezie (b) (6)
7. Harper Jean Tobin (b) (6)
8. InterAct - Law & Policy Director and Interim ED, Alesdair Ittelson
(b) (6)
9. NWLC - Ma'Ayan Anafi (b) (6)
10. National LGBTQ Task Force – Liz Seaton (b) (6)
11. National Center for Trans Equality – Rodrigo Heng-Lehtinen (b) (6)
12. Transgender Law Center – Shelby Chestnut (b) (6)
13. HRC – Sarah Warbelow (b) (6)
14. Whitman Walker Health (DC) - Amy Nelson Director, Patient Legal Services
(b) (6)
15. Whitman Walker, Kellan Baker, (b) (6)
16. Callen-Lorde Community Health Center - Caitlin Quigley, Director of Communications,
(b) (6)
17. LA LGBT Center, Roger Cogan, (b) (6)
18. Trevor Project, Amy Loudermilk, Associate Director of Government Affairs,
(b) (6)
19. PFLAG, Diego Sanchez, Director of Policy, (b) (6)
20. Trans Youth Equality Foundation, Susan Maasch, Executive Director,
(b) (6)
21. Center for American Progress, Sharita Gruberg, Senior Director, LGBTQ Research and
Communications Project, (b) (6)
22. SPLC, Scott McCoy, (b) (6)
23. Magic City Acceptance Center (AL), Amanda Keller, Director (b) (6)
24. Chase, (b) (6)
25. David Johns' email is (b) (6)

9. Disability Rights

a. J. Mathis List (circa November/December 2022)

(b) (6) ; (b) (6) ; (b) (6) ; (b) (6) ;
(b) (6) ; (b) (6) ; (b) (6) ; (b) (6) ;

[illegible]

- The ADA National Network Centers
 - New England: (b) (6)
 - Northeast: (b) (6)
 - Mid-Atlantic: (b) (6)
 - Southeast: (b) (6)
 - Great Lakes: (b) (6)
 - Southwest: (b) (6)
 - Great Plains: (b) (6)
 - Rocky Mountain: (b) (6)
 - Pacific: (b) (6)
 - Northwest: (b) (6)
- Susan Henderson, Executive Director, Disability Rights Education & Defense Fund, (b) (6)
- Claudia Center, Legal Director, Disability Rights Education & Defense Fund, (b) (6)
- Ira Burnim, Legal Director, Bazelon Center for Mental Health Law, (b) (6)
- Lewis Bossing, Senior Staff Attorney, Bazelon Center for Mental Health Law, (b) (6)
- Steven Schwartz, Legal Director, Center for Public Representation, (b) (6)
- Mark Murphy, Senior Attorney, Center for Public Representation, (b) (6)
- Marlene Sallo, Executive Director, National Disability Rights Network, (b) (6)
- Diane Smith Howard, Senior Staff Attorney, National Disability Rights Network, (b) (6)
- Ken Shiotani, Senior Staff Attorney, National Disability Rights Network, (b) (6)

CRT Stakeholder Engagement Email Lists

- Eric Buehlmann, Deputy Executive Director of Public Policy, National Disability Rights Network, (b) (6)
- Elizabeth Priaulx, Senior Disability Legal Specialist, National Disability Rights Network, (b) (6)
- Lauren Deutsch, Executive Director, Civil Rights Education and Enforcement Center (CREEC), (b) (6)
- Denise Rozell, Director of Policy Innovation, Association of University Centers on Disabilities, (b) (6)
- Donna Meltzer, Chief Executive Officer, National Association of Councils on Developmental Disabilities, (b) (6)
- Kim Musheno, Vice President of Public Policy, Autism Society of America, (b) (6)
- Bart Devon, Senior Director of Public Policy, National Down Syndrome Society, (b) (6)
- Cyrus Huncharek, Director of Advocacy and Public Policy, National Down Syndrome Congress, (b) (6)
- Lindsay Kubatzky, Director of Policy and Advocacy, National Center for Learning Disabilities, (b) (6)
- Laura Kaloi, Center for Learner Equity, (b) (6)
- Selene Almazan, Legal Director, COPAA, (b) (6)
- Margaret Nygren, Executive Director, American Association on Intellectual and Developmental Disabilities, (b) (6)
- American Speech Language Hearing Association, (b) (6)
- Tanisha Clarke, National Center on Disability in Public Health, Director, (b) (6)
- John Pare, National Federation of the Blind, (b) (6)
- Stephanie Enyart, Chief Public Policy and Research Officer, American Foundation for the Blind, (b) (6)
- Eric Bridges, Executive Director, American Council of the Blind, (b) (6)
- Howard Rosenblum, CEO and Director of Legal Services, National Association of the Deaf, (b) (6)
- Zainab Alkebsi, Policy Counsel, National Association of the Deaf, (b) (6)
- Lydia Brown, Co-Chair, Disability Rights Bar Association, (b) (6)
- Laura Weidner, Chair, Consortium for Citizens with Disabilities, (b) (6)
- Kathy Martinez, President & CEO, Disability Rights Advocates, (b) (6)
- Stuart Seaborn, Managing Director, Litigation, DRA, (b) (6)
- Elizabeth Taylor, Executive Director, National Health Law Program, (b) (6)
- Jane Perkins, Legal Director, NHeLP, (b) (6)
- Sarah Somers, Managing Attorney, NHeLP, (b) (6)
- Jennifer Lav, NHeLP, (b) (6)
- David Machledt, NHeLP, (b) (6)
- Peter Berns, Chief Executive Officer, The Arc of the United States, (b) (6)
- Shira Wakschlag, Senior Director of Legal Advocacy, The Arc of the US, (b) (6)
- Julia Bascom, Executive Director, Autistic Self Advocacy Network, (b) (6)

CRT Stakeholder Engagement Email Lists

- Allison Nichol, Director of Legal Advocacy, Epilepsy Foundation, (b) (6)
- Maria Town, President & CEO, American Association of People with Disabilities, (b) (6)
- Jamila Headley, Co-Executive Director, Be A Hero, (b) (6)
- Elena Hung, Executive Director, Little Lobbyists, (b) (6)
- Nicole Jorwic, Chief of Advocacy and Campaigns, Caring Across Generations, (b) (6)
- Eve Hill, partner, Brown Goldstein Levy, (b) (6)
- Sally Friedman, Senior Vice President of Legal Advocacy, Legal Action Center, (b) (6)
- Gracie Rolfe, Project Manager, Health Resources in Action, (b) (6)
- Michael Leonard, Project Manager, Health Resources in Action, (b) (6)
- John Eisenberg, Executive Director, National Association of State Directors of Special Education, (b) (6)
- Alexandra Reeve Givens, President and CEO, Center for Democracy and Technology,

PROVIDER TRADE ORGS:

- Barbara Merrill, CEO, American Network of Community Options and Resources (ANCOR), (b) (6)
- Chuck Ingoglia, President & CEO, National Council on Mental Wellbeing, (b) (6)
- Gerald Harmon, President, American Medical Association, (b) (6)
- Daniel Blaney-Koen, American Medical Association, (b) (6)

ORGANIZATIONS THAT PROVIDE CONSULTING SERVICES TO STATE AND LOCAL GOVERNMENTS AND ALSO ADVOCATE:

- Technical Assistance Collaborative
 - Kevin Martone, Executive Director, (b) (6)
- Advocates for Human Potential
 - Sam Kossow, Research Associate, (b) (6)
 - Roberta C. Churchill, (b) (6)

Steve Keller, (b) (6)

b. J. Wertz List (compiled early 2022—note substantial overlap w/ Mathis list)

[illegible]

CRT Stakeholder Engagement Email Lists

[illegible]

10. Voting

[illegible]

11. Education

a. General List

[illegible]

b. From EOS – Plyler & related education/language access/immigrant rights engagement

United We Dream	Greisa Martinez	(b) (6)
United We Dream	Juliana Macedo do Nascimento	(b) (6)
Southeast Asia Resource Action Center (SEARAC)	Kham Moua, Director of National Policy	(b) (6)
Southeast Asia Resource Action Center (SEARAC)	Quyen Dinh	(b) (6)

CRT Stakeholder Engagement Email Lists

Arab American Institute	Maya Berry, Executive Director	(b) (6)
Asian American Legal Defense and Education Fund	Margaret Fung	(b) (6)
Asian Americans Advancing Justice	Mee Moua	(b) (6)
Asian Americans Advancing Justice	Eri Andriola	(b) (6)
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)	Diana Autin	(b) (6)
Justice for Migrant Women	Monica Ramirez, Executive Director	(b) (6)
American Federation of Teachers	Beth Antunez	(b) (6)
American Federation of Teachers	Cesar Moreno	(b) (6)
The Center for Law and Social Policy	Wendy Cervantes	(b) (6)
The Center for Law and Social Policy	Alejandra Londano Gomez	(b) (6)
Kids in Need of Defense	Cindy Liou	(b) (6)
Kids in Need of Defense	Cory Shindel	(b) (6)
National Immigration Law Center	Ignacia Rodriguez Kmec Marielena Hincapie Lisa Graybill	(b) (6) (b) (6) (b) (6)
National Education Association	Lubna Alam	(b) (6)
National Education Association	Juan Rangel	(b) (6)
National Education Association	Melody Gonzales	(b) (6)
National Education Association	Bianca Singh	(b) (6)
The Children's Partnership	Gabriella Barbosa	(b) (6)
The Young Center	Jennifer Nagda	(b) (6)
Asian Pacific Policy and Planning Council	Manjusha Kulkarni	(b) (6)
Asian Pacific Policy and Planning Council	David Rios	(b) (6)
Asian Pacific Policy and Planning Council	Candice Cho	(b) (6)
Asian Americans Advancing Justice	Esther Lim	(b) (6)
Asian Americans Advancing Justice	Berenice Rodriguez	(b) (6)
Act to Change	Rebecca Lee	(b) (6)

Somali Community Resettlement Services		(b) (6)
Somali Community Association		(b) (6)
Refugees Helping Refugees		(b) (6)
RAICES	Alexandra Minnaar	(b) (6)
New American Pathways	Paedia Mixon	(b) (6)
Keeping Our Promise	Ellen Smith	(b) (6)
Lutheran Immigration and Refugee Service	Jo-Ann Yoo	(b) (6) ; (b) (6) ; (b) (6)
Asian American Federation		(b) (6)
South Asian American Leading Together	Lakshmi Sridaran	(b) (6)

- ## 12. Criminal Justice (See also Racial Justice/Latino Leaders/AAPI Lists)

[illegible]

a. Reproductive Health--National Stakeholders (see also gender justice list below)

(b) (6)

- Jenny Blasdel, Physicians for Reproductive Health, (b) (6)
- Diana Rhodes, Advocates for Youth, (b) (6)
- Desiree Luckey, URGE, (b) (6)
- Emily Champlin, National Latina Institute for Reproductive Justice, (b) (6)
- MiQuel Davies, Physicians for Reproductive Health, (b) (6)
- Jessi Leigh Swenson, National Partnership for Women & Families, (b) (6)
- Faith Williams, National Council of Jewish Women, (b) (6)
- Candace Gibson, National Latina Institute for Reproductive Justice, (b) (6)
- Jennie Jacoby, In Our Own Voice: National Black Women's Reproductive Justice Agenda, (b) (6)

b. Reproductive Health—Texas Region

Texas groups

ACLU of Texas

The Afriya Center, (b) (6), (b) (6)

Avow, (b) (6)

Counter Balance

Deeds Not Words

Fund Texas Choice, (b) (6), (b) (6)

Jane's Due Process, (b) (6)

Lilith Fund for Reproductive Equity, (b) (6), (b) (6)

Planned Parenthood Texas Votes

Progress Texas

Texas Equal Access Fund, (b) (6)

Texas Freedom Network, (b) (6)

West Fund, (b) (6)

Whole Woman's Health and Whole Woman's Health

Alliance, (b) (6), (b) (6)

Fifth Circuit abortion funds and advocacy groups:

Lift LA, (b) (6)

New Orleans Abortion

Fund, (b) (6), (b) (6)

Women with a Vision, (b) (6), (b) (6)

ARC Southeast (abortion fund), (b) (6), (b) (6)

Mississippi Freedom Fund, (b) (6)

c. Gender Justice/Equal Pay (see also many from Racial Justice list)

(b) (6), (b) (6), (b) (6), (b) (6);
(b) (6), (b) (6)

14. MASSAH Leaders (see POL/Johnathan for full list)

(b) (6), (b) (6), (b) (6);
(b) (6), (b) (6), (b) (6), (b) (6);
(b) (6), (b) (6), Rizwan Jaka, (b) (6);
(b) (6), (b) (6)

a. Contact List—August 2022 Muslim Outreach Contact List (Albuquerque)

- Maya Berry, Executive Director, Arab American Institute, (b) (6), (b) (6)
- Rizwan Jaka, Board Member of All Dulles Area Muslim Society (ADAMS) and Co-Chair of Muslim Jewish Advisory Council - DC/VA/MD, (b) (6), (b) (6)
- Samer Khalaf, National President, American-Arab Anti-Discrimination Committee (ADC), (b) (6), (b) (6)

CRT Stakeholder Engagement Email Lists

- Asifa Quraishi-Landes or Farah Brelvi, Muslim Advocates, Co-Interim Executive Directors, (b) (6); (b) (6)
- Salam al-Marayati, Executive Director Muslim Public Affairs Council (MPAC), (b) (6) (b) (6)
- Natalia Mahmud, Program Director, Muslim-Jewish Advisory Council (b) (6) (b) (6)
- Sachi Watase, Executive Director, New Mexico Asian Family Center, (b) (6) (can get an email if needed)
- Aryani Ong, Senior Advisor, Anti-Hate & Belonging Program, The Asian American Foundation, (b) (6)
- Lakshmi Sridaran, Executive Director, South Asian Americans Leading Together, (b) (6), (b) (6)
- Kiran Kaur Gill, Executive Director, Sikh American Legal Defense and Education Fund, (b) (6), (b) (6) (cell)
- Manjusha Kulkarni, Executive Director, AAPI Equity Alliance, (b) (6)
- D.B. Sagar, Executive Director, International Coalition of Dalit Rights, (b) (6)

15. Hate Crimes & Reporting (See also other lists, contingent upon issue)

(b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6)

a. Attendees—Contacts from 2021 Federal Government Stakeholder Mtg re: hate crimes (note the substantial overlap with other lists—deconflict before using again)

(b) (6)

[illegible]

See John Powers/POL excel spreadsheet

(b) (6)

19. Hate Crimes/Jewish Community Members --May 2021 Interagency Listening Session

(b) (6)

[illegible]

CRT Stakeholder Engagement Email Lists

[illegible]

(b) (6)

(b) (6)

[illegible]

[illegible]

(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6)

(b) (6)

(b) (6) (b) (6) (b) (6) (b) (6) (b) (6)

(b) (6)

(b) (6)

CRT Stakeholder Engagement Email Lists

[illegible]

From: Michael Lieberman (b) (6) >

To: "Mody, Saeed (OASG)" (b) (6) >

Subject: [EXTERNAL] RE: Attorney General Garland at the Senate Judiciary Committee oversight hearing today

Date: Thu, 02 Mar 2023 14:56:39 -0500

Importance: Normal

Thanks, Saeed,

So much respect for the Attorney General and his ability to stay calm in the face of off-the-charts outrageous behavior by uncivil Senators asking baiting questions.

The back and forth with Sen Hawley on the false allegation of targeting Catholics – with its explicit reference to SPLC – was downright painful.

We are preparing something to correct false impressions.

I will share it with you, too.

Michael



Michael Lieberman he/him/his

Senior Policy Counsel, Hate & Extremism | Policy

Southern Poverty Law Center & SPLC Action Fund

T (b) (6)

(b) (6) | splcenter.org | splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e mail or any attachment is prohibited. If you have received this e mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.

From: Mody, Saeed (OASG) (b) (6) >

Sent: Thursday, March 2, 2023 2:09 PM

To: Michael Lieberman <(b) (6)>

Subject: RE: Attorney General Garland at the Senate Judiciary Committee oversight hearing today

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Apologies for the delay. I'm connecting with the COPS Office to figure out what we can share. I'll get back to you on it. Yes, glad hate crimes got some oxygen in the hearing.

From: Michael Lieberman (b) (6)

Sent: Wednesday, March 1, 2023 4:12 PM

To: Mody, Saeed (OASG) (b) (6)

Subject: [EXTERNAL] Attorney General Garland at the Senate Judiciary Committee oversight hearing today

Hi Saeed,

I hope you are well.

Big agenda for AG Garland today in front of Senate Judiciary.

Good attention to hate crime – glad for that.

On the COPS training, is it online training, or in person?

In either event, would it be possible to view it?

Last year, the Justice Department's COPS Office released a new hate crimes recognition and-reporting training specifically aimed at line-level officers. The training will increase state and local law enforcement officers' ability to identify when an incident is a hate crime or hate incident. This will lead to better reporting of these incidents.

Let me know, please.
Thanks.
Michael



Michael Lieberman he/him/his

Senior Policy Counsel, Hate & Extremism | Policy
Southern Poverty Law Center & SPLC Action Fund

T (b) (6)

(b) (6)

| splcenter.org | splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e mail or any attachment is prohibited. If you have received this e mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.

From: "Cochran, Shaylyn (CRT)" (b) (6) >

To: Nina Patel (b) (6)

Cc: "Cochran, Shaylyn (OAG)" (b) (6)

Subject: RE: New Point of Contact -- DOJ Civil Rights Division

Date: Thu, 02 Mar 2023 15:35:04 -0500

Importance: Normal

Inline-Images: image002.jpg

Hi Nina,

Yes, I would be happy to stay connected. I imagine the next month may be hectic as I transition, but let's aim to find a time later in the month. I copied my new email address so we can make that happen.

Shaylyn

From: Nina Patel (b) (6)

Sent: Thursday, March 2, 2023 1:55 PM

To: Cochran, Shaylyn (CRT) (b) (6)

Subject: [EXTERNAL] RE: New Point of Contact -- DOJ Civil Rights Division

Hi Shaylyn,

Congratulations on your new role, and I wish you the best. Thank you so much for your leadership and openness in this position. I'm new to the advocacy space, and it has been great working with you. Please let me know if you need anything. I would like to hear more about your new position when you are able to share.

Sincerely,

Nina

Nina Patel (she/her)

Senior Policy Counsel, Decarceration & Criminal Legal System Reform | Policy

Southern Poverty Law Center & SPLC Action Fund

T (b) (6)

(b) (6) | splcenter.org | splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.

From: Cochran, Shaylyn (CRT) (b) (6)

Sent: Thursday, March 2, 2023 1:27 PM

Cc: Smith, Johnathan (CRT) (b) (6) >; Simon, Eliza (CRT) (b) (6) >; Cheung-

Smith, Bridget (CRT) (b) (6)

Subject: New Point of Contact -- DOJ Civil Rights Division

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon All,

I write to share that today is my last day at the Justice Department's Civil Rights Division. Deputy Assistant Attorney General Johnathan Smith and Acting Chief of Staff (b) (6) continue to share updates on behalf of the Division. He will be joined by Eliza Simon, acting deputy chief of staff (b) (6). Please contact Johnathan or Eliza for assistance from the Division.

It has been a pleasure engaging with you the last two years. I am transitioning to a new role in the Office of the Attorney General, where I will continue working on civil rights issues. I hope to stay connected.

Best,
Shaylyn

Shaylyn Cochran

Chief of Staff and Senior Counsel
Office of the Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
(b) (6)

From: "Simon, Eliza (CRT)" (b) (6) >

To: "Berger, Christine (OAG)" <(b) (6)>, "Braden, Myesha (ODAG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" (b) (6)

Cc: "Smith, Johnathan (CRT)" (b) (6)

Subject: AAG Clarke remarks and itinerary for Selma, AL (March 5-6)

Date: Thu, 02 Mar 2023 22:31:50 -0500

Importance: Normal

Attachments: AAG_Clarke_-_Alabama_Itinerary_03.02.2023.docx; Selma_1_-_Unity_Breakfast_03.02.2023.docx; Selma_2_-_Brown_Chapel_03.02.2023.docx

Good evening,

Please find attached two sets of remarks AAG Clarke plans to deliver in Selma, AL, on Sunday, March 5. I am also attaching the itinerary for this trip.

Best,
Eliza

Eliza H. Simon (she/her)
Acting Deputy Chief of Staff
Office of the Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Cell: (b) (6)
(b) (6)



U.S. Department of Justice Civil Rights Division

**ASSISTANT ATTORNEY GENERAL
KRISTEN CLARKE
CIVIL RIGHTS TOUR – SELMA and MONTGOMERY, AL
MARCH 4-6, 2023**

Note: All times are CST

Saturday, March 4, 2023

- Arrival into Montgomery, AL

Sunday, March 5, 2023 – Selma, AL

- Martin and Coretta King Unity Breakfast
Wallace College
3000 Earl Goodwin Parkway
Time: 7:00a.m. – 10:00 a.m.
Press: Open
- Sunday Morning Church Service
Brown Chapel at Edmundites Center
1428 Broad St.
Time: 10:00 a.m. – 1:00 p.m.
Press: Open
- Rally for the Vote and March across the Edmund Pettus Bridge
80 US Highway 80 E
Time: approximately 2:30 p.m. - 4:00 p.m.
Press: Open



U.S. Department of Justice Civil Rights Division

**ASSISTANT ATTORNEY GENERAL
KRISTEN CLARKE
CIVIL RIGHTS TOUR – SELMA and MONTGOMERY, AL
MARCH 4-6, 2023**

Monday, March 6, 2023 – Montgomery, AL

- Attorney General's Advisory Committee – Subcommittee on Civil Rights
131 Clayton St.
Time: 9:00 a.m. – 9:30 a.m.
Press: Closed
- USAO Staff – Criminal and Civil Division Staff
U.S. Attorney's Office
131 Clayton St.
Time: 9:30 a.m. – 10:00 a.m.
Press: Closed
- Legacy Museum: From Enslavement to Mass Incarceration and the National Memorial for Peace and Justice.
Time: 10:15 a.m. – 12:15 p.m. (approximately)
Press: Closed
Museum: 400 N. Court St. – 10:15 a.m. – 11:15 a.m.
Memorial: 417 Caroline St.- 11:20 a.m. – 12:20 p.m.
- Southern Poverty Law Center
400 Washington Avenue
Time: 12:30 p.m. – 1:30 p.m.
Press: Closed
- Southern Poverty Law Center Civil Rights Memorial Center
400 Washington Ave.
Time: 1:35 p.m. – 3:00 p.m.
- Equal Justice Initiative – Meeting with Bryan Stevenson
Peace and Justice Center at the Memorial
417 Caroline St.
Time: 3:30 p.m. – 4:30 p.m.
Press: Closed



THE UNITED STATES
DEPARTMENT of JUSTICE

**Remarks of Assistant Attorney General Kristen Clarke
Martin & Coretta King Unity Breakfast
March 5, 2023**

It is a tremendous honor to be here in Selma today marking 58 years since Bloody Sunday.

58 years.

58 years since Alabama state troopers mercilessly beat nonviolent marchers – and yet we still join together here every year.

There is both profound hope and profound sadness in that.

58 years – and while we have come so far, we still have so much further to go.

The Voting Rights Act of 1965 was signed into law in direct response to Bloody Sunday, yet today we face some of the most significant threats to our democracy in American history.

The Bloody Sunday march was itself spurred by the beating and murder of Jimmie Lee Jackson by Alabama state troopers, yet police violence remains with us.

White supremacy and racially motivated hate crimes are alive and well.

Voting discrimination and voter suppression are rampant.

The conditions in our jails and prisons are unacceptable

But as Dr. King said when those Selma marchers finally made it to Montgomery, we can find strength in our struggles, hope in our darkest moments.

To quote Dr. King: “Selma, Alabama, became a shining moment in the conscience of man. If the worst in American life lurked in its dark streets, the best of American instincts arose passionately from across the nation to overcome it.”

The Civil Rights Division at the Justice Department is driven by that same belief.

We are committed to defending the civil rights of all people in our country.



THE UNITED STATES
DEPARTMENT *of* JUSTICE

We are using our federal civil rights laws to hold accountable the defendant who killed 10 Black people at the Tops grocery store in Buffalo, New York.

We secured convictions against all three men responsible for the racially-motivated killing of Ahmaud Arbery.

We are holding law enforcement officials accountable when they violate civil and constitutional rights, including Derek Chauvin and the other officers who failed to intervene in the killing of George Floyd.

We are confronting voter suppression and have filed lawsuits from Georgia to Texas to Arizona.

We are investigating police departments from Louisville to Minneapolis, Phoenix to Louisiana.

We are taking on banks that engage in unlawful redlining.

We do this work because we owe a tremendous debt to John Lewis and the Freedom Marchers to who put their bodies on the line to ensure that we all would have the right to vote.

We take this time in Selma to remember that the march is not over- much work remains to be done to fulfill the fundamental ideals upon which this country was founded and upon which democracy is based.

We take this time in Selma to take stock of the very real work that we must all do to fulfill the promise of our Constitution and to meet the goals underlying our civil rights laws.

Thank you.



THE UNITED STATES
DEPARTMENT of JUSTICE

**Remarks of Assistant Attorney General Kristen Clarke
Sunday Morning Services, Brown Chapel at Edmundites Center
March 5, 2023**

Good morning. My name is Kristen Clarke, Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. It is a tremendous honor to be here in Selma today.

Every year, we rightly honor the courage of the peaceful marchers who were beaten on the Edmund Pettus Bridge on Bloody Sunday.

But we, too, must remember the courage it took to come back out again on Monday.

Monday was the day those protesters, bruised and beaten, announced to the world that they would not back down, that they would not be broken.

Dr. King himself said as much that Monday. He said: “We’re going to stand up amid horses. We’re going to stand up right here in Alabama, amid the billy clubs. We’re going to stand up right here in Alabama amid police dogs. We’re going to stand up amid tear gas! We’re going to stand up amid anything they can muster up, letting the world know that we are determined to be free!”

It has been 58 years – and while we have come so far, we still have so much further to go.

The Voting Rights Act of 1965 was signed into law in direct response to Bloody Sunday, yet today we face some of the most significant threats to our democracy of our lifetimes.

The Bloody Sunday march was itself spurred by the beating and murder of protester Jimmie Lee Jackson by Alabama state troopers, yet police violence remains a threat today.

White supremacy and racially motivated hate crimes are alive and well.

Voting discrimination and voter suppression continue to persist.

The conditions in too many of our jails and prisons are inhumane and unconstitutional.



THE UNITED STATES
DEPARTMENT *of* JUSTICE

But as Dr. King told us, we must continue to stand up.

The Civil Rights Division at the Justice Department will continue to stand up.

We are committed to defending the civil rights of people here in Alabama and all across our nation.

We are using our federal civil rights laws to hold accountable the defendant who killed 10 Black people at the Tops grocery store in Buffalo, New York.

We secured convictions against all three men responsible for the racially-motivated killing of Ahmaud Arbery.

We are holding law enforcement officials accountable when they violate civil and constitutional rights, including Derek Chauvin and the other three officers who failed to intervene in the killing of George Floyd.

We are confronting voter suppression and have filed lawsuits from Louisiana to Texas to Arizona.

We are investigating police departments from Louisville to Minneapolis, Phoenix to Louisiana.

We are taking on banks that engage in modern day redlining, and holding them accountable when they fail to provide equal access to credit to Black people and other people of color.

We do this work because even 58 years after Bloody Sunday, the goals of John Lewis and so many of the Foot Soldiers who marched that day remain unrealized.

We do this work because of Emmett Till, and James Byrd and Breonna Taylor.



THE UNITED STATES
DEPARTMENT *of* JUSTICE

As Dr. King told his fellow marchers on that fateful Monday: “A man dies when he refuses to stand up for that which is right. A man dies when he refuses to stand up for justice. A man dies when he refuses to take a stand for that which is true.”

I promise you, under my watch, the Civil Rights Division will stand with you, we will stand for you, we will stand for justice. Thank you.

From: "Sooknanan, Sparkle (OASG)" (b) (6) >

To: "Gupta, Vanita (OASG)" (b) (6) >, "Mizer, Benjamin (OASG)" (b) (6) >, "Henthorne, Betsy (OASG)" (b) (6) >

Subject: FW: AAG Clarke remarks and itinerary for Selma, AL (March 5-6)

Date: Fri, 03 Mar 2023 07:01:41 -0500

Importance: Normal

Attachments: AAG_Clarke_-_Alabama_Itinerary_03.02.2023.docx; Selma_1_-_Unity_Breakfast_03.02.2023.docx; Selma_2_-_Brown_Chapel_03.02.2023.docx

From: Simon, Eliza (CRT) (b) (6)

Sent: Thursday, March 2, 2023 10:32 PM

To: Berger, Christine (OAG) (b) (6) >; Braden, Myesha (ODAG) (b) (6) >;

Sooknanan, Sparkle (OASG) (b) (6)

Cc: Smith, Johnathan (CRT) (b) (6)

Subject: AAG Clarke remarks and itinerary for Selma, AL (March 5-6)

Duplicative Records

From: "Comrie, Nazmia (COPS)" (b) (6) >

To: "Mody, Saeed (OASG)" (b) (6) >, "Chapman, Robert (COPS)" (b) (6)

Cc: "Henthorne, Betsy (OASG)" (b) (6) >

Subject: RE: Attorney General Garland at the Senate Judiciary Committee oversight hearing today

Date: Fri, 03 Mar 2023 08:57:38 -0500

Importance: Normal

Attachments: e072214023_Hate_Crimes_Training_Participant_Guide_Templated_v2_27feb23.pdf

Inline-Images: image001.png

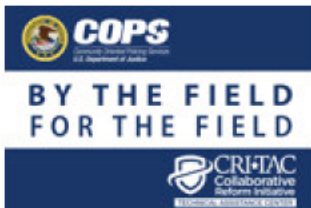
Good morning Saeed,

Absolutely, see attached. It's just a pared down version of the instructor manual.

We don't have the materials publicly available, so I defer to you on the best approach. We are comfortable if you want to share with a small group of external stakeholders, but also happy to schedule a briefing. Whatever your preference is.

Thanks,

Nazmia E.A. Comrie (she/her)
Senior Program Specialist, The COPS Office
(b) (6)



For free, customized technical assistance, please visit
<https://cops.usdoj.gov/collaborativereform>.

From: Mody, Saeed (OASG) (b) (6) >

Sent: Wednesday, March 1, 2023 5:36 PM

To: Comrie, Nazmia (COPS) (b) (6) >; Chapman, Robert (COPS) (b) (6) >

Cc: Henthorne, Betsy (OASG) (b) (6)

Subject: RE: Attorney General Garland at the Senate Judiciary Committee oversight hearing today

I'd love to see the participant guide and PPT slide deck as well. And I defer to COPS as to what, if anything, we are willing to share with stakeholders. I would only share it with a couple of groups who we trust not to distribute it more widely. Alternatively, we could set up a call with them so you could provide a summary of the training. Again, want to make sure your office is comfortable with how best to engage stakeholder groups. Thanks!

From: Comrie, Nazmia (COPS) (b) (6)

Sent: Wednesday, March 1, 2023 5:11 PM

To: Mody, Saeed (OASG) (b) (6) >; Chapman, Robert (COPS) (b) (6)

Cc: Henthorne, Betsy (OASG) (b) (6) >

Subject: RE: Attorney General Garland at the Senate Judiciary Committee oversight hearing today

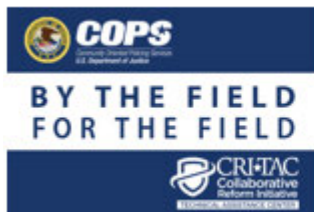
Good afternoon, Saeed,

Thank you so much for this wonderful news! Attached is the instructor manual for the training. Let me know if you also want the participant guide and PPT slide deck. Also, let me know if you all have any questions or need anything else.

Thank you,

Nazmia E.A. Comrie (she/her)
Senior Program Specialist, The COPS Office

(b) (6)



For free, customized technical assistance, please visit
<https://cops.usdoj.gov/collaborativereform>.

From: Mody, Saeed (OASG) (b) (6) >
Sent: Wednesday, March 1, 2023 4:17 PM
To: Chapman, Robert (COPS) <(b) (6)>; Comrie, Nazmia (COPS) <(b) (6)>
Cc: Henthorne, Betsy (OASG) (b) (6)
Subject: FW: Attorney General Garland at the Senate Judiciary Committee oversight hearing today

Hi Rob and Nazmia –

We lifted up the COPS training on hate crimes recognition and reporting in the AG's SFR (same as we did in VG's Conference of Mayors remarks). Michael Lieberman from SPLC is asking whether he could view it. My understanding is that this is an in-person training and we send someone out to the agency to conduct the 8-hour training. Are there written materials we'd be willing to let SPLC and/or other close stakeholder partners review?

Based on talks with Michael, the groups would love to amplify the availability of the training.

Happy to talk further!

Thanks,

Saeed

From: Michael Lieberman (b) (6)
Sent: Wednesday, March 1, 2023 4:12 PM
To: Mody, Saeed (OASG) <(b) (6)>
Subject: [EXTERNAL] Attorney General Garland at the Senate Judiciary Committee oversight hearing today

Duplicative Records

From: White House Press Office (b) (6)

To: (b) (6) Ashely Robertson (ODAG)>

Subject: [EXTERNAL] Out-of-town pool report #9 - In attendance

Date: Sun, 05 Mar 2023 15:55:18 -0500

Importance: Normal

From: Joseph Clark (b) (6)

Date: March 5, 2023 at 2:47:21 PM CST

To: (b) (6), Wranglers (b) (6)

Subject: [EXTERNAL] Out-of-town pool report #9 - In attendance

In attendance for the President's remarks at the Edmund Pettus Bridge on the importance of commemorating Bloody Sunday so that history can't be erased and highlighting how the continued fight for voting rights is integral to delivering economic justice and civil rights for Black Americans:

Attendees:

Secretary Marcia Fudge, Department of Housing and Urban Development

Rep. Jim Clyburn (SC-06)

Rep. Terri Sewell (AL-07)

Mayor James Perkins Jr, Selma, Alabama

Mayor Steven Reed, Montgomery, Alabama

Reverend Jesse Jackson

Martin Luther King III

Bishop William Barber II

Fred Gray, Civil Rights Attorney and Presidential Medal of Freedom Recipient (2022)

Dr. Charles Steele, President, Southern Christian Leadership Conference

Reverend Al Sharpton, Founder, National Action Network

Maya Wiley, President and CEO, Leadership Conference on Civil and Human Rights

Janai Nelson, President, NAACP Legal Defense Fund

Damon Hewitt, President and Executive Director, Lawyers' Committee on Civil Rights Under Law

Margaret Huang, President and CEO, Southern Poverty Law Center

Christian Nunes, President, National Organization for Women

Senator Hank Sanders, Selma Jubilee Committee Founder and Former Alabama State Senator

Faya Rose Toure, Founder, Selma Jubilee Committee

Dr. James Mitchell, Selma to Montgomery Committee and President, Wallace Community College-Selma

Pastor Leodis Strong, Brown Chapel AME

Charles Mauldin, Foot Soldier, Student Leader of the Bloody Sunday March on March 7, 1965

Family members of the late Rep. John Lewis (GA-05)

Jimmy Nunn, Dallas County Probate Judge

Mayor Keisha Lance Bottoms, Director of the Office of Public Engagement

State and local elected officials

Run of Show

Freedom Singers

Speaking Program

Reverend William Barber II

Mayor James Perkins Jr.

Faya Rose Toure

Dr. James Mitchell

Rep. Terri Sewell (AL-07)

Charles Mauldin

The President

The president's remarks are being live streamed via the following link:

<https://www.whitehouse.gov/live/>

Joseph Clark

The Washington Times | Capitol Hill Reporter

Cell: (b) (6) | Desk: (b) (6)

The information contained in this electronic transmission is intended for the exclusive use of the individuals to whom it is addressed and may contain information that is privileged and confidential, the disclosure of which is prohibited by law. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. In addition, any unauthorized copying, disclosure or distribution of the material in this e mail and any attachments is strictly forbidden.

This email was sent to (b) (6)

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

White House Press Office · 1600 Pennsylvania Ave NW · Washington, DC 20500-0003 · USA

From: "Simon, Eliza (CRT)" (b) (6) >

To: "Braden, Myesha (ODAG)" (b) (6) >, "Gaston, Molly (ODAG)" (b) (6) >

Cc: "Sooknanan, Sparkle (OASG)" (b) (6) >, "Smith, Johnathan (CRT)" (b) (6) >

Subject: Draft ODAG-CRT Agenda

Date: Mon, 06 Mar 2023 11:37:26 -0500

Importance: Normal

Attachments: March_7_ODAG_Meeting_(long_form).docx

Dear Myesha and Molly,

Please see the attached draft agenda for tomorrow's ODAG-CRT meeting. Please let me and Johnathan know if you'd like to discuss any of this further.

Best,
Eliza

Eliza H. Simon (she/her)
Acting Deputy Chief of Staff
Office of the Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Cell: (b) (6)
(b) (6)

**AGENDA
FOR THE DEPUTY ATTORNEY GENERAL**

FROM: Civil Rights Division

SUBJECT: Monthly Civil Rights Division Meeting

MEETING DATE: March 7, 2023

ATTENDEES: AAG Kristen Clarke; PDAAG Elise Boddie; CoS/DAAG Johnathan Smith; DAAGs Robert Moossy, Jennifer Mathis, and Katie Wolfe

1. Operational – Hiring: The FY 2023 budget authorized 77 additional attorney slots and 46 new PASS position for CRT, and the Division is undertaking a significant hiring process. We had ads open for trial attorneys and attorney advisers in multiple sections that closed February 27, and we received a total of 521 applications. We have additional trial attorney and attorney adviser ads still open that close later in March.
 - *Discussion point*: As part of this hiring, we are also considering functions such as a technologist, an Electronic Discovery Officer, how to better streamline/centralize some of the outreach/engagements functions that CRT does. As part of this process, we have been consulting with other components and agencies to see if there are best practices we can learn.
2. Civil Rights Tour- Selma: On March 5 and 6, AAG Clarke completed the first leg of the planned southern civil rights tour. On March 5, AAG Clarke spoke at and attended events commemorating the 58th anniversary of Bloody Sunday. On March 6, she met with members of the AGAC subcommittee on Civil Rights, U.S. Attorney's Office staff, and leadership of the Southern Poverty Law Center and Equal Justice Initiative. Upcoming stops on the tour include Louisiana, Tennessee, and Mississippi.
3. Louisville Police Department: The Division has concluded its investigation and is rolling out its findings to the public on Wednesday, March 8. The Division found reasonable cause to believe that Louisville Metro and Louisville Metro Police Department (LMPD) engage in a pattern or practice of conduct that deprives people of rights protected by the Constitution and federal law. Specifically, there is reasonable cause to believe that Louisville Metro and LMPD engage in a pattern or practice of: (1) excessive force; (2) unlawful search warrant practices; (3) unlawful street enforcement activities; (4) unlawful discrimination against Black people; (5) unlawful responses to protected speech against police action; and (6) unlawful discrimination against people with behavioral health disabilities. The United States also found that LMPD's response to sexual assault and

domestic violence raises serious concerns that LMPD engages in gender bias in delivering policing services to women.

- Discussion point: (b)(5) per CRT

4. Criminal Matters Involving Sexual Assault: The Division had or will soon have a number of trials and sentencings involving criminal sexual assault by state and federal officers. This includes *United States vs. Viera*, in which a former BOP correctional officer will be sentenced on March 20. The Division is in the process of standing up its sexual assault coordinating committee.
5. FACE Act Matters: The Division is proceeding in two cases against a total of 18 defendants charged with conspiracy and violations of the FACE Act in connection with physical blockades at reproductive rights clinics in Washington, D.C., and Detroit, MI. The D.C. court is currently considering a defendant's argument that the case cannot proceed in light of the *Dobbs* decision. We are aware of and tracking the letter from Sen. Cruz.
6. Hate Crimes Programming: The Division will host two upcoming events related to hate crimes prevention and response: a webinar targeted toward the LGBTQI+ community and affiliated organizations; and a virtual forum co-hosted with the AGAC Civil Rights Subcommittee to highlight the *United Against Hate* outreach program. The LGBTQI+-focused webinar was requested during a quarterly meeting with civil rights groups held by the DAG.
7. Child Labor and HTPU: In light of the recent New York Times expose, the Division is looking into the issue of child labor. Some of the Division's human trafficking forced-labor cases relate directly to this issue.
8. Web Accessibility Rule: The Division has submitted to OMB a proposed rule concerning accessibility of websites under Title II of the Americans with Disabilities Act. The estimated time for issuance of a proposed rule is May 2023.
9. Redlining – Park National: On February 28, the Division resolved the sixth case filed and resolved under the Combatting Redlining Initiative, which has secured a total of \$84 million in relief to date. The Division is planning an event related to its redlining work for April (Fair Housing Month).
10. Law Enforcement Sensitive

From: "Sooknanan, Sparkle (OASG)" (b) (6) >

To: "Gupta, Vanita (OASG)" <(b) (6)>, "Mizer, Benjamin (OASG)"
(b) (6) >

Cc: "Henthorne, Betsy (OASG)" (b) (6)

Subject: FW: Draft ODAG-CRT Agenda

Date: Mon, 06 Mar 2023 11:50:22 -0500

Importance: Normal

Attachments: March_7_ODAG_Meeting_(long_form).docx

fyi

From: Simon, Eliza (CRT) (b) (6)

Sent: Monday, March 6, 2023 11:37 AM

To: Braden, Myesha (ODAG) (b) (6); Gaston, Molly (ODAG) (b) (6) >

Cc: Sooknanan, Sparkle (OASG) (b) (6); Smith, Johnathan (CRT)

(b) (6)

Subject: Draft ODAG-CRT Agenda

Duplicative Records

From: "Sooknanan, Sparkle (OASG)" (b) (6) >

To: "Cochran, Shaylyn (OAG)" (b) (6) >

Subject: FW: Draft ODAG-CRT Agenda

Date: Mon, 06 Mar 2023 13:44:24 -0500

Importance: Normal

Attachments: March_7_ODAG_Meeting_(long_form).docx

fyi

From: Simon, Eliza (CRT) (b) (6) >

Sent: Monday, March 6, 2023 11:37 AM

To: Braden, Myesha (ODAG) (b) (6) >; Gaston, Molly (ODAG) (b) (6) >

Cc: Sooknanan, Sparkle (OASG) (b) (6) >; Smith, Johnathan (CRT)

(b) (6) >

Subject: Draft ODAG-CRT Agenda

Duplicative Records

From: "Braden, Myesha (ODAG)" (b) (6) >

To: "Suero, Maya A. (ODAG)" (b) (6)

Cc: "Chandler, Adam (ODAG)" (b) (6) >, "Thomas, Tina M. (ODAG)"
<(b) (6)>, "Miller, Marshall (ODAG)" (b) (6) >

Subject: Briefing Agenda for CRT Monthly

Date: Mon, 06 Mar 2023 21:33:47 -0500

Importance: Normal

Attachments: BRIEFING_AGENDA_-_CRT_Monthly_Meeting_3-7-23.docx

Hi, Maya

I missed today's binder, so will you please get this in the DAG's book in the morning for tomorrow afternoon's meeting. (Assuming I understood correctly that we are no longer moving the meeting to Friday?)

Best,

Myesha

Myesha Braden
Associate Deputy Attorney General
Office of the Deputy Attorney General
United States Department of Justice
(b) (6)

**AGENDA
FOR THE DEPUTY ATTORNEY GENERAL**

FROM: Civil Rights Division

SUBJECT: Monthly Civil Rights Division Meeting

MEETING DATE: March 7, 2023

ATTENDEES: AAG Kristen Clarke; PDAAG Elise Boddie; CoS/DAAG Johnathan Smith; DAAGs Robert Moosy, Jennifer Mathis, and Katie Wolfe

1. Operational – Hiring: The FY 2023 budget authorized 77 additional attorney slots and 46 new PASS position for CRT, and the Division is undertaking a significant hiring process. We had ads open for trial attorneys and attorney advisers in multiple sections that closed February 27, and we received a total of 521 applications. We have additional trial attorney and attorney adviser ads still open that close later in March.
 - *Discussion point*: As part of this hiring, we are also considering functions such as a technologist, an Electronic Discovery Officer, how to better streamline/centralize some of the outreach/engagements functions that CRT does. As part of this process, we have been consulting with other components and agencies to see if there are best practices we can learn.

DAG QUESTION:

(b) (5)

A large black rectangular redaction box covering several lines of text.

2. Civil Rights Tour- Selma: On March 5 and 6, AAG Clarke completed the first leg of the planned southern civil rights tour. On March 5, AAG Clarke spoke at and attended events commemorating the 58th anniversary of Bloody Sunday. On March 6, she met with members of the AGAC subcommittee on Civil Rights, U.S. Attorney's Office staff, and leadership of the Southern Poverty Law Center and Equal Justice Initiative. Upcoming stops on the tour include Louisiana, Tennessee, and Mississippi.

DAG QUESTION:

(b) (5)

A black rectangular redaction box covering a single line of text.

3. Louisville Police Department: The Division has concluded its investigation and is rolling out its findings to the public on Wednesday, March 8. The Division found reasonable cause to believe that Louisville Metro and Louisville Metro Police Department (LMPD) engage in a pattern or practice of conduct that deprives people of rights protected by the Constitution and federal law. Specifically, there is reasonable cause to believe that Louisville Metro and LMPD engage in a pattern or practice of: (1) excessive force; (2) unlawful search warrant practices; (3) unlawful street enforcement activities; (4) unlawful discrimination against Black people; (5) unlawful responses to protected speech against police action; and (6) unlawful discrimination against people with behavioral health disabilities. The United States also found that LMPD's response to sexual assault and domestic violence raises serious concerns that LMPD engages in gender bias in delivering policing services to women.

- *Discussion point*: (b)(5) per CRT

4. Criminal Matters Involving Sexual Assault: The Division had or will soon have a number of trials and sentencings involving criminal sexual assault by state and federal officers. This includes *United States vs. Viera*, in which a former BOP correctional officer will be sentenced on March 20. The Division is in the process of standing up its sexual assault coordinating committee.

DAG QUESTION:

(b) (5)

5. FACE Act Matters: The Division is proceeding in two cases against a total of 18 defendants charged with conspiracy and violations of the FACE Act in connection with physical blockades at reproductive rights clinics in Washington, D.C., and Detroit, MI. The D.C. court is currently considering a defendant's argument that the case cannot proceed in light of the *Dobbs* decision. We are aware of and tracking the letter from Sen. Cruz.

DAG QUESTION:

(b) (5)

6. Hate Crimes Programming: The Division will host two upcoming events related to hate crimes prevention and response: a webinar targeted toward the LGBTQI+ community and affiliated organizations; and a virtual forum co-hosted with the AGAC Civil Rights Subcommittee to highlight the *United Against Hate* outreach program. The LGBTQI+-focused webinar was requested during a quarterly meeting with civil rights groups held by the DAG.
7. Child Labor and HTPU: In light of the recent New York Times expose, the Division is looking into the issue of child labor. Some of the Division's human trafficking forced-labor cases relate directly to this issue.

DAG COMMENT:

(b) (5)

8. Web Accessibility Rule: The Division has submitted to OMB a proposed rule concerning accessibility of websites under Title II of the Americans with Disabilities Act. The estimated time for issuance of a proposed rule is May 2023.
9. Redlining – Park National: On February 28, the Division resolved the sixth case filed and resolved under the Combatting Redlining Initiative, which has secured a total of \$84 million in relief to date. The Division is planning an event related to its redlining work for April (Fair Housing Month).
10. Law Enforcement Sensitive

From: "Smith, Johnathan (CRT)" (b) (6) >
To: "Mody, Saeed (OASG)" (b) (6)
Cc: "Moosy, Robert (CRT)" (b) (6) >, "Simon, Eliza (CRT)" (b) (6), "Weiner, Robert (CRT)" (b) (6) >

Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Date: Wed, 08 Mar 2023 09:57:25 -0500

Importance: Normal

Saeed,

See below for the groups we invited to the call and the ones who confirmed:

Invitees:

ADL
SPLC
HRC
NAACP
National Urban League
Secure Communities
Lawyer's Committee
Leadership Conference
MAALDEF
AAI
Sikh Coalition
Shepard/Byrd Foundation

Confirmed

LDF---Lisa Cylar Barrett + an additional staffer
SPLC---Michael Lieberman
SCN---TBD staff representative
LCCRUL---Arusha Gordon
HRC---David Stacy
NUL---TBD staff representative

Tentative

AAI---Maya Berry

From: Mody, Saeed (OASG) (b) (6)
Sent: Wednesday, March 8, 2023 9:02 AM
To: Smith, Johnathan (CRT) (b) (6)
Cc: Moosy, Robert (CRT) (b) (6); Simon, Eliza (CRT) (b) (6); Weiner, Robert (CRT) (b) (6)
Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Could you hold off asking Kristen to raise with her FBI contacts? Let me see if I can move FBI on this, and then we can elevate. FBI has always been open to this before, so I'm wondering if this is a garble at the FBI OPA level.

From: Smith, Johnathan (CRT) (b) (6)
Sent: Wednesday, March 8, 2023 8:58 AM
To: Mody, Saeed (OASG) (b) (6)
Cc: Moosy, Robert (CRT) (b) (6); Simon, Eliza (CRT) (b) (6); Weiner, Robert (CRT) (b) (6)
Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

(b) (5) As you know Kristen and Robert are traveling today but I will see if Kristen can raise this with her FBI contacts.

And will forward that other info once I get to the office.

Sent from my iPhone

On Mar 8, 2023, at 8:55 AM, Mody, Saeed (OASG) (b) (6) wrote:

Heard back this morning from FBI on a separate thread. They are contemplating (b) (5)

I'm also feeling the time crunch, because (b) (5)

I'm going to suggest that we set up a larger meeting to discuss further. (b) (5)

In the meantime, can you please send me the invite list that CRT set up with the groups the afternoon the Dec. stats were released?

From: Mody, Saeed (OASG)
Sent: Tuesday, March 7, 2023 10:28 PM
To: Smith, Johnathan (CRT) (b) (6)
Cc: Moosy, Robert (CRT) (b) (6); Simon, Eliza (CRT) (b) (6); Weiner, Robert (CRT) (b) (6)
Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

No, I didn't hear back from anyone. I'm going to re-up now, and I can add Eliza.

From: Smith, Johnathan (CRT) (b) (6)
Sent: Tuesday, March 7, 2023 10:25 PM
To: Mody, Saeed (OASG) (b) (6)
Cc: Moosy, Robert (CRT) (b) (6); Simon, Eliza (CRT) (b) (6); Weiner, Robert (CRT) (b) (6)
Subject: FW: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hey Saeed,

Just checking if you heard back from the FBI on this. Kirsten got some incoming today from ADL asking if they'd get a preview of the new data before Monday.

Thanks,
j

From: Mody, Saeed (OASG)

Sent: Tuesday, March 7, 2023 8:54 AM

To: Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI
Braden, Myesha (ODAG) (b)(6) ; Lan, Iris (ODAG) (b)(6) ; Sooknanan, Sparkle
(OASG) (b)(6) ; Piquero, Alex (OJP) (b)(6) ; Smith, Erica (OJP)
(b)(6) ; (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD)
(FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; Moossy, Robert (CRT)
(b)(6) ; (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; Bradford, Aryele (PAO)
(b)(6) ; Iverson, Dena (PAO) (b)(6) ; Comrie, Nazmia (COPS)
(b)(6)
cc: (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ;
(b)(6), (b)(7)(C), b(7)(E) per FBI (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; (b)(6), (b)(7)(C), b(7)(E) per FBI
(CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; Remrey, Lizabeth (OJP) (b)(6) ; Gardner, Andrea
(OJP) (b)(6) ; (b)(6), (b)(7)(C), b(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), b(7)(E) per FBI ; Yoon, Hayne (OJP)
(b)(6) ; Foran, Sheila (CRT) (b)(6) ; Smith, Johnathan (CRT)
(b)(6) ; Weiner, Robert (CRT) (b)(6) ; Schnitzer, Olivia C. (OJP)
(b)(6)

Subject: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi, Brian and (b)(6), (b)(7)(C) per FBI

I wanted to see if there was a draft rollout plan for the Supplemental Hate Crime Analysis. If the plan is to publish next Monday, then it would be great to see the summary of what the supplemental will show. You previewed some of it last week, and I think it will be well received from our stakeholder partners.

I also wanted to make sure the plan (b) (5)

The Associate is interested in (b) (5)

FY 2023 Emmett Till Cold Case Investigations and Prosecution Program

Applications due May 24, 2023

<https://bja.ojp.gov/funding/opportunities/o-bja-2023-171639>

FY 2023 Community-based Approaches to Prevent and Address Hate Crimes

Applications due May 24, 2023

<https://bja.ojp.gov/funding/opportunities/o-bja-2023-171643>

FY 2023 Matthew Shepard and James Byrd, Jr. Hate Crimes Program

Applications due May 30, 2023

<https://bia.ojp.gov/funding/opportunities/o-bia-2023-171642>

Thanks!

Saeed

Platform: Microsoft Teams **Name:** HC Supplement Discussion w/CJIS & NPO

Timezone: UTC-0400

Contributors: (b)(6), (b)(7)(C) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C) per FBI (OPA) (FBI) (b)(6), (b)(7)(C) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C) per FBI, Myesha (ODAG) Braden, Brian D. (CJISD) (FBI) Griffith, Saeed (OASG) Mody, (b)(6), (b)(7)(C) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C) per FBI Johnathan (CRT) Smith, (b)(6), (b)(7)(C) per FBI (OPA) (FBI) (b)(6), (b)(7)(C) per FBI

2023/03/08



Saeed (OASG) Mody

11:54:58 am

Invitees:

ADL

SPLC

HRC

NAACP

National Urban League

Secure Communities

Lawyer's Committee

Leadership Conference

MAALDEF

AAI

Sikh Coalition

Shepard/Byrd Foundation

Groups that got early access in Dec: the Leadership Conference, American Jewish Committee, ADL, SPLC, Sikh Coalition, and the Arab American Institute

11:56:14 am

From: "Mody, Saeed (OASG)" (b) (6)
To: "Bradford, Aryele (PAO)" (b) (6) >, "Iverson, Dena (PAO)"
<(b) (6)>
Cc: "Braden, Myesha (ODAG)" (b) (6), "Henthorne, Betsy (OASG)"
<(b) (6)>, "Sooknanan, Sparkle (OASG)"
<(b) (6)>, "Smith, Johnathan (CRT)" (b) (6)

Subject: FW: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Date: Wed, 08 Mar 2023 20:56:52 -0500

Importance: Normal

Hi, Dena and Aryele –

I wanted to provide an update on the release of the revised hate crime stats. We spoke to (b)(6), (b)(7)(C) per FBI and (b)(6), (b)(7)(C) from FBI OPA, in addition to FBI CJIS, about the supplemental hate crime stats release. FBI is aiming for Monday but doesn't really have a concrete rollout plan just yet. I think we have things pointed in the right direction, and I'll get an update on the status of the FBI press release and report tomorrow morning.

We have strongly encouraged FBI to provide the report early to the five groups who received access to the Dec stats early: the Leadership Conference, American Jewish Committee, ADL, SPLC, Sikh Coalition, and the Arab American Institute. CJIS is open to doing a briefing and PowerPoint for these groups but not giving them copies of the report.

We also encouraged a briefing with the groups that CRT put together the day of the release. FBI would like to broaden the number of groups and then invite them to listen to the meeting with press on Monday morning. In addition to FBI, someone from CRT and I would also participate in the call to talk about our other efforts to prevent and combat hate crimes.

I don't have an issue with this idea but still see value with a separate meeting on Monday with the groups below (who participated in the briefing in December).

Here is the list of stakeholders from the Dec meeting:

ADL

SPLC

HRC

NAACP

National Urban League

Secure Communities

Lawyer's Committee

Leadership Conference

MAALDEF

AAI

Sikh Coalition

Shepard/Byrd Foundation

From: Mody, Saeed (OASG)

Sent: Wednesday, March 8, 2023 8:37 PM

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (b)(6) ; Smith, Johnathan (CRT) (b)(6)

Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Also, when does FBI expect to have a draft press release? And, even if the report is still going through clearance, is there a summary document yet that I could see?

Thank you!

Saeed

From: Mody, Saeed (OASG)

Sent: Wednesday, March 8, 2023 1:00 PM

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (b)(6) Smith, Johnathan (CRT) (b)(6)

Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

I'm happy to be part of the briefing on Monday, with CJIS and CRT. Alex could also be a good person to have available, considering all the work BJS is doing with FBI on NIBRS implementation and its value.

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Sent: Wednesday, March 8, 2023 10:15 AM

To: Mody, Saeed (OASG) <(b)(6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) <(b)(6)>

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Absolutely!

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

Public Affairs Specialist

FBI - CJIS Division

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: Mody, Saeed (OASG) (b)(6)

Sent: Wednesday, March 8, 2023 10:14 AM

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (JMD) (b)(6)
Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Sounds good. It would be helpful to invite Myesha from ODAG and CRT (Jonathan Smith and Robert Moossy). Would that be okay?

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Sent: Wednesday, March 8, 2023 10:11 AM
To: Mody, Saeed (OASG) <(b)(6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (b)(6)
Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi Saeed -

NPO is going to join us for the call at 11:30am. If it's ok with you, we will do a Teams call and I will send out the invite. I will also include Ariele in case she is able to join. I'd like to keep the call small so we can have a productive conversation, but please let me know who on your end you would like for me to include on the call.

(b)(6), (b)(7)(C), (b)(7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: Mody, Saeed (OASG) (b)(6)
Sent: Wednesday, March 8, 2023 9:15 AM
To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (JMD) (b)(6)
Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Great. (b)(6)

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Sent: Wednesday, March 8, 2023 9:14 AM
To: Mody, Saeed (OASG) (b)(6); Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (b)(6)
Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

11:30 works. What number should I call?

(b)(6), (b)(7)(C), (b)(7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: Mody, Saeed (OASG) (b) (6)

Sent: Wednesday, March 8, 2023 8:48 AM

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b) (6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (JMD) (b) (6)

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

I'm free at 11:30 and then 1 – 2, if one of those windows work on your end.

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Sent: Wednesday, March 8, 2023 8:33 AM

To: Mody, Saeed (OASG) (b) (6); Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b) (6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (b) (6)

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Saeed -

Can I give you a call after my call with NPO? I'm hoping to have more information on messaging to provide you. Let me know when you are available after 10am.

The groups you provided in your email look like the same ones our staff provided. If you can get a list for the briefing, that would be very helpful.

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

Public Affairs Specialist

FBI - CJIS Division

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: Mody, Saeed (OASG) (b) (6)

Sent: Wednesday, March 8, 2023 8:24 AM

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b) (6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (JMD) (b) (6)

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi, (b)(6), (b)(7)(C), (b)(7)(E) per FBI

I'd love to talk through this, because I think there is real value in (b) (5)

When do you think you will be able to share the report and/or summary of the report with the larger group?

I believe (b) (5)

Thanks,

Saeed

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Sent: Wednesday, March 8, 2023 8:11 AM

To: Mody, Saeed (OASG) (b) (6); Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (b) (6)

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi Saeed -

I'm doing a call with OPA/NPO this morning to get some further direction. Can you send a list of advocacy groups that you would like included? I'm not sure we are going to (b) (5)

(b)(6), (b)(7)(C), (b)(7)(E) per FBI NPO should be in contact with Aryele to discuss the plan.

After my call with NPO this morning, I will provide an update on the Monday briefing as well as any additional details on Monday's release.

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

Public Affairs Specialist

FBI - CJIS Division

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: Mody, Saeed (OASG) (b) (6)

Sent: Tuesday, March 7, 2023 10:28 PM

To: Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b) (6); Lan, Iris (ODAG) (JMD) (b) (6); Sooknanan, Sparkle (OASG) (JMD) (b) (6); Piquero, Alex (OJP) (b) (6); Smith, Erica (OJP) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Moosy, Robert (CRT) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO) (JMD) (b) (6); Iverson, Dena (PAO) (JMD) (b) (6); Comrie, Nazmia (COPS) (b) (6)

Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Simon, Eliza (CRT) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Remrey, Lizabeth (OJP) (b) (6); Gardner, Andrea (OJP) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Yoon, Hayne (OJP) (b) (6); Foran, Sheila (CRT) (b) (6); Smith, Johnathan (CRT) (b) (6); Weiner, Robert (CRT) (b) (6); Schnitzer, Olivia C.

(OJP)(b) (6)

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Just wanted to re-up, because we're starting to hear from groups asking whether the supplemental is going to come out next week and whether there will be an early look for the same groups as last time.

Many thanks!

Saeed

From: Mody, Saeed (OASG)

Sent: Tuesday, March 7, 2023 8:54 AM

To: Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b) (6) >; Lan, Iris (ODAG) (b) (6) Sooknanan, Sparkle (OASG)

(b) (6) ; Piquero, Alex (OJP) (b) (6) Smith, Erica (OJP)

(b) (6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD)

(FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Moossy, Robert (CRT)

(b) (6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Bradford, Aryele (PAO)

(b) (6) ; Iverson, Dena (PAO) (b) (6) Comrie, Nazmia (COPS)

(b) (6) **Cc:** (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI

(b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI

CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Remrey, Lizabeth (OJP) (b) (6) Gardner, Andrea (OJP)

(b) (6) > (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Yoon, Hayne (OJP)

(b) (6) ; Foran, Sheila (CRT) (b) (6) ; Smith, Johnathan (CRT)

(b) (6) ; Weiner, Robert (CRT) (b) (6) ; Schnitzer, Olivia C. (OJP)

(b) (6)

Subject: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Duplicative Records

From: "Mody, Saeed (OASG)" (b) (6)

To: "Smith, Johnathan (CRT)" (b) (6), "Moossy, Robert (CRT)" (b) (6)

Subject: Email list?

Date: Thu, 09 Mar 2023 12:57:27 -0500

Importance: Normal

Jonathan and Robert,

Do you know who our POC is for the Matthew Shepard Foundation? And if there are other POCs you think we should add for any of the groups, can you please add that?

- Leadership Conference
 - (b) (6)
- American Jewish Committee
 - (b) (6)
- ADL
 - (b) (6)
- SPLC
 - (b) (6)
- Sikh Coalition
 - (b) (6)
- Arab American Institute
 - (b) (6)
- Matthew Shepard Foundation

(b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith, Johnathan (CRT) (b)(6); Moosy, Robert (CRT) (b)(6)

Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

(b)(5)

We can send the email list, if that's an issue.

2 pm tomorrow works for me and CRT.

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Sent: Thursday, March 9, 2023 11:37 AM
To: Mody, Saeed (OASG) (b)(6)
Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith, Johnathan (CRT) (b)(6); Moosy, Robert (CRT) (b)(6)
Subject: Re: Tomorrow's Call

I agree. We'll wait for Brian to respond.

From: Mody, Saeed (OASG) (b)(6) >
Sent: Thursday, March 9, 2023 11:35:02 AM
To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith, Johnathan (CRT) (b)(6); Moosy, Robert (CRT) (b)(6) >
Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

Sounds good - We should probably all get on the phone to discuss.

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Sent: Thursday, March 9, 2023 11:33 AM
To: Mody, Saeed (OASG) (b)(6)
Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith, Johnathan (CRT) (b)(6); Moosy, Robert (CRT) (b)(6) >
Subject: Re: Tomorrow's Call

That's not a decision I can make. I defer to DAD Griffith.

From: Mody, Saeed (OASG) (b)(6)
Sent: Thursday, March 9, 2023, 11:29 AM
To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (JMD) (b)(6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith, Johnathan (CRT) (b)(6); Moosy, Robert (CRT) (b)(6)
Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

Happy to talk. I'm free until 12:30. (b) (6)

(b) (5)

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Sent: Thursday, March 9, 2023 10:32 AM

To: Mody, Saeed (OASG) <(b) (6)>

Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI; CJISD (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden, Myesha (ODAG) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Subject: Tomorrow's Call

Hi Saeed -

Let me know when you have a few minutes for a call. I wanted to discuss logistics regarding tomorrow's call. A few things I'd like to address...

- Can your team send out the invite for the call tomorrow?
- When to send out invite? - I think we need to do it asap.
- The groups we have that received beta info for the December release are below. Let me know if this is correct.
 - Leadership Conference
 - American Jewish Committee
 - ADL
 - SPLC
 - Sikh Coalition
 - Arab American Institute
 - Matthew Shepard Foundation
- What time do you think would be best for the call?
- Is there a specific platform that DOJ uses for these types of calls?
- Below is what we are thinking for the agenda:
 - Brian Griffith - Opening remarks from FBI/CJIS
 - Saeed Mody - Opening remarks from DOJ
 - (b)(6), (b)(7)(C) per FBI - Will present slide deck providing an overview and highlights of the report
 - Q&A - (I think we should keep it to Brian, Saeed and (b)(6), (b)(7)(C) to answer questions)
- Is there anyone else from FBI (CID?) that should be invited to the call? OPA/NPO needs invited.
- Who all from DOJ needs to be invited to the call?

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

Public Affairs Specialist

FBI - CJIS Division

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: "Mody, Saeed (OASG)" (b) (6)

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI "(CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI "(CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI "(CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI "(CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI "Griffith, Brian D. (CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI "Braden, Myesha (ODAG)" (b)(6) > (b)(6), (b)(7)(C), (b)(7)(E) per FBI "(CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI "Smith, Johnathan (CRT)" (b)(6) "Moossy, Robert (CRT)" (b)(6)

Subject: RE: Tomorrow's Call

Date: Thu, 09 Mar 2023 13:07:17 -0500

Importance: Normal

I've asked Jonathan and Robert if they have the POC at Shephard Foundation or other POCs within the other orgs that we should be adding. FBI may have different POCS from these orgs too. These are the folks I have contact with:

- o Leadership Conference
 - (b) (6)
- o American Jewish Committee
 - (b) (6)
- o ADL
 - (b) (6)
- o SPLC
 - (b) (6)
- o Sikh Coalition
 - (b) (6)
- o Arab American Institute
 - (b) (6)
- o Matthew Shepard Foundation

For DOJ: Myesha, Robert, Jonathan, Alex Piquero

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Sent: Thursday, March 9, 2023 12:55 PM

To: Mody, Saeed (OASG) (b) (6)

Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI
(b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden,
Myesha (ODAG) (b) (6) ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith, Johnathan
(CRT) (b) (6) ; Moossy, Robert (CRT) (b) (6)

Subject: Re: Tomorrow's Call

When you send the email list, can you also include who from DOJ you would like for us to include on the invite?

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

Public Affairs Specialist

FBI - CJIS Division

(b)(6), (b)(7)(C), (b)(7)(E) per FBI

From: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Sent: Thursday, March 9, 2023 12:43 PM

To: Mody, Saeed (OASG) (JMD) (b) (6) >

Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI

(b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Braden,

Myesha (ODAG) (JMD) (b) (6) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Smith,

Johnathan (CRT) <(b) (6)> Moosy, Robert (CRT) (b) (6)

Subject: Re: Tomorrow's Call

Duplicative Records

From: "Nadia Aziz (she/her)" (b) (6)

To: "Mody, Saeed (OASG)" (b) (6)

Subject: [EXTERNAL] FW: COPS Training

Date: Thu, 09 Mar 2023 13:07:29 -0500

Importance: Normal

Hi Saeed – See contact info below. I know you have the first several, just putting them all in one place!

Nadia

LCCHR: (b) (6)

SPLC: (b) (6)

HRC: (b) (6)

AAI: Maya Berry (b) (6)

NCTE: I used to go to Harper Jean for everything, but she isn't with NCTE anymore. I would try Alexis Vida Rangel, (b) (6)

NDRN, Marlene Sallo (b) (6) (She is the new Executive Director and has experience in the countering hate space. She may have other folks on her team she would recommend, but I would start with her.)

From: Michael Lieberman (b) (6) >

Sent: Tuesday, March 7, 2023 9:12 PM

To: Mody, Saeed (OASG) (b) (6)

Cc: Nadia Aziz (she/her) (b) (6)

Subject: Re: COPS Training

We'd love to have early access, thanks, Saeed

One date I have heard is the 13th. Not much time between then and now if we'll be notified and granted early access
Thanks for checking.

Michael



Michael Lieberman he/him/his

Senior Policy Counsel, Hate & Extremism | Policy

Southern Poverty Law Center & SPLC Action Fund

T (b) (6)

(b) (6)

| splcenter.org splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.

On Mar 7, 2023, at 8:06 PM, Mody, Saeed (OASG) (b) (6) wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Right, he did mention my position as well.

I believe it's on track for next week but would like to keep that between us for now, until FBI does outreach. I've asked CJIS to provide early access to the same groups that got it in December and that there would be value in a debrief with the groups like we did last time. I believe this is the plan, but I haven't seen the formal rollout materials yet.

From: Michael Lieberman (b) (6)
Sent: Tuesday, March 7, 2023 8:00 PM
To: Mody, Saeed (OASG) <(b) (6)>
Cc: Nadia Aziz (b) (6)
Subject: [EXTERNAL] Re: COPS Training

Hi Saeed

I believe the AG also mentioned you in his testimony, no?

Thank you for checking.

Starting with the four of us is a great start. I leave to Nadia whether that list should be expanded. Maybe someone from the trans and disability communities? NCTE and NDRN played essential role in consultation with the FBI on their training guide.

Also — can you confirm that updated 2021 HCSA data is being released next week?

Michael



Michael Lieberman he/him/his
Senior Policy Counsel, Hate & Extremism | Policy
Southern Poverty Law Center & SPLC Action Fund
T (b) (6)
(b) (6) | splcenter.org splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.

On Mar 7, 2023, at 7:50 PM, Mody, Saeed (OASG) <(b) (6)> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Nadia and Michael –

The AG mentioned the COPS training in his SJC SFR last week, and I wanted to discuss sharing it with you both, Maya, and David. I have a 50 page participant guide that does a good job capturing the 8 hour training. Are there other individuals I should consider adding to the list? I'd prefer to keep the group small, because the document is not publicly available. Because the training is complete, I feel comfortable emailing it.

My hope in sharing it is that you will see the value in the training and flag its availability when you're interacting with departments.

I'm disappointed that I was not able to attend the preview of Repairing the World this afternoon, but I hope the event went well.

Thanks!

Saeed

Saeed Mody (he/him) | Deputy Associate Attorney General
Office of the Associate Attorney General
U.S. Department of Justice
T: (b) (6) (b) (6)

PRIVILEGE AND CONFIDENTIALITY NOTICE: This email and any attachments may contain privileged or confidential information and is/are for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: "Mody, Saeed (OASG)" (b) (6)

To: "Gupta, Vanita (OASG)" (b) (6)

Cc: "Henthorne, Betsy (OASG)" (b) (6), "Sooknanan, Sparkle (OASG)"
<(b) (6)>

Subject: Hate Crime Stats Supplemental

Date: Thu, 09 Mar 2023 19:23:11 -0500

Importance: Normal

Attachments: DRAFT_HCAalysis.wSuppInfo.20202021_(Rev18).pdf; HateCrime_RankingsByIncidentVolume.xlsx

Hi, Vanita –

This evening the FBI sent the 2021 Hate Crime Supplemental Report from the FBI. The below chart (in the attached Excel sheet) is probably the most useful way to see how significant the supplement is. Total incidents jumped from 7,074 to 10,530. Significant spike in Anti-Asian and Anti-Jewish incidents, but increases really across the board.

FBI CJIS is doing a call tomorrow with the groups that received the data early in December: Leadership Conference, AJC, ADL, SPLC, Sikh Coalition, AAI, Matthew Shephard Foundation, HRC. Robert and I will answer any additional questions afterwards, but focus is on CJIS and how they answered the advocates call in December to consider using SRS data to get more accurate reporting. This is a huge win for CJIS and their relationship building with groups that we already have.

Monday morning there will be a press call. Robert and I will participate at the top like we did last time. FBI is inviting a larger number of stakeholder groups to listen in on that call.

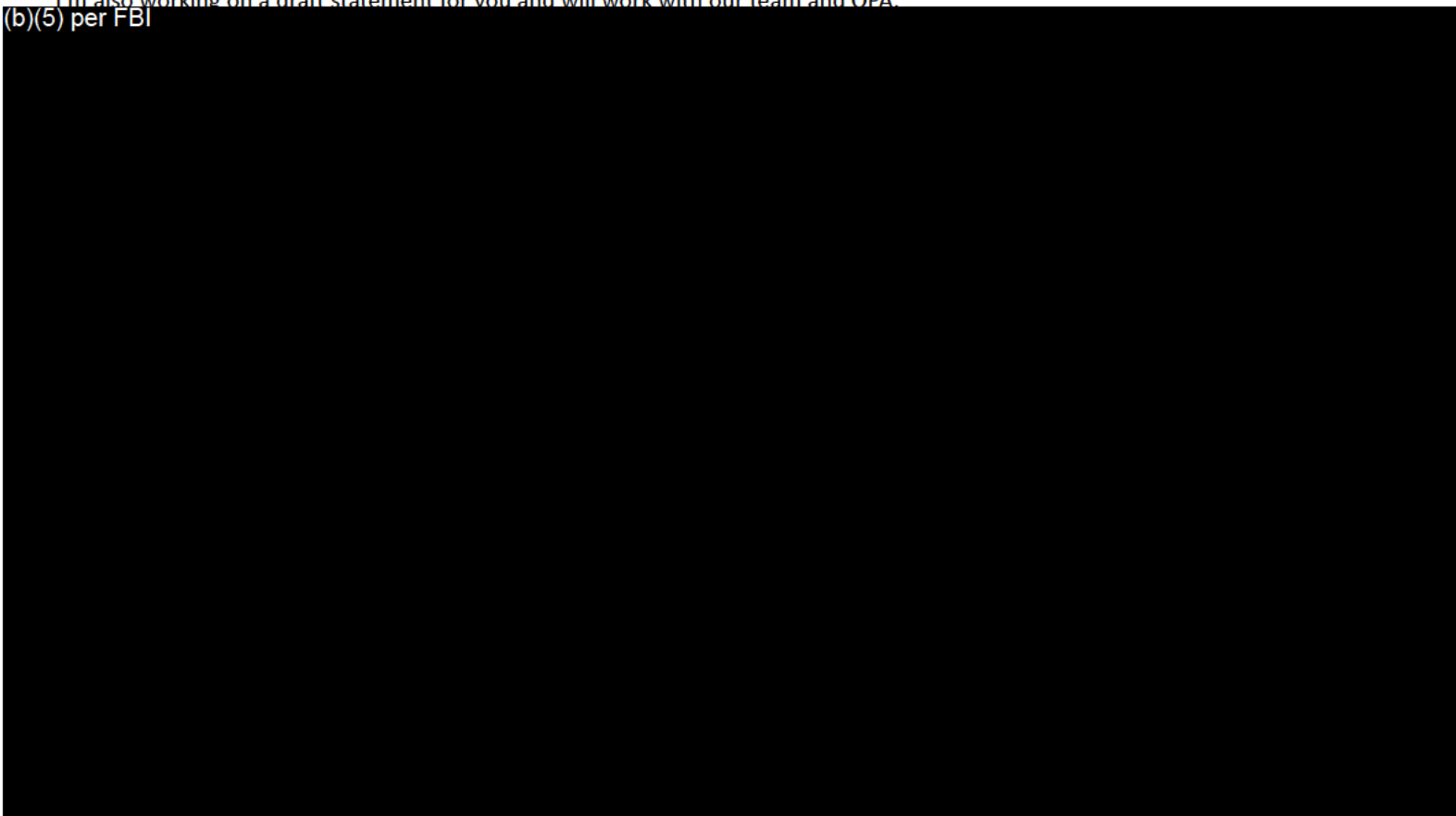
CRT and I also requested that CJIS do a call with the dozen groups that we met with the day the December stats were released. That will likely be on Tuesday.

Everyone is engaged and tracking: OAG, ODAG, CRT, BJS, OPA (Dena and Aryele)

I'll be offline for the next couple of hours but back online later this evening to answer any questions you may have. Overall the supplemental reflects what we knew to be true that hate crimes increased from 2020 to 2021.

I'm also working on a draft statement for you and will work with our team and OPA.

(b)(5) per FBI

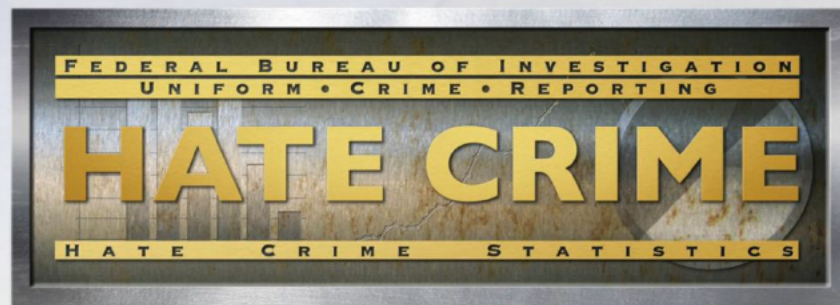




U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

F E D E R A L B U R E A U O F I N V E S T I G A T I O N

Supplemental Hate Crime Statistics, 2021

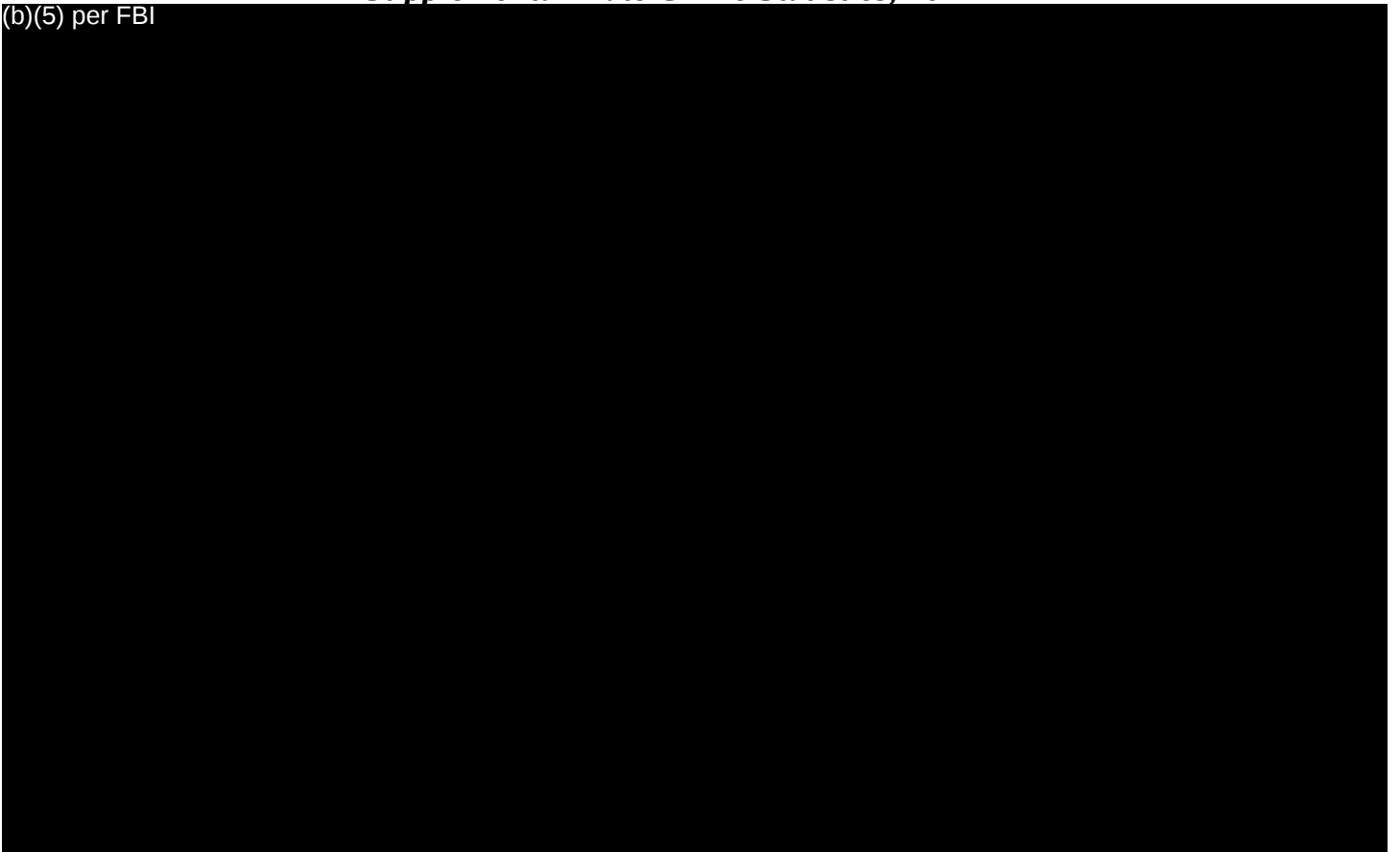


March 2023

DRAFT

Supplemental Hate Crime Statistics, 2021

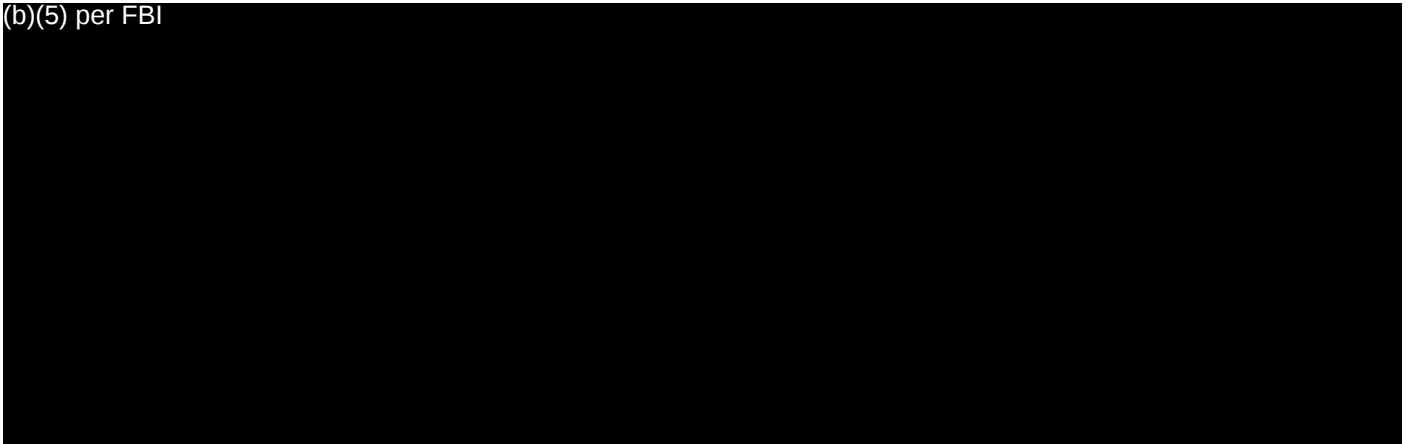
(b)(5) per FBI



Background

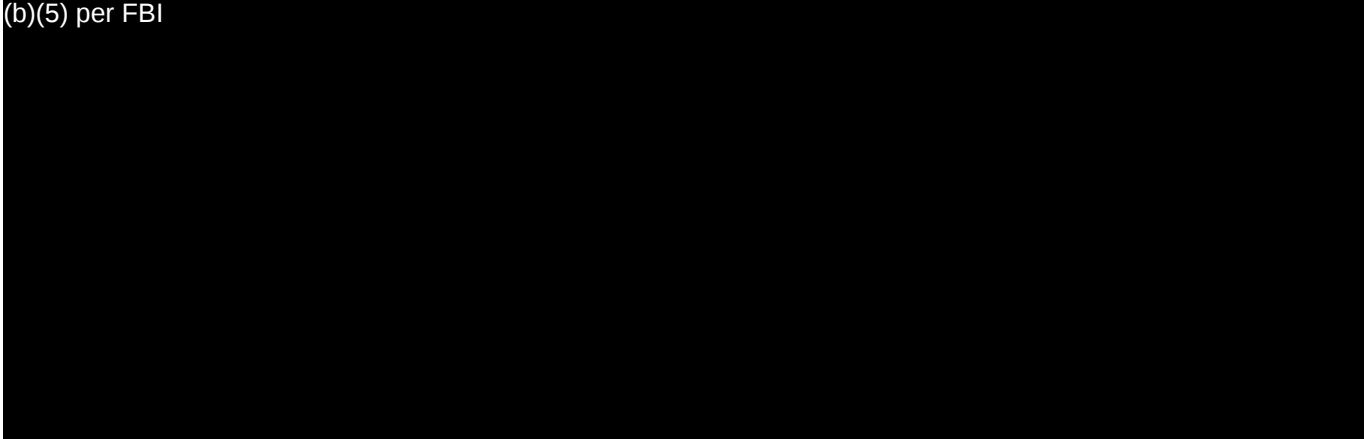
For several years, the UCR Program collected and disseminated crime statistics under both SRS and NIBRS. With SRS, which employs the Hierarchy Rule, participating LEAs report only the most serious crime involved with a criminal incident. However, NIBRS captures multiple offenses in an incident, when applicable, along with details (e.g., location, victim and offender demographics, and the relationships between victims and offenders) associated with those offenses.

(b)(5) per FBI



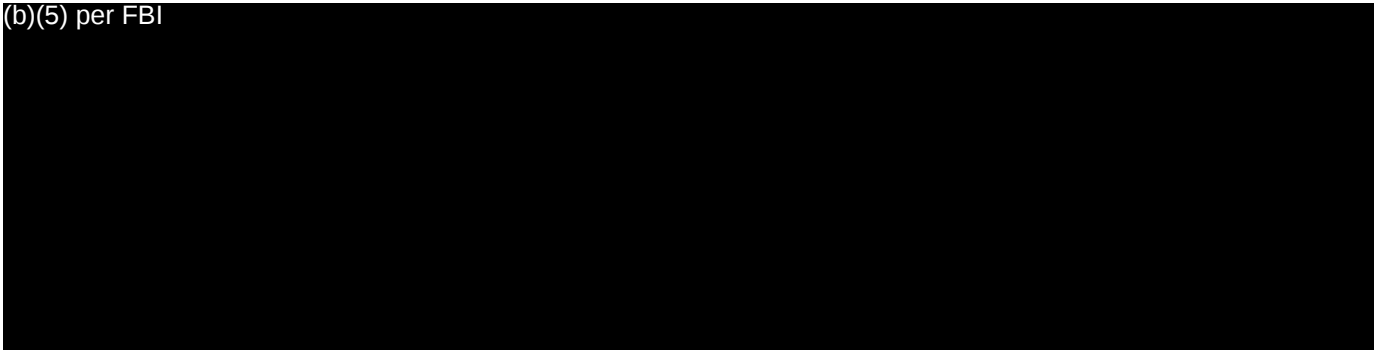
NIBRS Transition

(b)(5) per FBI



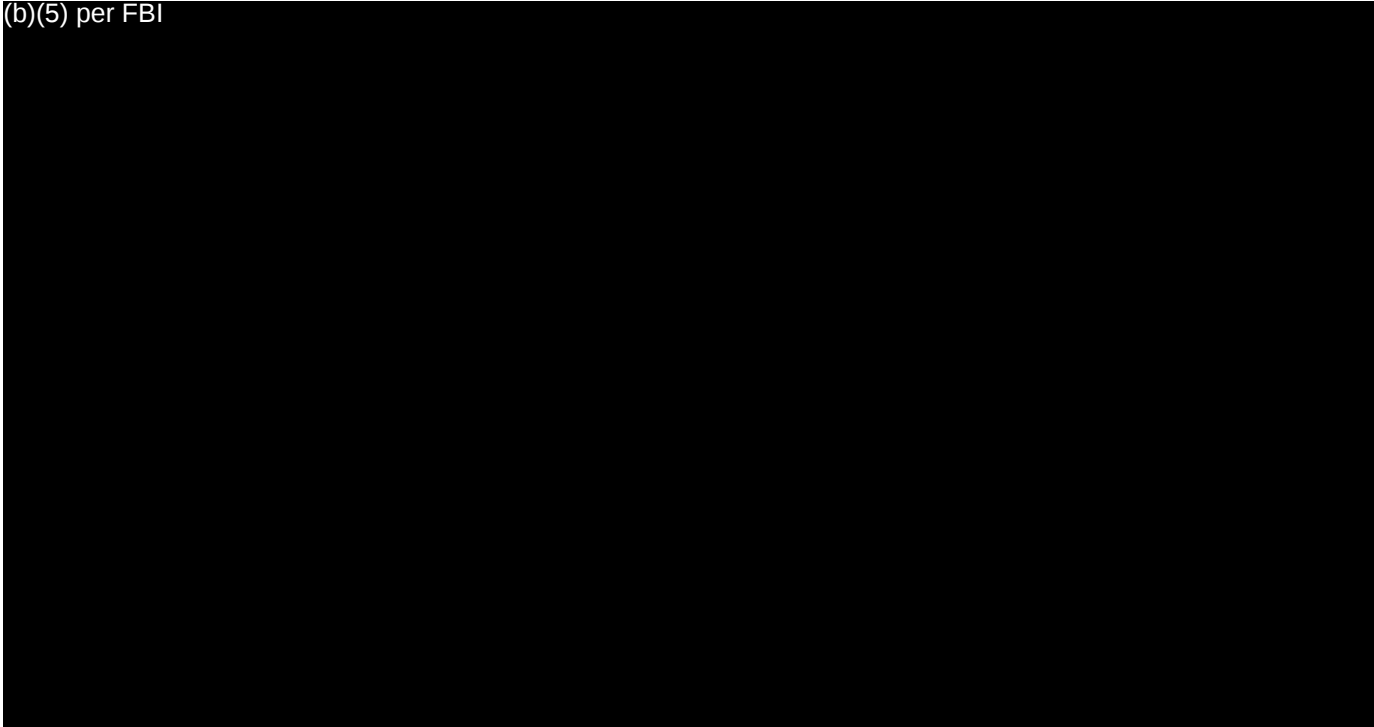
Crime Estimation

(b)(5) per FBI



Effects of the NIBRS Transition on Hate Crime Statistics

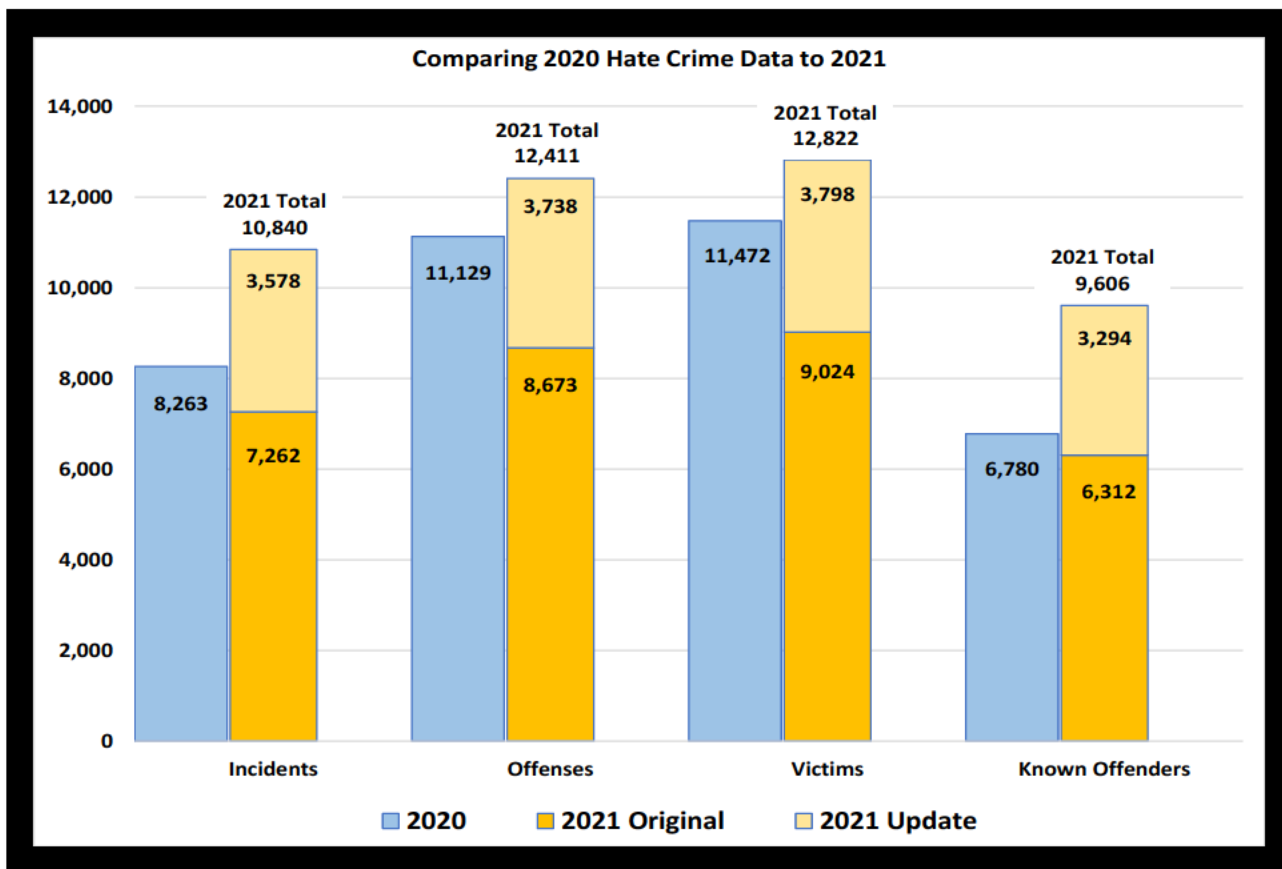
(b)(5) per FBI



(b)(5) per FBI

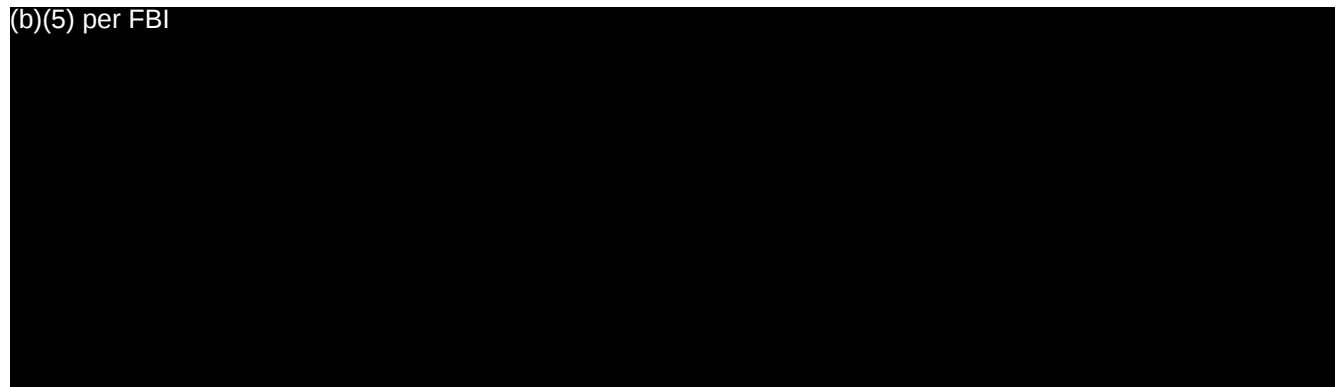
Analysis of the Supplemental 2021 Hate Crime Dataset

The supplemental dataset for 2021 includes all hate crime incident reports regardless of the number of months or quarters submitted by LEAs. These data reflect the reports of 14,859 LEAs representing 302,298,384 people. While the original 2021 hate crime dataset reported 7,262 incidents and 8,673 related offenses as being motivated by bias toward race/ethnicity/ancestry, religion, sexual orientation, disability, gender, or gender identity, the supplemental hate crime dataset reports involve 10,840 incidents and 12,411 related offenses. Highlights of the supplemental 2021 information follow. (Due to rounding, percentage breakdowns may not add up to 100 percent.)



Victims

(b)(5) per FBI



Offenses by Crime Category

- Of the 8,327 hate crime offenses classified as crimes against persons in the supplemental 2021 dataset, 43.2 percent were intimidation, 35.5 percent were simple assault, and 20.1 percent were aggravated assault. Nineteen (19) rapes and 18 murders were reported as hate crimes. The remaining 70 hate crime offenses classified as crimes against persons were reported in the category of *other*.
- Of the 3,817 hate crime offenses classified as crimes against property, 71.2 percent were acts of destruction/damage/vandalism.
- Two hundred sixty-seven (267) additional offenses were classified as crimes against society. This crime category represents society's prohibition against engaging in certain types of activity such as gambling, prostitution, and drug violations. These are typically victimless crimes in which property is not the object.

Known Offenders

- In the UCR Program, the term *known offender* indicates that some aspect of the suspect was identified, thus distinguishing the suspect from an unknown offender. It does not necessarily imply that the suspect's identity is known.
- Of the 9,606 known offenders, 52.3 percent were White, 21.7 percent were Black or African American, 1.2 percent were Asian, 1.1 percent were American Indian or Alaska Native, 0.3 percent were Native Hawaiian or Other Pacific Islander, and 7.1 percent were multiple races. The race was unknown for 16.3 percent.
- Of the 7,150 known offenders for whom ethnicity was reported, 48.6 percent were Not Hispanic or Latino, 11.4 percent were Hispanic or Latino, and 7.8 percent were in a group of multiple ethnicities. Ethnicity was unknown for 32.1 percent of these offenders.
- Of the 8,237 known offenders for whom ages were known, 84.3 percent were 18 years of age or older, and 15.7 percent were under 18 years of age.

Locations of Hate Crimes

- LEAs may specify the location of an offense within a hate crime incident as 1 of 46 location designations. In 2021, 28.4 percent occurred in or near residences/homes, 17.4 percent occurred on highways/roads/alleys/streets/sidewalks, 7.2 percent occurred at schools/colleges, 6.2 percent happened at parking/drop lots/ garages, 3.1 percent took place in restaurants, and 2.7 percent occurred at parks/playgrounds. The location was reported as other/unknown for 9.7 percent of hate crime incidents. The remaining 25.3 percent of hate crime incidents took place in the remaining specified location categories or in multiple locations.

For additional data about the Supplemental 2021 Hate Crime Dataset, see the following:

Appendix A: Revised Tables Based on the Supplemental 2021 Hate Crime Dataset

Appendix B: Methodology of Revised 2021 Hate Crime Tables

Comparison of 2020 Hate Crime Data with the Supplemental 2021 Hate Crime Dataset

An examination of hate crime incidents reported by each state and the District of Columbia in the 2020 hate crime dataset compared to those included in the supplemental 2021 hate crime dataset revealed that most states exhibited an increase in reported hate crime volume from 2020 to 2021. Fewer exhibited no change or a decrease in reported hate crime volume. It is important to note that an increase or decrease based only on statewide or districtwide reported incident values should not be construed as an indication of higher or lower numbers of hate crimes committed. The fluctuations may be a result of various factors, including any of the following:

- Improved reporting measures by LEAs
- Improved reporting measures by victims
- The 2021 transition to NIBRS, which may offer a more streamlined method to report hate crime data than was available through SRS
- A purposeful initiated effort to obtain a more-detailed accounting of reported hate crime in 2021, an action that was not implemented for 2020 hate crime data

**Table 1 Reported Hate Crime Volume by State
2020 and Supplemental 2021**

Number of States/District	Incident Volume Difference 2020 to Supplemental 2021
15	1 - 75 less incidents
1	No change
26	1 - 100 more incidents
6	101 - 250 more incidents
3	251 - 450 more incidents

For additional comparisons of 2020 data with supplemental 2021 data concerning the number of incidents, offenses, victims, and known offenders (by bias motivation) see Appendix C: Reported Hate Crime Data by Bias Motivation, 2020 and Supplemental 2021.

Reported Hate Crimes by Agencies 1,000,000 or Over in Population, 2020 and Supplemental 2021

The UCR Program collects data from 12 Group 1A agencies, which are defined as LEAs operating in city jurisdictions with populations of 1,000,000 or more. Some of these 12 Group 1A agencies were unable to transition to NIBRS prior to the submission deadline and were subsequently not included in the original 2021 NIBRS-only hate crime release. Accepting hate crime reported in 2021 via the retired SRS allowed each Group 1A agency the opportunity to submit hate crime numbers and be included in the 2021 hate crime update.

Reliable trends can be produced when agencies provide data with temporal consistency. Through a combination of NIBRS and SRS, almost every Group 1A agency provided hate crime data for all four quarters of both 2020 and 2021 and can therefore reveal more precise year-to-year trends.

Overall, while the combined population of the cities represented by the 12 Group 1A agencies increased 0.5 percent from 2020 to 2021, hate crime reported by these agencies increased 51.0 percent. Only two Group 1A agencies indicated decreases in reported hate crime. As the population of Phoenix lessened 4.1 percent from 2020 to 2021, reported hate crime in Phoenix decreased 25.1 percent from 187 to 140 incidents. Dallas' population decreased 1.0 percent within the same timeframe, as reported hate crime in Dallas decreased 55.3 percent from 38 to 17 incidents. The largest percentage increase (308.3 percent) was seen in Chicago, with 12 hate crimes reported in the first half of 2020 compared to 49 reported in the first half of 2021. San Antonio had a similar percentage increase (300.0 percent) following 16 hate crimes reported in 2020 and 64 reported in 2021. The populations of Chicago and San Antonio each increased by just over one percent in 2021 from the previous year.

Reported hate crimes motivated by a sexual orientation bias increased 62.8 percent from 2020 to 2021 in the Group 1A agencies for which all four quarters are considered, from 191 to 311 incidents. Reported race/ethnicity/ancestry bias motivated hate crimes increased 58.2 percent (644 to 1,019 incidents), reported religion bias motivated hate crimes increased 36.7 percent (256 to 350 incidents), and reported gender identity bias motivated hate crimes increased 17.9 percent (56 to 66 incidents). Disability bias motivated hate crimes increased from 2 to 7 reported incidents and reported gender bias motivated hate crimes increased from 10 to 11 from 2020 to 2021. (See Table 2.)

Table 2 Percent Change in Reported Hate Crime Incidents, 2020 to Supplemental 2021

City	Bias Category						Reported Hate Crime	Population
	Race/ Ethnicity/ Ancestry	Religion	Sexual Orientation	Disability	Gender	Gender Identity		
Austin	0.0	200.0	0.0	¹	¹	0.0	31.8	1.6
Chicago ²	²	²	²	²	²	²	308.3	1.1
Dallas	-70.8	-33.3	-36.4	¹	¹	¹	-55.3	-1.0
Houston	9.7	100.0	62.5	¹	¹	200.0	16.3	-0.3
Las Vegas Metropolitan Police Department	296.3	700.0	122.2	-100.0	¹	200.0	252.6	-0.5
Los Angeles	27.8	13.4	16.0	200.0	0.0	-19.4	17.9	-0.3
New York	144.0	45.8	220.8	¹	-57.1	63.6	90.0	2.1
Philadelphia	269.4	77.8	766.7	¹	¹	-100.0	228.0	1.2
Phoenix	-20.7	-11.8	-32.1	¹	300.0	0.0	-25.1	-4.1
San Antonio	360.0	0.0	400.0 ³	¹	¹	200.0	300.0	1.2
San Diego	82.4	400.0	71.4	¹	¹	0.0	80.8	-0.2
San Jose	24.0	-11.1	122.2	¹	¹	0.0	24.5	-0.9
Bias Motivation (Excluding Chicago)	58.2	36.7	62.8	250.0	10.0	17.9		

¹ Zero incidents were reported in 2020. Therefore, the percent change cannot be calculated.

² Only two quarters of hate crime data are considered for Chicago.

³ Large percent changes can often result from small numbers. For example, the 400.0 percent increase resulted from three reported incidents in 2020 to 15 in 2021.

Two-Year Hate Crime Trend, 2020-2021

To determine a meaningful national trend, a dataset which covers a common time period of reporting by agency for both years was created. Hate crime is reported quarterly; therefore, the dataset used to calculate the following percent change includes those agencies reporting six or more common months or two or more common quarters (six months) of hate crime data to the UCR Program for both years.

(b)(5) per FBI

Conclusion

(b)(5) per FBI

Appendix A: Revised Tables Based on the Supplemental 2021 Hate Crime Dataset

Tables 1A-12A were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. Please note, the total numbers of incidents, offenses, victims, and known offenders across each table may not match precisely due to the data considered for each table. For more information about the construction of these tables, see Appendix B: Methodology of Revised 2021 Hate Crime Tables.

Table 1A**Incidents, Offenses, Victims, and Known Offenders**

by Bias Motivation, 2021

<i>Bias motivation</i>	<i>Incidents</i>	<i>Offenses</i>	<i>Victims</i> ¹	<i>Known offenders</i> ²
Total	10,840	12,411	12,822	9,606
Single-Bias Incidents	10,530	12,020	12,411	9,334
Race/Ethnicity/Ancestry:	6,643	7,736	8,005	5,924
Anti-White	1,107	1,303	1,341	1,019
Anti-Black or African American	3,277	3,790	3,906	2,886
Anti-American Indian or Alaska Native	138	148	149	116
Anti-Asian	746	820	845	680
Anti-Multiple Races, Group	196	216	245	121
Anti-Native Hawaiian or Other Pacific Islander	43	48	48	38
Anti-Arab	105	131	132	93
Anti-Hispanic or Latino	698	886	909	702
Anti-Other Race/Ethnicity/Ancestry	333	394	430	269
Religion:	1,590	1,690	1,746	1,178
Anti-Jewish	817	851	869	583
Anti-Catholic	97	99	102	71
Anti-Protestant	40	42	46	29
Anti-Islamic (Muslim)	152	177	190	130
Anti-Other Religion	74	83	90	48
Anti-Multiple Religions, Group	42	49	49	27
Anti-Church of Jesus Christ	16	19	19	10
Anti-Jehovah's Witness	4	4	4	3
Anti-Eastern Orthodox (Russian, Greek, Other)	50	57	57	45
Anti-Other Christian	52	57	58	33
Anti-Buddhist	30	30	30	27
Anti-Hindu	12	16	18	9
Anti-Sikh	185	187	195	148
Anti-Atheism/Agnosticism	19	19	19	15
Sexual Orientation:	1,707	1,929	1,979	1,671
Anti-Gay (Male)	948	1,034	1,043	992
Anti-Lesbian (Female)	187	225	227	180
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	521	610	649	453
Anti-Heterosexual	13	14	14	8
Anti-Bisexual	38	46	46	38
Disability:	152	168	171	136
Anti-Physical Disability	53	60	61	42
Anti-Mental Disability	99	108	110	94
Gender:	96	112	118	84
Anti-Male	17	19	19	13
Anti-Female	79	93	99	71
Gender Identity	342	385	392	341
Anti-Transgender	245	271	278	243
Anti-Gender Non-Conforming	97	114	114	98
Multiple-Bias Incidents ³	310	391	411	272

¹ The term *victim* may refer to an individual, business/financial institution, government entity, religious organization, or society/public as a whole.² The term *known offender* does not imply the suspect's identity is known; rather, the term indicates some aspect of the suspect was identified, thus distinguishing the suspect from an unknown offender.³ A multiple-bias incident is an incident in which one or more offense types are motivated by two or more biases.

Table 2A**Incidents, Offenses, Victims, and Known Offenders**

by Offense Type, 2021

<i>Offense type</i>	<i>Incidents</i> ¹	<i>Offenses</i>	<i>Victims</i> ²	<i>Known offenders</i> ³
Total	10,840	12,411	12,822	9,606
Crimes against persons:	7,175	8,327	8,327	7,262
Murder and nonnegligent manslaughter	12	18	18	8
Rape ⁴	19	19	19	21
Aggravated assault	1,405	1,670	1,670	1,609
Simple assault	2,553	2,955	2,955	2,865
Intimidation	3,124	3,595	3,595	2,688
Other	62	70	70	71
Crimes against property:	3,812	3,817	4,228	2,484
Robbery	177	177	198	284
Burglary	152	152	186	113
Larceny-theft	497	500	540	342
Motor vehicle theft	51	51	51	30
Arson	65	65	86	50
Destruction/damage/vandalism	2,718	2,718	2,997	1,560
Other	152	154	170	105
Crimes against society ⁵	256	267	267	278

¹ The actual number of incidents is 10,840. However, the column figures will not add to the total because incidents may include more than one offense type, and these are counted in each appropriate offense type category.

² The term victim may refer to an individual, business/financial institution, government entity, religious organization, or society/public as a whole.

³ The term *known offender* does not imply the suspect's identity is known; rather, the term indicates some aspect of the suspect was identified, thus distinguishing the suspect from an unknown offender. The actual number of known offenders is 9,606. However, the column figures will not add to the total because some offenders are responsible for more than one offense type, and are, therefore, counted more than once in this table.

⁴ Only the revised Uniform Crime Reporting definition of rape was used for the figures reported in this row. See *Methodology* in Appendix B for further explanation.

⁵ The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

Table 3A**Offenses**

Known Offender's Race and Ethnicity
by Offense Type, 2021

Offense type	Total offenses	Known offender's race							Known offender's ethnicity ¹				
		White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Group of multiple races	Unknown race	Hispanic or Latino	Not Hispanic or Latino	Group of multiple ethnicities	Unknown ethnicity	Unknown offender
Total	12,411	5,191	2,036	128	130	30	404	1,405	793	3,622	286	2,242	3,087
Crimes against persons:	8,327	4,141	1,669	109	109	29	351	708	636	2,980	219	1,651	1,211
Murder and nonnegligent manslaughter	18	11	2	0	0	0	0	1	0	11	0	2	4
Rape ²	19	8	7	0	1	0	0	1	0	7	0	3	2
Aggravated assault	1,670	884	417	22	25	5	64	121	206	653	50	346	132
Simple assault	2,955	1,384	773	44	36	10	209	258	237	1,155	101	505	241
Intimidation	3,595	1,811	460	43	46	14	77	322	188	1,133	65	788	822
Other ³	70	43	10	0	1	0	1	5	5	21	3	7	10
Crimes against property:	3,817	886	301	15	18	1	50	689	139	536	62	540	1,857
Robbery	177	58	61	0	4	1	18	15	18	54	9	35	20
Burglary	152	43	11	2	1	0	0	31	6	26	4	30	64
Larceny-theft	500	128	58	2	0	0	11	69	12	78	3	89	232
Motor vehicle theft	51	13	3	1	0	0	0	10	3	9	2	7	24
Arson	65	26	3	0	0	0	2	8	1	22	0	10	26
Destruction/damage/vandalism	2,718	568	151	10	12	0	17	532	97	315	40	348	1,428
Other ³	154	50	14	0	1	0	2	24	2	32	4	21	63
Crimes against society ³	267	164	66	4	3	0	3	8	18	106	5	51	19

¹ The sum of offenses by the known offender's ethnicity does not equal the sum of offenses by the known offender's race because not all law enforcement agencies that report offender race data also report offender ethnicity data.

² Only the revised Uniform Crime Reporting definition of rape was used for the figures reported in this row. See *Methodology* in Appendix B for further explanation.

³ The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

Table 4A - Part 1: Crimes Against Persons (Table continued on next page)**Offenses**

Offense Type

by Bias Motivation, 2021

<i>Bias motivation</i>	<i>Total offenses</i>	<i>Crimes against persons</i>						
		<i>Murder and nonnegligent manslaughter</i>	<i>Rape¹</i>	<i>Aggravated assault</i>	<i>Simple Assault</i>	<i>Intimidation</i>	<i>Human Trafficking, Commercial Sex Acts</i>	<i>Other crimes against persons²</i>
Total	12,411	18	19	1,670	2,955	3,595	0	70
Single-Bias Incidents	12,020	9	19	1,651	2,881	3,423	0	70
Race/Ethnicity/Ancestry:	7,736	3	7	1,182	1,912	2,382	0	28
Anti-White	1,303	0	4	195	393	289	0	13
Anti-Black or African American	3,790	1	0	565	826	1,344	0	6
Anti-American Indian or Alaska Native	148	0	0	15	33	19	0	3
Anti-Asian	820	2	1	109	270	227	0	1
Anti-Multiple Races, Group	216	0	0	9	33	51	0	0
Anti-Native Hawaiian or Other Pacific Islander	48	0	0	3	10	4	0	0
Anti-Arab	131	0	0	26	26	54	0	0
Anti-Hispanic or Latino	886	0	1	213	244	279	0	4
Anti-Other Race/Ethnicity/Ancestry	394	0	1	47	77	115	0	1
Religion:	1,690	0	4	80	196	341	0	11
Anti-Jewish	851	0	1	30	79	175	0	4
Anti-Catholic	99	0	1	4	6	10	0	0
Anti-Protestant	42	0	0	3	4	6	0	0
Anti-Islamic (Muslim)	177	0	0	17	47	67	0	2
Anti-Other Religion	83	0	0	4	9	24	0	0
Anti-Multiple Religions, Group	49	0	0	1	2	16	0	0
Anti-Church of Jesus Christ	19	0	0	0	3	2	0	0
Anti-Jehovah's Witness	4	0	0	0	0	0	0	0
Anti-Eastern Orthodox (Russian, Greek, Other)	57	0	0	1	13	12	0	1
Anti-Other Christian	57	0	0	3	5	15	0	0
Anti-Buddhist	30	0	0	3	5	0	0	0
Anti-Hindu	16	0	0	3	2	5	0	0
Anti-Sikh	187	0	2	11	20	9	0	4
Anti-Atheism/Agnosticism	19	0	0	0	1	0	0	0
Sexual Orientation:	1,929	3	2	298	569	560	0	15
Anti-Gay (Male)	1,034	1	1	213	337	273	0	4
Anti-Lesbian (Female)	225	0	1	27	75	82	0	0
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	610	2	0	56	139	183	0	9
Anti-Heterosexual	14	0	0	1	1	3	0	2
Anti-Bisexual	46	0	0	1	17	19	0	0
Disability:	168	1	0	18	44	26	0	7
Anti-Physical Disability	60	0	0	4	18	10	0	0
Anti-Mental Disability	108	1	0	14	26	16	0	7
Gender:	112	0	3	12	34	29	0	2
Anti-Male	19	0	0	1	7	3	0	0
Anti-Female	93	0	3	11	27	26	0	2
Gender Identity:	385	2	3	61	126	85	0	7
Anti-Transgender	271	2	2	48	87	70	0	4
Anti-Gender Non-Conforming	114	0	1	13	39	15	0	3
Multiple-Bias Incidents³	391	9	0	19	74	172	0	0

¹ Only the revised Uniform Crime Reporting definition of rape was used for the figures reported in this column. See *Methodology* in Appendix B for further explanation.² The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.³ A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

Table 4A - Part 2: Crimes Against Property/Crimes Against Society (Table continued from previous page)**Offenses**

Offense Type

by Bias Motivation, 2021

<i>Bias motivation</i>	<i>Total offenses</i>	<i>Crimes against property</i>						<i>Other crimes against property²</i>	<i>Crimes against society</i>
		<i>Robbery</i>	<i>Burglary</i>	<i>Larceny-theft</i>	<i>Motor vehicle theft</i>	<i>Arson</i>	<i>Destruction/ damage/vandalism</i>		
Total	12,411	177	152	500	51	65	2,718	154	267
Single-Bias Incidents	12,020	175	146	494	51	63	2,620	154	264
Race/Ethnicity/Ancestry:	7,736	109	86	236	27	21	1,475	89	179
Anti-White	1,303	22	28	108	13	3	128	45	62
Anti-Black or African American	3,790	27	21	59	4	7	848	18	64
Anti-American Indian or Alaska Native	148	0	5	22	6	1	16	7	21
Anti-Asian	820	28	14	8	1	5	149	2	3
Anti-Multiple Races, Group	216	1	1	6	1	1	107	0	6
Anti-Native Hawaiian or Other Pacific Islander	48	0	1	11	1	0	3	7	8
Anti-Arab	131	0	1	4	0	1	17	1	1
Anti-Hispanic or Latino	886	26	8	8	0	2	90	2	9
Anti-Other Race/Ethnicity/Ancestry	394	5	7	10	1	1	117	7	5
Religion:	1,690	9	36	125	13	19	762	37	57
Anti-Jewish	851	8	9	16	0	4	518	4	3
Anti-Catholic	99	0	1	2	1	0	61	4	9
Anti-Protestant	42	0	3	9	1	0	15	1	0
Anti-Islamic (Muslim)	177	0	2	4	0	3	32	1	2
Anti-Other Religion	83	0	0	15	0	2	27	0	2
Anti-Multiple Religions, Group	49	0	2	2	0	2	20	1	3
Anti-Church of Jesus Christ	19	1	1	1	0	3	7	0	1
Anti-Jehovah's Witness	4	0	1	2	0	0	0	0	1
Anti-Eastern Orthodox (Russian, Greek, Other)	57	0	4	7	2	1	8	1	7
Anti-Other Christian	57	0	2	3	1	3	23	0	2
Anti-Buddhist	30	0	0	5	0	1	9	3	4
Anti-Hindu	16	0	0	2	0	0	3	1	0
Anti-Sikh	187	0	9	52	8	0	29	21	22
Anti-Atheism/Agnosticism	19	0	2	5	0	0	10	0	1
Sexual Orientation:	1,929	42	9	83	5	23	301	11	8
Anti-Gay (Male)	1,034	35	3	21	2	5	127	6	6
Anti-Lesbian (Female)	225	0	1	6	1	1	31	0	0
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	610	7	4	52	1	17	137	1	2
Anti-Heterosexual	14	0	0	2	1	0	1	3	0
Anti-Bisexual	46	0	1	2	0	0	5	1	0
Disability:	168	2	6	25	3	0	20	7	9
Anti-Physical Disability	60	1	3	11	1	0	8	1	3
Anti-Mental Disability	108	1	3	14	2	0	12	6	6
Gender:	112	3	4	4	0	0	15	4	2
Anti-Male	19	0	1	1	0	0	5	0	1
Anti-Female	93	3	3	3	0	0	10	4	1
Gender Identity:	385	10	5	21	3	0	47	6	9
Anti-Transgender	271	8	1	10	2	0	33	3	1
Anti-Gender Non-Conforming	114	2	4	11	1	0	14	3	8
Multiple-Bias Incidents³	391	2	6	6	0	2	98	0	3

¹ Only the revised Uniform Crime Reporting definition of rape was used for the figures reported in this column. See *Methodology* in Appendix B for further explanation.² The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.³ A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

Table 5A

Offenses

Known Offender's Race and Ethnicity
by Bias Motivation, 2021

Bias motivation	Total offenses	Known offender's race							Known offender's ethnicity ¹				Unknown offender
		White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Group of multiple races	Unknown race	Hispanic or Latino	Not Hispanic or Latino	Group of multiple ethnicities	Known offender's ethnicity: Unknown ethnicity	
Total	12,411	5,191	2,036	128	130	30	404	1,405	793	3,622	286	2,242	3,087
Single-Bias Incidents	12,020	5,023	2,004	125	124	28	390	1,371	779	3,516	275	2,147	2,955
Race/Ethnicity/Ancestry:	7,736	3,571	1,281	97	85	18	272	667	535	2,468	178	1,401	1,745
Anti-White	1,303	294	584	38	11	11	30	79	67	492	25	210	256
Anti-Black or African American	3,790	2,079	203	24	35	5	172	349	255	1,159	81	713	923
Anti-American Indian or Alaska Native	148	50	22	22	0	0	5	10	13	45	3	17	39
Anti-Asian	820	319	215	2	16	1	21	78	78	201	13	135	168
Anti-Multiple Races, Group	216	66	11	1	1	0	11	27	7	40	4	35	99
Anti-Native Hawaiian or Other Pacific Islander	48	26	5	0	1	0	0	6	1	19	0	15	10
Anti-Arab	131	73	14	0	1	0	8	8	10	46	8	23	27
Anti-Hispanic or Latino	886	517	179	8	8	1	10	56	85	356	36	188	107
Anti-Other Race/Ethnicity/Ancestry	394	147	48	2	12	0	15	54	19	110	8	65	116
Religion:	1,690	466	174	12	21	2	25	404	46	303	18	282	586
Anti-Jewish	851	154	54	5	16	1	12	270	19	78	12	109	339
Anti-Catholic	99	22	16	0	0	0	2	20	1	13	1	15	39
Anti-Protestant	42	17	4	0	0	0	0	4	4	7	1	4	17
Anti-Islamic (Muslim)	177	74	32	5	3	1	4	27	5	41	0	59	31
Anti-Other Religion	83	26	11	0	0	0	1	13	4	18	0	18	32
Anti-Multiple Religions, Group	49	11	4	2	0	0	0	14	0	10	0	12	18
Anti-Church of Jesus Christ	19	11	0	0	0	0	0	1	0	8	0	2	7
Anti-Jehovah's Witness	4	2	0	0	0	0	0	0	0	2	0	0	2
Anti-Eastern Orthodox (Russian, Greek, Other)	57	33	11	0	0	0	0	4	3	23	1	6	9
Anti-Other Christian	57	14	5	0	2	0	3	6	4	11	0	11	27
Anti-Buddhist	30	11	6	0	0	0	0	9	1	10	0	12	4
Anti-Hindu	16	12	1	0	0	0	0	0	0	7	0	2	3
Anti-Sikh	187	67	29	0	0	0	3	34	5	64	3	29	54
Anti-Atheism/Agnosticism	19	12	1	0	0	0	0	2	0	11	0	3	4
Sexual Orientation:	1,929	712	420	13	12	4	70	229	154	554	63	353	469
Anti-Gay (Male)	1,034	386	268	7	4	2	44	120	99	314	33	193	203
Anti-Lesbian (Female)	225	72	57	0	3	2	9	27	17	71	7	40	55
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	610	228	87	6	3	0	17	71	34	156	23	108	198
Anti-Heterosexual	14	7	1	0	0	0	0	0	1	2	0	1	6
Anti-Bisexual	46	19	7	0	2	0	0	11	3	11	0	11	7
Disability:	168	70	24	0	1	0	6	11	11	37	5	21	56
Anti-Physical Disability	60	21	11	0	0	0	2	6	6	12	3	9	20
Anti-Mental Disability	108	49	13	0	1	0	4	5	5	25	2	12	36
Gender:	112	69	8	2	1	0	4	10	7	35	0	18	18
Anti-Male	19	11	1	0	0	0	0	3	1	9	0	3	4
Anti-Female	93	58	7	2	1	0	4	7	6	26	0	15	14
Gender Identity:	385	135	97	1	4	4	13	50	26	119	11	72	81
Anti-Transgender	271	80	83	1	1	4	8	38	20	82	9	55	56
Anti-Gender Non-Conforming	114	55	14	0	3	0	5	12	6	37	2	17	25
Multiple-Bias Incidents²	391	168	32	3	6	2	14	34	14	106	11	95	132

¹ The aggregate of offenses by the known offender's ethnicity does not equal the aggregate of offenses by the known offender's race because not all law enforcement agencies that report offender race data also report offender ethnicity data.

² A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

Table 6A**Offenses****Victim Type**

by Offense Type, 2021

Offense type	Total offenses	Victim type					
		Individual	Business/financial institution	Government	Religious organization	Society/public ¹	Other/unknown/multiple
Total	12,411	10,336	723	380	212	266	494
Crimes against persons²	8,327	8,327	0	0	0	0	0
Crimes against property:	3,817	2,009	723	379	212	0	494
Robbery	177	154	6	0	0	0	17
Burglary	152	108	23	3	9	0	9
Larceny-theft	500	361	106	7	4	0	22
Motor vehicle theft	51	43	6	1	1	0	0
Arson	65	36	14	0	12	0	3
Destruction/damage/vandalism	2,718	1,180	553	364	184	0	437
Other ²	154	127	15	4	2	0	6
Crimes against society²	267	0	0	1	0	266	0

¹ The victim type *society/public* is collected only in the National Incident-Based Reporting System (NIBRS). See *Methodology* in Appendix B for further explanation.² The figures shown include additional offenses collected in the NIBRS. See *Methodology* in Appendix B for further explanation.

Table 7A - Part 1: Crimes Against Persons (Table continued on next page)**Victims**

Offense Type
by Bias Motivation, 2021

<i>Bias motivation</i>	<i>Total victims</i> ¹	<i>Total number of adult victims</i> ²	<i>Total number of juvenile victims</i> ²	<i>Crimes against persons</i>						
				<i>Murder and nonnegligent manslaughter</i>	<i>Rape</i> ³	<i>Aggravated assault</i>	<i>Simple Assault</i>	<i>Intimidation</i>	<i>Human Trafficking, Commercial Sex Acts</i>	<i>Other crimes against persons</i> ⁴
Total	12,823	9,816	1,346	18	19	1,670	2,955	3,595	0	70
Single-Bias Incidents	12,412	9,498	1,289	9	19	1,651	2,881	3,423	0	70
Race/Ethnicity/Ancestry	8,006	6,495	797	3	7	1,182	1,912	2,382	0	28
Anti-White	1,341	1,123	104	0	4	195	393	289	0	13
Anti-Black or African American	3,906	3,066	485	1	0	565	826	1,344	0	6
Anti-American Indian or Alaska Native	150	105	12	0	0	15	33	19	0	3
Anti-Asian	845	664	49	2	1	109	270	227	0	1
Anti-Multiple Races, Group	245	147	10	0	0	9	33	51	0	0
Anti-Native Hawaiian or Other Pacific Islander	48	29	3	0	0	3	10	4	0	0
Anti-Arab	132	126	7	0	0	26	26	54	0	0
Anti-Hispanic or Latino	909	887	107	0	1	213	244	279	0	4
Anti-Other Race/Ethnicity/Ancestry	430	348	20	0	1	47	77	115	0	1
Religion	1,746	945	87	0	4	80	196	341	0	11
Anti-Jewish	869	397	44	0	1	30	79	175	0	4
Anti-Catholic	102	40	0	0	1	4	6	10	0	0
Anti-Protestant	46	30	1	0	0	3	4	6	0	0
Anti-Islamic (Muslim)	190	149	18	0	0	17	47	67	0	2
Anti-Other Religion	90	56	2	0	0	4	9	24	0	0
Anti-Multiple Religions, Group	49	24	2	0	0	1	2	16	0	0
Anti-Church of Jesus Christ	19	9	0	0	0	0	3	2	0	0
Anti-Jehovah's Witness	4	2	0	0	0	0	0	0	0	0
Anti-Eastern Orthodox (Russian, Greek, Other)	57	38	8	0	0	1	13	12	0	1
Anti-Other Christian	58	35	0	0	0	3	5	15	0	0
Anti-Buddhist	30	18	2	0	0	3	5	0	0	0
Anti-Hindu	18	15	1	0	0	3	2	5	0	0
Anti-Sikh	195	123	9	0	2	11	20	9	0	4
Anti-Atheism/Agnosticism	19	9	0	0	0	0	1	0	0	0
Sexual Orientation	1,979	1,573	285	3	2	298	569	560	0	15
Anti-Gay (Male)	1,043	889	85	1	1	213	337	273	0	4
Anti-Lesbian (Female)	227	179	43	0	1	27	75	82	0	0
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	649	468	136	2	0	56	139	183	0	9
Anti-Heterosexual	14	9	3	0	0	1	1	3	0	2
Anti-Bisexual	46	28	18	0	0	1	17	19	0	0
Disability	171	122	31	1	0	18	44	26	0	7
Anti-Physical Disability	61	50	5	0	0	4	18	10	0	0
Anti-Mental Disability	110	72	26	1	0	14	26	16	0	7
Gender	118	87	17	0	3	12	34	29	0	2
Anti-Male	19	9	5	0	0	1	7	3	0	0
Anti-Female	99	78	12	0	3	11	27	26	0	2
Gender Identity	392	276	72	2	3	61	126	85	0	7
Anti-Transgender	278	200	45	2	2	48	87	70	0	4
Anti-Gender Non-Conforming	114	76	27	0	1	13	39	15	0	3
Multiple-Bias Incidents ⁵	411	318	57	9	0	19	74	172	0	0

¹ The term *victim* may refer to an individual, business/financial institution, government entity, religious organization, or society/public as a whole.

² The figures shown are individual victims only.

³ Only the revised Uniform Crime Reporting definition of rape is used for the figures reported in this column. See *Methodology* in Appendix B for further explanation.

⁴ The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

⁵ A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

Note: The aggregate of adult and juvenile individual victims does not equal the total number of victims because total victims include individuals, businesses/financial institutions, government entities, religious organizations, and society/public as a whole. In addition, the aggregate of adult and juvenile individual victims does not equal the aggregate of victims of crimes against persons because not all law enforcement agencies report the ages of individual victims.

Table 7A - Part 2: Crimes Against Property/Crimes Against Society (Table continued from previous page)**Victims****Offense Type**

by Bias Motivation, 2021

				Crimes against property								
Bias motivation	Total victims ¹	Total number of adult victims ²	Total number of juvenile victims ²	Robbery	Burglary	Larceny-theft	Motor vehicle theft	Arson	Destruction/damage/vandalism	Other crimes against property ⁴	Crimes against society ⁴	
Total	12,823	9,816	1,346	198	186	541	51	86	2,997	170	267	
Single-Bias Incidents	12,412	9,498	1,289	196	179	535	51	84	2,880	170	264	
Race/Ethnicity/Ancestry	8,006	6,495	797	126	115	254	27	23	1,669	99	179	
Anti-White	1,341	1,123	104	25	34	119	13	3	145	46	62	
Anti-Black or African American	3,906	3,066	485	28	28	60	4	9	950	21	64	
Anti-American Indian or Alaska Native	150	105	12	0	5	23	6	1	17	7	21	
Anti-Asian	845	664	49	31	25	8	1	5	160	2	3	
Anti-Multiple Races, Group	245	147	10	1	1	8	1	1	134	0	6	
Anti-Native Hawaiian or Other Pacific Islander	48	29	3	0	1	11	1	0	3	7	8	
Anti-Arab	132	126	7	0	1	5	0	1	17	1	1	
Anti-Hispanic or Latino	909	887	107	34	13	8	0	2	100	2	9	
Anti-Other Race/Ethnicity/Ancestry	430	348	20	7	7	12	1	1	143	13	5	
Religion	1,746	945	87	9	38	135	13	29	794	39	57	
Anti-Jewish	869	397	44	8	9	18	0	4	534	4	3	
Anti-Catholic	102	40	0	0	1	2	1	0	64	4	9	
Anti-Protestant	46	30	1	0	4	9	1	0	18	1	0	
Anti-Islamic (Muslim)	190	149	18	0	2	4	0	13	35	1	2	
Anti-Other Religion	90	56	2	0	0	17	0	2	32	0	2	
Anti-Multiple Religions, Group	49	24	2	0	2	2	0	2	20	1	3	
Anti-Church of Jesus Christ	19	9	0	1	1	1	0	3	7	0	1	
Anti-Jehovah's Witness	4	2	0	0	1	2	0	0	0	0	1	
Anti-Eastern Orthodox (Russian, Greek, Other)	57	38	8	0	4	7	2	1	8	1	7	
Anti-Other Christian	58	35	0	0	2	3	1	3	24	0	2	
Anti-Buddhist	30	18	2	0	0	5	0	1	9	3	4	
Anti-Hindu	18	15	1	0	0	2	0	0	3	3	0	
Anti-Sikh	195	123	9	0	10	58	8	0	30	21	22	
Anti-Atheism/Agnosticism	19	9	0	0	2	5	0	0	10	0	1	
Sexual Orientation	1,979	1,573	285	46	10	92	5	32	328	11	8	
Anti-Gay (Male)	1,043	889	85	37	3	21	2	5	134	6	6	
Anti-Lesbian (Female)	227	179	43	0	1	7	1	1	32	0	0	
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	649	468	136	9	5	60	1	26	156	1	2	
Anti-Heterosexual	14	9	3	0	0	2	1	0	1	3	0	
Anti-Bisexual	46	28	18	0	1	2	0	0	5	1	0	
Disability	171	122	31	2	6	27	3	0	21	7	9	
Anti-Physical Disability	61	50	5	1	3	11	1	0	9	1	3	
Anti-Mental Disability	110	72	26	1	3	16	2	0	12	6	6	
Gender	118	87	17	3	5	5	0	0	17	6	2	
Anti-Male	19	9	5	0	1	1	0	0	5	0	1	
Anti-Female	99	78	12	3	4	4	0	0	12	6	1	
Gender Identity	392	276	72	10	5	22	3	0	51	8	9	
Anti-Transgender	278	200	45	8	1	11	2	0	37	5	1	
Anti-Gender Non-Conforming	114	76	27	2	4	11	1	0	14	3	8	
Multiple-Bias Incidents ⁵	411	318	57	2	7	6	0	2	117	0	3	

¹ The term *victim* may refer to an individual, business/financial institution, government entity, religious organization, or society/public as a whole.² The figures shown are individual victims only.³ Only the revised Uniform Crime Reporting definition of rape is used for the figures reported in this column. See *Methodology* in Appendix B for further explanation.⁴ The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.⁵ A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

Note: The aggregate of adult and juvenile individual victims does not equal the total number of victims because total victims include individuals, businesses/financial institutions, government entities, religious organizations, and society/public as a whole. In addition, the aggregate of adult and juvenile individual victims does not equal the aggregate of victims of crimes against persons because not all law enforcement agencies report the ages of individual victims.

Table 8A**Incidents**

Victim Type

by Bias Motivation, 2021

<i>Bias motivation</i>	<i>Total incidents</i>	<i>Victim type</i>					
		<i>Individual</i>	<i>Business/ financial institution</i>	<i>Government</i>	<i>Religious organization</i>	<i>Society/ public</i> ¹	<i>Other/ unknown/ multiple</i>
Total	10,841	8,808	694	371	200	222	546
Single-Bias Incidents	10,531	8,580	669	346	197	221	518
Race/Ethnicity/Ancestry	6,644	5,631	387	220	23	139	244
Religion	1,590	862	195	89	166	56	222
Sexual Orientation	1,707	1,566	56	32	8	7	38
Disability	152	129	12	2	0	9	0
Gender	96	84	6	0	0	1	5
Gender Identity	342	308	13	3	0	9	9
Multiple-Bias Incidents ²	310	228	25	25	3	1	28

¹ The victim type *society/public* is collected only in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

² A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

Table 9A**Known Offenders ¹**

Known Offender's Race, Ethnicity, and Age, 2021

<i>Race/Ethnicity/Age</i>	<i>Total</i>
Race	9,606
White	5,025
Black or African American	2,081
American Indian or Alaska Native	107
Asian	116
Native Hawaiian or Other Pacific Islander	32
Group of Multiple Races ²	679
Unknown Race	1,566
Ethnicity ³	7,150
Hispanic or Latino	817
Not Hispanic or Latino	3,478
Group of Multiple Ethnicities ⁴	558
Unknown Ethnicity	2,297
Age ³	8,237
Total known offenders 18 and over	6,944
Total known offenders under 18	1,293

¹ The term *known offender* does not imply the suspect's identity is known; rather, the term indicates some aspect of the suspect was identified, thus distinguishing the suspect from an unknown offender.

² The term *group of multiple races* is used to describe a group of offenders of varying races.

³ The total number of known offenders by age and the total number of known offenders by ethnicity do not equal the total number of known offenders by race because not all law enforcement agencies report the age and/or ethnicity of the known offenders.

⁴ The term *group of multiple ethnicities* is used to describe a group of offenders of varying ethnicities.

Table 10A**Incidents**

Bias Motivation

by Location, 2021

Location	Total incidents	Bias Motivation						Multiple-bias incidents ¹
		Race/ Ethnicity/ Ancestry	Religion	Sexual orientation	Disability	Gender	Gender Identity	
Total	10,841	6,644	1,590	1,707	152	96	342	310
Abandoned/Condemned Structure	11	8	3	0	0	0	0	0
Air/Bus/Train Terminal	169	110	9	35	4	0	8	3
Amusement Park	8	7	0	0	0	0	1	0
Arena/Stadium/Fairgrounds/Coliseum	18	10	0	4	1	0	0	3
ATM Separate from Bank	2	2	0	0	0	0	0	0
Auto Dealership New/Used	15	10	1	3	1	0	0	0
Bank/Savings and Loan	41	28	3	4	1	1	1	3
Bar/Nightclub	147	79	5	54	1	0	7	1
Camp/Campground	13	6	1	4	0	1	1	0
Church/Synagogue/Temple/Mosque	329	44	260	18	0	0	1	6
Commercial Office Building	259	155	43	31	0	6	10	14
Community Center	37	17	12	6	1	0	1	0
Construction Site	25	14	7	3	0	0	0	1
Convenience Store	210	148	19	23	2	1	10	7
Cyberspace	116	69	17	17	0	2	8	3
Daycare Facility	4	3	1	0	0	0	0	0
Department/Discount Store	122	87	17	12	2	1	1	2
Dock/Wharf/Freight/Modal Terminal	12	10	0	1	0	0	0	1
Drug Store/Doctor's Office/Hospital	136	106	9	14	0	3	3	1
Farm Facility	7	4	0	1	0	1	0	1
Field/Woods	53	35	5	5	0	0	3	5
Gambling Facility/Casino/Race Track	21	15	0	5	1	0	0	0
Government/Public Building	172	117	22	18	2	1	5	7
Grocery/Supermarket	132	102	14	12	0	0	3	1
Highway/Road/Alley/Street/Sidewalk	1,884	1,280	191	282	19	14	60	38
Hotel/Motel/Etc.	119	81	8	22	1	2	3	2
Industrial Site	15	9	2	1	1	1	1	0
Jail/Prison/Penitentiary/Corrections Facility	141	106	5	17	4	2	3	4
Lake/Waterway/Beach	22	16	4	2	0	0	0	0
Liquor Store	28	21	4	1	0	1	1	0
Military Installation	1	0	0	0	0	1	0	0
Park/Playground	292	179	35	44	4	2	4	24
Parking/Drop Lot/Garage	674	471	80	76	5	5	20	17
Rental Storage Facility	18	12	5	0	1	0	0	0
Residence/Home	3,080	1,846	352	581	69	32	122	78
Rest Area	4	3	0	1	0	0	0	0
Restaurant	334	236	30	56	1	0	6	5
School/College ²	87	39	26	12	3	0	3	4
School-College/University	180	93	36	38	2	2	5	4
School-Elementary/Secondary	512	284	59	108	10	3	19	29
Service/Gas Station	116	92	10	10	1	1	0	2
Shelter-Mission/Homeless	20	9	1	6	1	0	2	1
Shopping Mall	35	25	3	5	0	1	0	1
Specialty store (TV, fur, etc.)	138	98	10	22	3	1	2	2
Tribal Lands	4	1	1	0	0	2	0	0
Other/Unknown	1,055	542	279	151	11	8	27	37
Multiple Locations	23	15	1	2	0	1	1	3

¹ A multiple-bias incident is an incident in which one or more offense types are motivated by two or more biases.² The location designation *School/college* has been retained for agencies that have not updated their records management systems to include the new location designations of *School—college/university* and *School—elementary/secondary*, which allow for more specificity in reporting.

Table 11A - Part 1: Crimes Against Persons (States) (Table continued on next page)**Offenses**

Offense Type

by Participating State and Federal, 2021

Participating state/federal	Total offenses	Crimes against persons						Other crimes against persons ²
		Murder and nonnegligent manslaughter	Rape ¹	Aggravated assault	Simple Assault	Intimidation	Human Trafficking, Commercial Sex Acts	
Total	12,412	18	19	1,670	2,955	3,595	0	70
Alabama	267	0	1	36	61	44	0	2
Alaska	25	0	0	6	5	5	0	0
Arizona	255	0	0	41	73	73	0	0
Arkansas	38	0	0	11	3	13	0	1
California	1,872	0	6	428	446	390	0	2
Colorado	369	0	0	53	84	117	0	4
Connecticut	85	0	0	7	7	36	0	0
Delaware	11	0	0	0	1	4	0	0
District of Columbia	74	0	0	11	37	13	0	0
Florida	116	0	0	31	32	7	0	0
Georgia	292	0	0	31	84	93	0	1
Hawaii	45	0	0	6	13	24	0	0
Idaho	57	0	1	8	25	15	0	0
Illinois	153	0	0	24	49	45	0	0
Indiana	163	0	0	22	26	61	0	2
Iowa	131	0	0	8	30	40	0	3
Kansas	156	0	0	13	22	42	0	3
Kentucky	183	0	0	8	32	91	0	4
Louisiana	160	0	0	22	32	19	0	2
Maine	85	0	0	1	13	45	0	0
Maryland	167	0	1	20	63	12	0	1
Massachusetts	493	3	0	56	95	180	0	1
Michigan	484	0	2	72	108	189	0	4
Minnesota	305	0	1	40	83	89	0	6
Mississippi	23	0	0	0	8	4	0	0
Missouri	252	0	0	40	78	49	0	1
Montana	19	0	0	2	7	1	0	0
Nebraska	66	0	1	3	13	13	0	0
Nevada	242	0	0	31	103	46	0	2
New Hampshire	38	0	0	1	8	15	0	0
New Jersey	786	0	0	15	58	571	0	0
New Mexico	78	0	0	17	25	13	0	0
New York	810	0	0	80	280	70	0	1
North Carolina	337	0	0	54	71	104	0	2
North Dakota	49	0	0	4	13	23	0	0
Ohio	559	0	3	23	136	161	0	11
Oklahoma	84	0	0	6	18	37	0	1
Oregon	336	0	0	46	92	79	0	0
Pennsylvania	354	0	0	44	60	139	0	2
Rhode Island	22	0	0	0	8	2	0	0
South Carolina	120	0	0	22	28	24	0	1
South Dakota	24	0	0	3	9	6	0	0
Tennessee	142	0	0	26	35	31	0	1
Texas	656	0	1	96	185	146	0	6
Utah	108	0	0	12	25	10	0	1
Vermont	59	0	0	7	12	6	0	0
Virginia	143	0	1	14	49	24	0	0
Washington	714	1	0	93	146	270	0	1
West Virginia	69	0	1	11	16	6	0	1
Wisconsin	128	0	0	11	29	27	0	1
Wyoming	21	0	0	3	4	11	0	0

¹ Only the revised Uniform Crime Reporting definition of rape was used for the figures shown in this column. See *Methodology* in Appendix B for further explanation.² The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

Table 11A - Part 2: Crimes Against Persons (Federal) (Table continued from previous page)**Offenses**

Offense Type

by Participating State and Federal, 2021

		<i>Crimes against persons</i>						
<i>Participating state/federal</i>	<i>Total offenses</i>	<i>Murder and nonnegligent manslaughter</i>	<i>Rape ¹</i>	<i>Aggravated assault</i>	<i>Simple Assault</i>	<i>Intimidation</i>	<i>Human Trafficking, Commercial Sex Acts</i>	<i>Other crimes against persons ²</i>
Total	12,412	18	19	1,670	2,955	3,595	0	70

Federal

Defense Intelligence Agency	1	0	0	0	0	0	0	0
Federal Bureau of Investigation, Field Offices	175	14	0	51	14	52	0	2
Pentagon Force Protection Agency	3	0	0	0	0	3	0	0
United States Air Force	1	0	0	0	0	1	0	0
United States Air Force Security Police	3	0	0	0	0	1	0	0
United States Marine Corps Law Enforcement	1	0	0	0	0	1	0	0
United States Treasury Inspector General for Tax Administration	3	0	0	0	1	2	0	0

¹ Only the revised Uniform Crime Reporting definition of rape was used for the figures shown in this column. See *Methodology* in Appendix B for further explanation.

² The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

Table 11A - Part 3: Crimes Against Property/Crimes Against Society (States) (Table continued from previous page)**Offenses**

Offense Type

by Participating State and Federal, 2021

Participating state/federal	Total offenses	Crimes against property							Crimes against society ²
		Robbery	Burglary	Larceny-theft	Motor vehicle theft	Arson	Destruction/damage/vandalism	Other crimes against property ²	
Total	12,412	177	152	501	51	65	2,718	154	267
Alabama	267	1	9	29	10	2	49	13	10
Alaska	25	0	0	1	0	0	8	0	0
Arizona	255	2	5	4	1	0	53	0	3
Arkansas	38	0	2	4	0	0	2	1	1
California	1,872	49	13	18	2	12	505	1	0
Colorado	369	7	6	14	0	0	77	5	2
Connecticut	85	2	0	1	2	1	28	1	0
Delaware	11	0	0	1	0	3	2	0	0
District of Columbia	74	2	1	0	0	0	10	0	0
Florida	116	3	1	2	0	0	40	0	0
Georgia	292	2	3	12	1	0	49	10	6
Hawaii	45	1	0	1	0	0	0	0	0
Idaho	57	0	0	1	0	0	7	0	0
Illinois	153	2	2	5	0	1	21	1	3
Indiana	163	2	0	8	1	0	32	5	4
Iowa	131	0	6	13	4	2	15	4	6
Kansas	156	2	3	11	0	2	44	4	10
Kentucky	183	2	2	2	0	0	37	1	4
Louisiana	160	2	5	31	1	0	17	3	26
Maine	85	0	1	3	0	1	21	0	0
Maryland	167	3	2	5	1	1	47	0	11
Massachusetts	493	3	1	7	1	0	142	1	3
Michigan	484	2	6	12	3	1	60	6	19
Minnesota	305	7	2	4	0	4	64	3	2
Mississippi	23	0	1	2	0	0	6	0	2
Missouri	252	2	3	12	4	0	54	1	8
Montana	19	0	0	3	0	2	4	0	0
Nebraska	66	0	0	6	0	2	23	2	3
Nevada	242	2	4	13	0	3	34	2	2
New Hampshire	38	0	0	0	0	0	14	0	0
New Jersey	786	2	5	2	0	3	130	0	0
New Mexico	78	2	0	7	1	2	9	2	0
New York	810	16	6	21	1	0	332	1	2
North Carolina	337	4	4	22	0	1	62	2	11
North Dakota	49	0	0	0	1	0	7	0	1
Ohio	559	4	14	69	4	3	80	21	30
Oklahoma	84	2	1	8	2	0	3	3	3
Oregon	336	5	3	7	0	1	95	3	5
Pennsylvania	354	10	4	13	0	4	60	11	7
Rhode Island	22	0	0	1	0	0	11	0	0
South Carolina	120	3	4	12	1	0	18	4	3
South Dakota	24	0	0	3	1	0	2	0	0
Tennessee	142	0	2	1	1	0	28	2	15
Texas	656	11	15	38	5	2	112	17	22
Utah	108	1	2	15	0	1	32	2	7
Vermont	59	0	0	7	0	0	16	11	0
Virginia	143	2	3	5	0	1	41	1	2
Washington	714	13	8	24	3	3	140	5	7
West Virginia	69	1	2	10	0	0	8	2	11
Wisconsin	128	0	1	10	0	0	33	3	13
Wyoming	21	0	0	1	0	0	2	0	0

¹ Only the revised Uniform Crime Reporting definition of rape was used for the figures shown in this column. See *Methodology* in Appendix B for further explanation.² The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

Table 11A - Part 4: Crimes Against Property/Crimes Against Society (Federal) (Table continued from previous page)**Offenses**

Offense Type

by Participating State and Federal, 2021

<i>Participating state/federal</i>	<i>Total offenses</i>	<i>Crimes against property</i>							<i>Crimes against society ²</i>
		<i>Robbery</i>	<i>Burglary</i>	<i>Larceny-theft</i>	<i>Motor vehicle theft</i>	<i>Arson</i>	<i>Destruction/damage/vandalism</i>	<i>Other crimes against property ²</i>	
Total	12,412	177	152	501	51	65	2,718	154	267
Federal									
Defense Intelligence Agency	1	0	0	0	0	0	1	0	0
Federal Bureau of Investigation, Field Offices	175	3	0	0	0	7	30	0	2
Pentagon Force Protection Agency	3	0	0	0	0	0	0	0	0
United States Air Force	1	0	0	0	0	0	0	0	0
United States Air Force Security Police	3	0	0	0	0	0	1	0	1
United States Marine Corps Law Enforcement	1	0	0	0	0	0	0	0	0
United States Treasury Inspector General for Tax Administration	3	0	0	0	0	0	0	0	0

¹ Only the revised Uniform Crime Reporting definition of rape was used for the figures shown in this column. See *Methodology* in Appendix B for further explanation.

² The figures shown include additional offenses collected in the National Incident-Based Reporting System. See *Methodology* in Appendix B for further explanation.

Table 12A - Part 1: States (Table continued on next page)
Agency Hate Crime Reporting by State and Federal, 2021

<i>Participating state/federal</i>	<i>Number of participating agencies</i>	<i>Population covered</i>	<i>Agencies submitting incident reports</i>	<i>Total number of incidents reported</i>
Total	14,859	302,298,384	2,980	10,841
Alabama	372	4,069,880	83	244
Alaska	33	729,022	10	20
Arizona	86	6,293,391	25	240
Arkansas	287	2,931,030	20	34
California	788	39,163,270	266	1,765
Colorado	237	5,795,425	71	277
Connecticut	107	3,605,597	45	73
Delaware	62	1,003,384	6	9
District of Columbia	2	670,050	2	64
Florida	221	14,387,511	34	115
Georgia	458	9,945,918	79	242
Hawaii	3	1,231,952	2	41
Idaho	109	1,889,225	16	37
Illinois	362	8,176,221	60	138
Indiana	205	5,540,750	55	132
Iowa	216	2,995,590	46	116
Kansas	343	2,730,508	63	127
Kentucky	426	4,505,498	65	134
Louisiana	147	3,423,169	36	130
Maine	131	1,372,247	33	75
Maryland	61	4,169,429	23	139
Massachusetts	379	6,939,989	101	412
Michigan	620	9,787,371	190	410
Minnesota	409	5,700,511	74	245
Mississippi	140	1,691,696	17	22
Missouri	488	5,930,340	91	207
Montana	107	1,099,471	12	18
Nebraska	271	1,953,491	23	53
Nevada	56	3,130,107	19	193
New Hampshire	214	1,382,046	22	35
New Jersey	342	6,970,549	182	755
New Mexico	76	1,682,981	18	63
New York	570	19,618,961	104	792
North Carolina	406	10,086,296	94	255
North Dakota	111	774,948	11	37
Ohio	626	10,777,415	155	489
Oklahoma	451	3,965,482	46	72
Oregon	216	4,229,040	61	287
Pennsylvania	1,086	11,120,704	70	324
Rhode Island	47	1,094,546	14	19
South Carolina	448	5,171,991	52	100
South Dakota	115	835,058	15	22
Tennessee	442	6,973,090	51	121
Texas	1,020	28,940,967	197	555
Utah	132	3,225,578	34	89
Vermont	88	645,570	26	52
Virginia	412	8,640,726	50	120
Washington	251	7,705,104	94	590
West Virginia	250	1,596,352	30	57
Wisconsin	342	5,548,628	69	120
Wyoming	47	450,309	11	18

Table 12A - Part 2: Federal (Table continued from previous page)**Agency Hate Crime Reporting by State and Federal, 2021**

<i>Participating state/federal</i>	<i>Number of participating agencies</i>	<i>Population covered</i>	<i>Agencies submitting incident reports</i>	<i>Total number of incidents reported</i>
Total	14,859	302,298,384	2,980	10,841
Federal¹				
Board of Governors of the Federal Reserve System and the Consumer Financial Protection Bureau	1	0	0	0
Central Intelligence Agency Security Protective Service	1	0	0	0
Commodity Futures Trading Commission Office of Inspector General	1	0	0	0
Corporation for National and Community Service Office of Inspector General	1	0	0	0
Defense Intelligence Agency	1	0	1	1
Department of Veterans Affairs	1	0	0	0
Drug Enforcement Administration:	1	0	0	0
Export-Import Bank of the United States Office of Inspector General	1	0	0	0
Federal Bureau of Investigation, Field Offices	1	0	1	145
Federal Communications Commission Office of Inspector General	1	0	0	0
Federal Emergency Management Agency	1	0	0	0
Federal Housing Finance Agency Office of Inspector General	1	0	0	0
Library of Congress Office of Inspector General	1	0	0	0
National Institute of Health	1	0	0	0
National Security Agency Police	1	0	0	0
Peace Corps Office of Inspector General	1	0	0	0
Pension Benefit Guaranty Corporation Office of Inspector General	1	0	0	0
Pentagon Force Protection Agency	1	0	1	3
Smithsonian Institution Office of Inspector General	1	0	0	0
Tennessee Valley Authority Office of Inspector General	1	0	0	0
United States Agency for International Development Office of Inspector General	1	0	0	0
United States Air Force	1	0	1	1
United States Air Force Security Police	1	0	1	3
United States Department of Agriculture	1	0	0	0
United States Department of Defense:	1	0	0	0
United States Department of Education Office of Inspector General	1	0	0	0
United States Department of Housing and Urban Development, Office of Inspector General	1	0	0	0
United States Department of Justice Office of Inspector General	1	0	0	0
United States Department of State Office of Inspector General	1	0	0	0
United States Department of Transportation Office of Inspector General	1	0	0	0
United States Environmental Protection Agency	1	0	0	0
United States Federal Deposit Insurance Corporation Office of Inspector General	1	0	0	0
United States Forest Service	1	0	0	0
United States General Services Administration	1	0	0	0
United States Marine Corps Law Enforcement	1	0	1	1
United States National Archives and Records Administration Office of Inspector General	1	0	0	0
United States Navy Law Enforcement	1	0	0	0
United States Nuclear Regulatory Commission Office of Inspector General	1	0	0	0
United States Office of Personnel Management Office of the Inspector General	1	0	0	0
United States Securities and Exchange Commission Office of Inspector General	1	0	0	0
United States Treasury Inspector General for Tax Administration	1	0	1	3

¹ Population estimates are not attributed to the federal agencies.

Appendix B: Methodology of Revised 2021 Hate Crime Tables

The Hate Crime Statistics Program of the FBI's UCR Program collects data regarding criminal offenses that were motivated, in whole or in part, by the offender's bias against the victim's race/ethnicity/ancestry, gender, gender identity, religion, disability, or sexual orientation, and were committed against persons, property, or society. Because motivation is subjective, it is sometimes difficult to know with certainty whether a crime resulted from the offender's bias. Moreover, the presence of bias alone does not necessarily mean that a crime can be considered a hate crime. Only when a law enforcement investigation reveals sufficient evidence to lead a reasonable and prudent person to conclude that the offender's *actions* were motivated, in whole or in part, by his or her bias, should an agency report an incident as a hate crime.

Changes to the data collection

Over the last several years, at the recommendation of the Criminal Justice Information Services Division's APB and with the approval of the FBI Director, the UCR Program has initiated several changes to the collection of hate crime data. Descriptions of those modifications, which are included in the published data, follow.

Revision to the definition of rape

The UCR Program initiated the collection of rape data under a revised definition and removed the term "forcible" from the offense name in 2013. The changes brought uniformity to the offense in both SRS and NIBRS by capturing data (1) without regard to gender, (2) including penetration of any bodily orifice by any object or body part, and (3) including offenses where physical force is not involved. Beginning in 2013, the UCR Program defined rape as follows:

Rape (revised definition): Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (This includes the offenses of rape, sodomy, and sexual assault with an object as converted from data submitted via NIBRS.)

Rape (legacy definition): The carnal knowledge of a female forcibly and against her will. In 2016, the FBI Director approved the recommendation to discontinue the reporting of rape data using the UCR legacy definition beginning in 2017.

The offenses of fondling, incest, and statutory rape are included in the crimes against persons, *other* category.

For all law enforcement agencies that submitted their hate crime data via NIBRS, the UCR Program combined the agencies' totals for the offenses of rape (which includes both male and female victims), sodomy, and sexual assault with an object to derive rape figures in accordance with the broader revised definition. (See the *NIBRS User Manual* for the definitions of those individual offenses.) In addition, the UCR Program published

any offenses of fondling, incest, and statutory rape submitted via NIBRS in the crimes against persons category of *other*.

Addition of religion and anti-Arab bias motivations

In 2015, the UCR Program began permitting law enforcement agencies to report seven new religious anti-bias categories (anti-Buddhist, anti-Eastern Orthodox, anti-Hindu, anti-Jehovah's Witness, anti-Church of Jesus Christ, anti-Other Christian, and anti-Sikh), as well as an anti-Arab bias motivation.

In addition, the UCR Program began collecting the race and ethnicity categories in a combined format in 2015. The revised category is Race/Ethnicity/Ancestry. Along with this change, the former anti-not Hispanic or Latino ethnicity bias was changed to anti-Other Race/Ethnicity/Ancestry bias.

Additions of animal cruelty, fraud offenses, and a cyberspace location to NIBRS

Beginning in 2016, the UCR Program permitted law enforcement agencies that contribute data via NIBRS to report offenses of animal cruelty, identity theft, and hacking/computer invasion, as well as the location of *cyberspace*.

Discontinuation of publishing data collected using the rape legacy definition

Beginning January 1, 2017, the national UCR Program ceased publishing rape data collected using the UCR legacy definition of rape.

Addition of federal data

Federal hate crime data have been accepted since 2018.

Data collection

Incident types

The Hate Crime Statistics Program collects data about both single-bias and multiple-bias hate crimes. A *single-bias incident* is defined as an incident in which one or more offense types are motivated by the same bias. Beginning in 2013, law enforcement agencies could report up to five bias motivations per offense type. Therefore, the definition of a *multiple-bias incident* has been revised to "an incident in which one or more offense types are motivated by two or more biases."

Offense types

The law enforcement agencies that voluntarily participate in the Hate Crime Statistics Program collect details about offenders' bias motivations associated with 13 offense types already being reported to the UCR Program: murder and nonnegligent

manslaughter, rape, aggravated assault, simple assault, intimidation, human trafficking—commercial sex acts, and human trafficking—involuntary servitude (*crimes against persons*); and robbery, burglary, larceny-theft, motor vehicle theft, arson, and destruction/damage/vandalism (*crimes against property*). The law enforcement agencies that participate in the UCR Program via NIBRS collect data about additional offenses for crimes against persons and crimes against property. These data appear in *Hate Crime Statistics* in the category of *other*. These agencies also collect hate crime data for the category called *crimes against society*, which includes drug or narcotic offenses, gambling offenses, prostitution offenses, weapon law violations, and animal cruelty offenses. (The *NIBRS User Manual* provides an explanation of the 28 Group A offense categories made up of 71 Group A offenses.)

Crimes against persons, property, or society

The UCR Program’s data collection guidelines stipulate that a hate crime may involve multiple offenses, victims, and offenders within one incident; therefore, the Hate Crime Statistics Program is incident-based. According to UCR counting guidelines:

- One offense is counted for each victim in *crimes against persons*.
- One offense is counted for each offense type in *crimes against property*.
- One offense is counted for each offense type in *crimes against society*.

Victims

In the Hate Crime Statistics Program, the victim of a hate crime can be an individual, a business/financial institution, a government entity, a religious organization, or society/public as a whole. Law enforcement can indicate the number of individual victims, the number of victims 18 years of age and older, and the number of victims under the age of 18.

Offenders

According to the UCR Program, the term *known offender* does not imply the suspect’s identity is known; rather, the term indicates some aspect of the suspect was identified, thus distinguishing the suspect from an unknown offender. Law enforcement agencies specify the number of offenders (adults and juveniles) and, when possible, the race and ethnicity of the offender or offenders as a group.

Race/ethnicity

The five racial designations in the Hate Crime Statistics Program are: White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander. In addition, the UCR Program uses the ethnic designations of Hispanic or Latino and Not Hispanic or Latino.

Data reporting

(b)(5) per FBI

Participation Table
Number of Participating Agencies and Population Covered
For Supplemental 2021 Hate Crime Dataset

	Number of participating agencies	Population covered
Law Enforcement Agencies that Reported Hate Crime Data in 2021 Original Report	11,834	215,058,917
Additional Law Enforcement Agencies Represented in Supplemental 2021 Report	3,025	87,239,467
Total Reporting Agencies in Supplemental 2021 Report	14,859	302,298,384

Population figures and area designations

Population estimation

For the 2021 population estimates used in these tables, the FBI computed individual rates of growth from one year to the next for every city/town and county using 2010 decennial population counts and 2011 through 2020 population estimates from the U.S. Census Bureau. The rates of growth for each agency were averaged; that average was then

applied and added to its 2020 Census population estimate to derive the agency's 2021 population estimate.

Universities and colleges

The population figures used for universities and colleges are student enrollments that were provided by the U.S. Department of Education for the 2020 school year, the most recent available. The enrollment figures include full-time and part-time students.

County designations

Based on the Office of Management and Budget's standards for defining Metropolitan Statistical Areas, the UCR Program refers to suburban counties as metropolitan counties and to rural counties as nonmetropolitan counties.

Caution to users

Valid assessments about crime, including hate crime, are possible only with careful study and analysis of the various conditions affecting each local law enforcement jurisdiction. (See *Uniform Crime Reporting Statistics: Their Proper Use*.) In addition, some data in this report may not be comparable to those in prior editions of *Hate Crime Statistics* because of differing levels of participation from year to year. Therefore, the reader is cautioned against making simplistic comparisons between the statistical data of this program and that of others with differing methodologies or even comparing individual reporting units solely on the basis of their agency type.

Table methodology

To be included in this report, law enforcement agencies must have submitted at least one *Group A Incident Report* or a *Group B Arrest Report* via NIBRS, or subsequently, a hate crime record layout via SRS. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or 4 quarters) of the calendar year. In addition, the UCR Program does not apply offense estimation procedures to account for missing data from agencies that do not participate in the Hate Crime Statistics Program.

When examining the data contained in this report, data users should be aware that the first line following each table number presents that table's unit of analysis: incident, offense, victim, or known offender.

The tabular presentation that follows briefly describes the data sources and the methods used to construct Tables 1A–12A.

(1) Table	(2) Database	(3) Table Construction	(4) Table Methodology
1A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of incidents, offenses, victims, and known offenders distributed by bias motivation. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. Because incidents may include more than one offense type, the column figures will not add to the total number of incidents. Because some offenders are responsible for more than one offense type, the column figures will not add to the total number of known offenders. The offense definition of rape, as well as the collection and presentation of rape data changed in 2013. See the revision to the definition of rape in this Methodology.
2A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of incidents, offenses, victims, and known offenders distributed by offense type. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. Because incidents may include more than one offense type, the column figures will not add to the total number of incidents. Because some offenders are responsible

			for more than one offense type, the column figures will not add to the total number of known offenders.
3A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime offenses distributed by the known offender's race and ethnicity, as well as the offense type. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. The sum of offenses by the known offender's ethnicity does not equal the sum of offenses by the known offender's race because not all law enforcement agencies that report offender race data also report offender ethnicity data. The offense definition of rape, as well as the collection and presentation of rape data changed in 2013. See the revision to the definition of rape in this Methodology.
4A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime offenses distributed by the offense type and bias motivation. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. The offense definition of rape, as well as the collection and presentation of rape data changed in 2013. See the revision to the definition of rape in this Methodology.

5A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime offenses distributed by the known offender's race, ethnicity, and bias motivation. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. The total number of offenses by the known offender's ethnicity is not equal to the total number of offenses by the known offender's race because not all agencies that submit offender race data also submit offender ethnicity data.
6A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime offenses distributed by victim type and offense type. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year.
7A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime victims (individuals, businesses/financial institutions, government entities, religious organizations, and society/public as a whole) distributed by the offense type and bias motivation. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. The offense definition of rape, as well as the collection and presentation of rape data

		This table also provides the number of juvenile and the number of adult victims.	changed in 2013. See the revision to the definition of rape in this Methodology. The total number of adult victims and the total number of juvenile victims represent victims by bias motivation. The aggregate of the adult and juvenile individual victims will not equal the total number of victims because the total number of victims includes individuals, businesses/financial institutions, government entities, religious organizations, and society/public as a whole. In addition, the aggregate of adult and juvenile individual victims does not equal the total number of crimes against persons because not all law enforcement agencies report the ages of individual victims.
8A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime incidents distributed by victim type and bias motivation. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. A multiple-bias incident includes one or more offense types motivated by two or more biases.
9A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of known hate crime offenders distributed by the known offenders' race, ethnicity, and age categories. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year.

			The known offenders' ethnicity and age totals are representative of those agencies that provided ethnicity and/or age breakdowns. Not all agencies provide ethnicity and/or age data; therefore, neither the known offenders' ethnicity total nor the known offenders' age total will be equal to the known offenders' race total.
10A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of hate crime incidents by bias motivation and location type. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. Reporting agencies may specify 1 of 46 location designations. However, not all reporting agencies have made the programming changes to allow the relatively new location designations; therefore, the data collected to date are not yet representative of all location designations. Beginning in 2016, law enforcement was permitted to submit data under the location of <i>cyberspace</i>.
11A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the number of offenses distributed by the offense type and reporting state. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. The offense definition of rape, as well as the collection and presentation of rape data

			changed in 2013. See the revision to the definition of rape in this Methodology. Readers should take into consideration relevant factors in addition to the areas' crime statistics when making any valid comparisons of crime among different locales. UCR Statistics: Their Proper Use provides more details concerning the proper use of UCR statistics.
12A	All law enforcement agencies participating in the Hate Crime Statistics Program.	This table presents the total number of participating agencies, the population represented, the number of agencies that submitted data about hate crime incidents, and the number of incidents reported. Federal hate crime data are also included.	The data used in creating this table were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS (regardless of the number of months or quarters of data reported) for a fuller accounting of hate crime incidents that occurred in 2021. The published data, therefore, do not necessarily represent reports from each participating agency for all 12 months (or four quarters) of the calendar year. Readers should take into consideration relevant factors in addition to the areas' crime statistics when making any valid comparisons of crime among different locales. UCR Statistics: Their Proper Use provides more details concerning the proper use of UCR statistics.

Appendix C: Reported Hate Crime Data by Bias Motivation, 2020 and Supplemental 2021

Tables 1C-4C include the number of reported hate crime values (i.e., incidents, offenders, victims, and known offenders) for 2020 and supplemental 2021 data, regardless of the number of months or quarters of data reported. The 2020 data were reported via NIBRS and the SRS hate crime record layout. The 2021 data were compiled using the 2021 hate crime data submitted via NIBRS and the 2021 supplemental hate crime data retroactively submitted via SRS for a fuller accounting of hate crime incidents that occurred in 2021.

Table 1C Reported Number of Incidents by Bias Motivation, 2020 and Supplemental 2021

	2020	2021
Total	8,263	10,840
Single-Bias Incidents	8,052	10,530
<i>Race/Ethnicity/Ancestry</i>	5,227	6,643
Anti-White	869	1,107
Anti-Black or African American	2,871	3,277
Anti-American Indian or Alaska Native	96	138
Anti-Asian	279	746
Anti-Multiple Races, Group	211	196
Anti-Native Hawaiian or Other Pacific Islander	15	43
Anti-Arab	71	105
Anti-Hispanic or Latino	517	698
Anti-Other Race/Ethnicity/Ancestry	298	333
<i>Religion</i>	1,244	1,590
Anti-Jewish	683	817
Anti-Catholic	73	97
Anti-Protestant	30	40
Anti-Islamic (Muslim)	110	152
Anti-Other Religion	76	74
Anti-Multiple Religions, Group	40	42
Anti-Church of Jesus Christ (Anti-Mormon in 2020)	7	16
Anti-Jehovah's Witness	9	4
Anti-Eastern Orthodox (Russian, Greek, Other)	43	50
Anti-Other Christian	50	52
Anti-Buddhist	15	30
Anti-Hindu	11	12
Anti-Sikh	89	185
Anti-Atheism/Agnosticism/etc.	8	19
<i>Sexual Orientation</i>	1,110	1,707
Anti-Gay (Male)	673	948
Anti-Lesbian	103	187
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	306	521
Anti-Heterosexual	11	13
Anti-Bisexual	17	38
<i>Disability</i>	130	152
Anti-Physical	53	53
Anti-Mental	77	99
<i>Gender</i>	75	96
Anti-Male	25	17
Anti-Female	50	79
<i>Gender Identity</i>	266	342
Anti-Transgender	213	245
Anti-Gender Non-Conforming	53	97
Multiple-Bias Incidents	211	310

Table 2C Reported Number of Offenses by Bias Motivation, 2020 and Supplemental 2021

	2020	2021
Total	11,129	12,411
Single-Bias Incidents	10,790	12,020
<i>Race/Ethnicity/Ancestry</i>	6,677	7,736
Anti-White	1,048	1,303
Anti-Black or African American	3,819	3,790
Anti-American Indian or Alaska Native	103	148
Anti-Asian	330	820
Anti-Multiple Races, Group	270	216
Anti-Native Hawaiian or Other Pacific Islander	15	48
Anti-Arab	85	131
Anti-Hispanic or Latino	664	886
Anti-Other Race/Ethnicity/Ancestry	343	394
<i>Religion</i>	1,402	1,690
Anti-Jewish	794	851
Anti-Catholic	77	99
Anti-Protestant	31	42
Anti-Islamic (Muslim)	126	177
Anti-Other Religion	85	83
Anti-Multiple Religions, Group	44	49
Anti-Church of Jesus Christ (Anti-Mormon in 2020)	8	19
Anti-Jehovah's Witness	10	4
Anti-Eastern Orthodox (Russian, Greek, Other)	43	57
Anti-Other Christian	56	57
Anti-Buddhist	16	30
Anti-Hindu	11	16
Anti-Sikh	93	187
Anti-Atheism/Agnosticism/etc.	8	19
<i>Sexual Orientation</i>	2,185	1,929
Anti-Gay (Male)	770	1,034
Anti-Lesbian	1,021	225
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	363	610
Anti-Heterosexual	12	14
Anti-Bisexual	19	46
<i>Disability</i>	151	168
Anti-Physical	60	60
Anti-Mental	91	108
<i>Gender</i>	81	112
Anti-Male	25	19
Anti-Female	56	93
<i>Gender Identity</i>	294	385
Anti-Transgender	237	271
Anti-Gender Non-Conforming	57	114
Multiple-Bias Incidents	339	391

Table 3C Reported Number of Victims by Bias Motivation, 2020 and Supplemental 2021

	2020	2021
Total	11,472	12,822
Single-Bias Incidents	11,126	12,411
<i>Race/Ethnicity/Ancestry</i>	6,880	8,005
Anti-White	1,082	1,341
Anti-Black or African American	3,915	3,906
Anti-American Indian or Alaska Native	108	149
Anti-Asian	342	845
Anti-Multiple Races, Group	281	245
Anti-Native Hawaiian or Other Pacific Islander	18	48
Anti-Arab	87	132
Anti-Hispanic or Latino	693	909
Anti-Other Race/Ethnicity/Ancestry	354	430
<i>Religion</i>	1,481	1,746
Anti-Jewish	831	869
Anti-Catholic	80	102
Anti-Protestant	32	46
Anti-Islamic (Muslim)	131	190
Anti-Other Religion	105	90
Anti-Multiple Religions, Group	49	49
Anti-Church of Jesus Christ (Anti-Mormon in 2020)	8	19
Anti-Jehovah's Witness	10	4
Anti-Eastern Orthodox (Russian, Greek, Other)	43	57
Anti-Other Christian	62	58
Anti-Buddhist	16	30
Anti-Hindu	11	18
Anti-Sikh	94	195
Anti-Atheism/Agnosticism/etc.	9	19
<i>Sexual Orientation</i>	2,229	1,979
Anti-Gay (Male)	791	1,043
Anti-Lesbian	1,026	227
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	380	649
Anti-Heterosexual	13	14
Anti-Bisexual	19	46
<i>Disability</i>	152	171
Anti-Physical	60	61
Anti-Mental	92	110
<i>Gender</i>	82	118
Anti-Male	25	19
Anti-Female	57	99
Gender Identity	302	392
Anti-Transgender	244	278
Anti-Gender Non-Conforming	58	114
Multiple-Bias Incidents	346	411

Table 4C Reported Number of Known Offenders by Bias Motivation, 2020 and Supplemental 2021

	2020	2021
Total	6,780	9,606
Single-Bias Incidents	6,657	9,334
<i>Race/Ethnicity/Ancestry</i>	4,339	5,924
Anti-White	825	1,019
Anti-Black or African American	2,302	2,886
Anti-American Indian or Alaska Native	74	116
Anti-Asian	239	680
Anti-Multiple Races, Group	114	121
Anti-Native Hawaiian or Other Pacific Islander	12	38
Anti-Arab	52	93
Anti-Hispanic or Latino	525	702
Anti-Other Race/Ethnicity/Ancestry	196	269
<i>Religion</i>	814	1,178
Anti-Jewish	401	583
Anti-Catholic	47	71
Anti-Protestant	26	29
Anti-Islamic (Muslim)	126	130
Anti-Other Religion	44	48
Anti-Multiple Religions, Group	19	27
Anti-Church of Jesus Christ (Anti-Mormon in 2020)	7	10
Anti-Jehovah's Witness	3	3
Anti-Eastern Orthodox (Russian, Greek, Other)	30	45
Anti-Other Christian	27	33
Anti-Buddhist	14	27
Anti-Hindu	6	9
Anti-Sikh	59	148
Anti-Atheism/Agnosticism/etc.	5	15
<i>Sexual Orientation</i>	1,043	1,671
Anti-Gay (Male)	680	992
Anti-Lesbian	89	180
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	250	453
Anti-Heterosexual	10	8
Anti-Bisexual	14	38
<i>Disability</i>	117	136
Anti-Physical	47	42
Anti-Mental	70	94
<i>Gender</i>	65	84
Anti-Male	24	13
Anti-Female	41	71
<i>Gender Identity</i>	279	341
Anti-Transgender	226	243
Anti-Gender Non-Conforming	53	98
Multiple-Bias Incidents	123	272

From: Becky Gendelman <(b) (6)>

To: "ROSICH, NICOLE" (b) (6)

Cc: Eleanor Acer (b) (6)

Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Date: Thu, 09 Mar 2023 18:37:35 -0500

Attachments: Asylum_Process_DHS_Engagement_Questions.docx

Inline-Images: image001.png; image002.png; Outlook-uk2lvhuq.png

Hi Nicole,

Thank you! We are looking forward to the engagement.

Attached is our proposed agenda and below is our list of attendees. I also wanted to share in advance the link to a letter we sent DHS, DOJ, and USCIS in August 2022 with some recommendations on improving access to counsel in the asylum process, which is referenced in the agenda: <https://humanrightsfirst.org/wp-content/uploads/2022/08/AsylumProcessingRuleLetter.8.12.2022.pdf>

Can I share the zoom info with the attendees or do you prefer to send it? I have pulled out and included at the end all the email addresses for ease of forwarding the invite if you prefer to do so.

Becky Gendelman, Human Rights First, (b) (6)

Eleanor Acer, Human Rights First, (b) (6)

Briana Perez, RAICES, (b) (6)

Amy Grenier, AILA, (b) (6)

Elizabeth Tregaskis Gordon, Oxfam, (b) (6)

Keighly Rector, Catholic Charities Community Services Arch. of NY, (b) (6)

Aaron Nodjomian-Escajeda, USCRI, (b) (6)

Frank Alfonso-Pineiro, LOP Supervisor - YMCA Houston, TX - (b) (6)

Adela Mason, Acacia Center for Justice, (b) (6)

Jennifer Reinbold, Acacia Center for Justice, (b) (6)

Margaret Cargioli, Immigrant Defenders Law Center, (b) (6)

Alicia M. de la O, American Bar Association, (b) (6)

Rebekah Erin Niblock (b) (6)

Amanda Crews Slezak, National Immigrant Justice Center, (b) (6)

Heidi Altman, National Immigrant Justice Center, (b) (6)

Elnora Bassey, CLINIC, (b) (6)

Emem Maurus, Transgender Law Center, (b) (6)

Amanda Bhuket, Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCRSF), (b) (6)

Dora Galacatos, (b) (6)

Clementine Schillings (b) (6)

Paula Pacheco Soto, International Refugee Assistance Project, (b) (6)

Brandon Vesely, Immigration Center for Women and Children, (b) (6)

Danilo Zak, Church World Service, (b) (6)

Christy Williams, Catholic Charities USA, (b) (6)

Bilal Askaryar, #WelcomeWithDignity (b) (6)

Luis Rios ProBar. (b) (6)

Liza Doubossarskaia, Immigration Equality, (b) (6)

Mara Weaver Boshart, National Immigrant Justice Center, (b) (6)

ManoLasya Perepa, National Immigrant Justice Center, (b) (6)

Rex Chen, he/him, Legal Services NYC, (b) (6)

Bridget Crawford, she/her, Immigration Equality (b) (6)

Andy Schoenholtz, Georgetown University Law Center, (b) (6)

Bryce Daly, Al Otro Lado, (b) (6)

Kiera LoBreglio, Catholic Charities of the Archdiocese of Newark, (b) (6)

Yael Schacher, Refugees International, (b) (6)

Heidy Pineda, Esperanza Immigrant Rights Project, CCLA Inc. (b) (6)

Laura Tuell, Jones Day Border Project, (b) (6)

Jessie De Haven, IRC Turlock, (b) (6)

Ronnate Asirwatham NETWORK Lobby for Catholic Social Justice, (b) (6)

Hiroko Kusuda, Loyola University New Orleans College of Law, (b) (6)

Matt Boles, Southern Poverty Law Center, (b) (6)

Caya Simonsen, Proyecto Dilley (b) (6)

Elisa Jelley, American Gateways San Antonio, (b) (6)

Zoe Bowman, Las Americas Immigrant Advocacy Center, (b) (6)

Elora Mukherjee, Columbia Law School Immigrants' Rights Clinic, (b) (6)

Shay Fluharty, Americans for Immigrant Justice, (b) (6)

Sergiu Voicila, Catholic Charities of Boston, (b) (6)

[Priscilla Olivarez, Immigrant Legal Resource Center,](#) (b) (6)

[Manoj Govindaiah, Immigrant Legal Defense,](#) (b) (6)

(b) (6) (b) (6) (b) (6) (b) (6)
(b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;
(b) (6) (b) (6) (b) (6) (b) (6) (b) (6) ;

Becky Gendelman (she/her)

Senior Research and Policy Counsel, Refugee Protection

 Human Rights First

75 Broad Street, 31st Floor, New York, NY 10004

Office Tel: (b) (6) Email: (b) (6)

humanrightsfirst.org Twitter: [@HumanRights1st](#) Instagram: [@humanrightsfirst](#)

From: ROSICH, NICOLE (b) (6)

Sent: Thursday, March 9, 2023 1:32 PM

To: Becky Gendelman (b) (6)

Cc: Eleanor Acer (b) (6)

Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,

Here is the Zoom info for Monday as well as our list of attendees. Standing by for the agenda.

Thanks!

Nicole

Mallory Lynn, Asylum Division, USCIS

Adam Hunter, DHS Office of Policy

Claire Trickler-McNulty, ICE

Brian McShane, ICE

Noel Young, DHS Office of the Secretary

Justin Downing, CBP

Steven Lang, EOIR
Erin McEvoy, WH EOP
Claudia Schwartz, WH EOP

Nicole Rosich is inviting you to a scheduled ZoomGov meeting.

Topic: Discussion on APR

Time: Mar 13, 2023 12:00 PM Eastern Time (US and Canada)

Join ZoomGov Meeting

(b) (6)

Meeting ID: (b) (6)

Passcode: (b) (6)

One tap mobile

+(b) (6) (b) (6) * (b) (6) US (San Jose)

(b) (6) (b) (6) (b) (6) US (US Spanish Line)

Dial by your location

(b) (6) US (San Jose)

(b) (6) US (US Spanish Line)

(b) (6) US (New York)

(b) (6) US (San Jose)

(b) (6) US (US Spanish Line)

(b) (6) US

Meeting ID: (b) (6)

Passcode: (b) (6)

Find your local number: (b) (6)

Join by SIP

(b) (6)

Join by H.323

(b) (6) (US West)

(b) (6) (US East)

Meeting ID: (b) (6)

Passcode: (b) (6)

From: Becky Gendelman (b) (6)

Sent: Wednesday, March 8, 2023 4:21 PM

To: ROSICH, NICOLE (b) (6)

Cc: Eleanor Acer (b) (6)

Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

That sounds great, thank you!

Becky Gendelman (she/her)

Senior Research and Policy Counsel, Refugee Protection

Human Rights First

75 Broad Street, 31st Floor, New York, NY 10004

Office Tel: (b) (6) Email: (b) (6)

humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: ROSICH, NICOLE (b) (6)
Sent: Wednesday, March 8, 2023 3:54 PM
To: Becky Gendelman (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,

In a webinar, I as the host will be able to unmute people and possibly allow them to turn on cameras (I'll have to double check that functionality) if they raise their hands. In a standard meeting anyone it would be more conversational in that people would be able to unmute themselves and not wait to be allowed to do so. I actually just checked and we can have 100 participants in a standard meeting.

Thanks!
Nicole

From: Becky Gendelman (b) (6)
Sent: Wednesday, March 8, 2023 3:30 PM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

Great, thanks so much! I will send you the participants and an agenda by tomorrow. In the webinar function, what would be the limitations on speaking and video? Would our participants still have an opportunity to raise their hands and ask questions/share information verbally or would they only be able to use the chat?

Best,
Becky

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: ROSICH, NICOLE (b) (6)
Sent: Wednesday, March 8, 2023 1:00 PM
To: Becky Gendelman <(b) (6)>
Cc: Eleanor Acer (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Thank you, Becky! With Zoom we can have I believe up to 50 people in a standard meeting formal (with mics and cameras), otherwise we would have to use the webinar function which would limit speaking and video abilities. Please do share the list of participants and I will share ours as well. If you could also share a brief agenda/questions you would like addressed that would be helpful in guiding the discussion on Monday!

Best,
Nicole

From: Becky Gendelman (b) (6)
Sent: Wednesday, March 8, 2023 10:03 AM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

That works for us, thank you! We have a lot of legal organizations, attorneys, and advocates who would be interested in participating because they are involved in representation, pro se assistance, and monitoring of the rule—we have been leading a working group on the rule and reaching out to folks working with asylum seekers in the destination cities and detention centers. Can I send you a list of participants and is there any limit on the number of people who can join?

Thanks!
Becky

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: ROSICH, NICOLE (b) (6)
Sent: Tuesday, March 7, 2023 5:23 PM
To: Becky Gendelman (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,
My apologies – I reconciled everyone's schedules internally and failed to let you know! We have a hold for 3/13 at 12pm if that still works for you all.

Thanks,
Nicole

From: Becky Gendelman (b) (6) >
Sent: Monday, February 27, 2023 4:38 PM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

Thanks so much! Next week, we are available on 3/6 12-2pm and 4:30-5:30pm; and 3/9 1-2pm and 3-5pm. We are also available 3/13 12-2pm and 3/14 1-3pm and 4-5pm. We really appreciate your help with scheduling this engagement!

Best,
Becky

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: ROSICH, NICOLE (b) (6)
Sent: Monday, February 27, 2023 12:13 PM
To: Becky Gendelman (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,

Thanks for the follow up. I am waiting to hear from some of our internal USG participants if this week will still work. In the meantime, can you provide some backup times for next week? Apologies we haven't been able to nail down a time - I want to assure you that this is a priority for us to get scheduled.

Best,
Nicole

From: Becky Gendelman (b) (6) >
Sent: Monday, February 27, 2023 11:01 AM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

I hope you had a nice weekend! I'm writing to follow up on scheduling the APR engagement—please let me know what works best for you all. I can send proposed times for other weeks as well.

Thanks!
Becky

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: Becky Gendelman (b) (6)
Sent: Tuesday, February 14, 2023 5:28 PM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

Thanks so much! The following time frames would work well for us:

2/28: 12pm-2pmET

3/1: 12pm-2pm, 4pm-5pmET

3/2: 12pm-1pm, 4pm-5pmET

Best,
Becky

Becky Gendelman (she/her)

Senior Research and Policy Counsel, Refugee Protection

 Human Rights First

75 Broad Street, 31st Floor, New York, NY 10004

Office Tel: (b) (6) Email: (b) (6)

humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: ROSICH, NICOLE <(b) (6)>
Sent: Tuesday, February 14, 2023 8:59 AM
To: Becky Gendelman <(b) (6)>
Cc: Eleanor Acer <(b) (6)>
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,

Apologies for not being able to find a time for this week. Can you please provide some times for the week of the 27th and I'll be sure to get something on the calendar. Thanks for your understanding!

Best,
Nicole

From: Becky Gendelman (b) (6)
Sent: Monday, February 13, 2023 10:05 AM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

I hope you had a nice weekend! I wanted to follow up on scheduling this engagement—if the times this week don't work, please let me know if there are other weeks that I can send availability for. I know everyone is so busy! Thank you so much for coordinating scheduling.

Best,
Becky

Becky Gendelman (she/her)

Senior Research and Policy Counsel, Refugee Protection

 Human Rights First

75 Broad Street, 31st Floor, New York, NY 10004

Office Tel: (b) (6) Email: (b) (6)

humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: Becky Gendelman (b) (6) >
Sent: Monday, January 30, 2023 3:55 PM
To: ROSICH, NICOLE (b) (6) >
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Thank you so much!

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: @HumanRights1st Instagram: @humanrightsfirst

From: ROSICH, NICOLE (b) (6)
Sent: Monday, January 30, 2023 3:44 PM
To: Becky Gendelman (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,
Thank you for following up. I will run this by our USG participants and let you know which date/time will work best for most.

Best,
Nicole

From: Becky Gendelman (b) (6)
Sent: Monday, January 30, 2023 3:18 PM
To: ROSICH, NICOLE (b) (6)
Cc: Eleanor Acer (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

I hope you had a nice weekend. I wanted to follow up on scheduling the engagement. If it is possible to schedule it for the week of 2/13, I'm including some potential time frames below. Please let me know if there is a time that would work for you all, or if it would be helpful to send times for another week.

Tuesday, 2/14: 1-5pmET
Wednesday, 2/15: 1-3pmET, 4-5pmET
Thursday, 2/16: 2-5pmET
Friday, 2/17: 1-3pmET

Thanks!
Becky

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: @HumanRights1st Instagram: @humanrightsfirst

From: Becky Gendelman (b) (6)
Sent: Monday, January 23, 2023 2:23 PM
To: ROSICH, NICOLE (b) (6)
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

Thanks so much! I will be traveling out of the country the week of 2/6—is there any chance the following week would work for you all? If it would be unhelpful or not feasible to push it to the following week, I'll send times for the week of 2/6 and my colleague can help coordinate the meeting while I'm out.

Best,
Becky

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection
Human Rights First
75 Broad Street, 31st Floor, New York, NY 10004
Office Tel: (b) (6) Email: (b) (6)
humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: ROSICH, NICOLE (b) (6)
Sent: Friday, January 20, 2023 2:01 PM
To: Becky Gendelman (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky,

Thank you for your patience as we tried to find a time for this engagement. Would the week of 2/6 be amenable to you all? Please let me know some dates/times that week that will work and I will be sure to coordinate on our end.

Happy Friday!

Nicole M. Rosich
Senior Director, NGO Engagement
Office of Partnership and Engagement
U.S. Department of Homeland Security
(b) (6)
(b) (6)

From: Becky Gendelman (b) (6) >
Sent: Tuesday, January 10, 2023 2:58 PM
To: KRISHNASWAMI, CHARANYA (b) (6)
Cc: ROSICH, NICOLE (b) (6); Eleanor Acer (b) (6) >
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Thanks so much, Charanya!

Becky Gendelman (she/her)
Senior Research and Policy Counsel, Refugee Protection

Human Rights First

75 Broad Street, 31st Floor, New York, NY 10004

Office Tel: (b) (6) Email: (b) (6)

humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: KRISHNASWAMI, CHARANYA (b) (6)
Sent: Tuesday, January 10, 2023 2:46 PM
To: Becky Gendelman (b) (6)
Cc: ROSICH, NICOLE (b) (6); Eleanor Acer (b) (6) >
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Becky – thanks so much for your message, and happy new year to you as well! I'll coordinate with Nicole on the best window for this engagement and will then get back to you. Appreciate you reaching back out!

Best,
Charanya

From: Becky Gendelman (b) (6)
Sent: Tuesday, January 10, 2023 11:06 AM
To: KRISHNASWAMI, CHARANYA (b) (6)
Cc: ROSICH, NICOLE (b) (6); Eleanor Acer <(b) (6)>
Subject: Re: [EXT]-RE: Scheduling National Engagement on APR

Dear Charanya and Nicole,

Happy new year! I hope you had a nice holiday. I'm writing to follow up on scheduling the APR national engagement (Robyn is now on leave, so I've taken her off this thread, and added Eleanor). Please let me know if there are particular dates that would work for you. If there are certain weeks that would work best, I can send along some proposed times. Thanks so much for your help getting this scheduled, we are looking forward to it!

Best,
Becky

Becky Gendelman (she/her)

Senior Research and Policy Counsel, Refugee Protection

Human Rights First

75 Broad Street, 31st Floor, New York, NY 10004

Office Tel: (b) (6) Email: (b) (6)

humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: Robyn Barnard (b) (6)
Sent: Wednesday, December 14, 2022 11:55 AM
To: KRISHNASWAMI, CHARANYA (b) (6)
Cc: Becky Gendelman (b) (6); ROSICH, NICOLE (b) (6) v>
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Thanks, Charanya. Let us know if any of these dates work for you:

- Jan 10 at 3 pm ET
- Jan 11 at 2 pm ET
- Jan 17 at 2 pm ET
- Jan 18 at 4 pm ET

We offered times later in the day to accommodate our PT partners.

Robyn Barnard (she/her)
Associate Director, Refugee Advocacy

From: KRISHNASWAMI, CHARANYA (b) (6) >
Sent: Wednesday, December 14, 2022 11:50 AM
To: Robyn Barnard (b) (6)
Cc: Becky Gendelman (b) (6) >; ROSICH, NICOLE (b) (6) >
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Robyn, thanks so much for chatting earlier. As we discussed, at this juncture, I think an engagement for the second or third week of January might make more sense, both with the holiday schedule and post-T42 planning efforts that are underway that we may be able to offer a more substantive brief on with the benefit of some more time. Could you let us know some times in those windows that might work for you, and we can work to get something on the books?

Best,
Charanya

From: Robyn Barnard (b) (6)
Sent: Wednesday, December 14, 2022 9:49 AM
To: KRISHNASWAMI, CHARANYA <(b) (6)>
Cc: Becky Gendelman (b) (6) >; ROSICH, NICOLE (b) (6) >
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Nicole,

Following up to see if you've been able to nail down a date for this engagement on the APR? I can only imagine how packed everyone's calendar is looking in the next week and half so would love to be able to have this scheduled.

Many thanks,

Robyn

Robyn Barnard (she/her)
Associate Director, Refugee Advocacy

From: Robyn Barnard
Sent: Wednesday, December 7, 2022 1:20 PM
To: KRISHNASWAMI, CHARANYA (b) (6) >
Cc: Becky Gendelman <(b) (6)>; ROSICH, NICOLE (b) (6) >
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Thanks for confirming that!

Robyn Barnard (she/her)
Associate Director, Refugee Advocacy

From: KRISHNASWAMI, CHARANYA <(b) (6)>
Sent: Wednesday, December 7, 2022 1:17 PM
To: Robyn Barnard (b) (6)
Cc: Becky Gendelman <(b) (6)>; ROSICH, NICOLE (b) (6) >
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Hi Robyn – the contractor is Acacia and the subcontractor is Al Otro Lado. Thanks!

Best,
Charanya

From: Robyn Barnard (b) (6)
Sent: Wednesday, December 7, 2022 11:16 AM
To: KRISHNASWAMI, CHARANYA (b) (6)
Cc: Becky Gendelman (b) (6); ROSICH, NICOLE (b) (6)
Subject: RE: [EXT]-RE: Scheduling National Engagement on APR

Thank you for your quick response, Charanya, and for confirming this information. Can you detail who will be handling the LOP needs for Imperial?

Nice to meet you, Nicole. Please let us know what dates you are looking at to schedule this engagement and how we can assist. For your background, Human Rights First convenes a listserve and regular meeting for legal services providers who represent asylum seekers subject to the APR (or who have capacity to do so, actual representation has been limited so far). We would be happy to assist with circulating an invite or providing you with key groups' information and POCs.

Many thanks,

Robyn

Robyn Barnard (she/her)
Associate Director, Refugee Advocacy

From: KRISHNASWAMI, CHARANYA (b) (6)
Sent: Wednesday, December 7, 2022 11:09 AM
To: Robyn Barnard (b) (6)
Cc: Becky Gendelman (b) (6); ROSICH, NICOLE (b) (6) >
Subject: [EXT]-RE: Scheduling National Engagement on APR

Email originates externally.

Hi Robyn! Looping Nicole Rosich, Senior Director of Engagement at OPE, who can help with this request. As I mentioned, we're eager to get this scheduled ahead of the holidays and appreciate you reaching back out.

On your questions, I can confirm that DC and NOLA have been added as destination sites for non-detained CFIs and AMIs as of Dec. 1 (see the linked [updated factsheet](#)). USCIS has also begun accepting referrals from additional facilities in the San Antonio area, including Karnes and Hutto, and Imperial referrals will begin later this month now that an LOP solution has been identified.

Thanks,
Charanya

From: Robyn Barnard (b) (6)
Sent: Wednesday, December 7, 2022 10:32 AM
To: KRISHNASWAMI, CHARANYA (b) (6) >
Cc: Becky Gendelman (b) (6) >
Subject: Scheduling National Engagement on APR

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi Charanya,

Following up on yesterday's interagency asylum meeting, who should I reach out to at DHS public engagement to get this meeting on the APR scheduled? We've heard that interior cities will soon expand to include D.C. and NOLA and that individuals detained in Karnes, Hutto, and Imperial will soon be processed for AMIs upon release as well. Can you confirm that and when this expansion will take place?

Many thanks,

Robyn

Robyn Barnard (she/her)
Associate Director, Refugee Advocacy

 Human Rights First

Email: (b) (6) Cell: (b) (6)
humanrightsfirst.org Twitter: [@HumanRights1st](https://twitter.com/HumanRights1st) Instagram: [@humanrightsfirst](https://www.instagram.com/humanrightsfirst)

From: "Braden, Myesha (ODAG)" (b) (6)
To: "Miller, Marshall (ODAG)" (b) (6)
Cc: "Simms, Donna Y. (ODAG)" (b) (6), "Robertson, Ashley E. (ODAG)" (b) (6), "Wimberly, Mary Helen (ODAG)" (b) (6)

Subject: FW: Briefing Agenda for CRT Monthly

Date: Fri, 10 Mar 2023 13:38:01 -0500

Importance: Normal

Attachments: BRIEFING_AGENDA_-_CRT_Monthly_Meeting_3-7-23.docx

Hi, Marshall

Moving the briefing agenda from Tuesday's re-scheduled meeting back to the top of your inbox for this afternoon's meeting. Additionally, below is an update from Robert on the issue of judges who signed warrants based on insufficient evidence in Louisville:

"Jess and I had a great meeting with the judges this morning. They want to do training, new court rules, and data collection and reporting. As we were leaving, the chief judge said, 'I think this will be good for us.' Lots of details to work through, and we have to think about what role DOJ will play in their efforts, but very promising overall. We planned tentatively to meet again the next time we're in town."

Best,

Myesha

From: Braden, Myesha (ODAG)
Sent: Monday, March 6, 2023 9:34 PM
To: Suero, Maya A. (ODAG) (b) (6) >
Cc: Chandler, Adam (ODAG) (b) (6); Thomas, Tina M. (ODAG) (b) (6) >;
Miller, Marshall (ODAG) (b) (6)
Subject: Briefing Agenda for CRT Monthly

Duplicative Records

From: "Miller, Marshall (ODAG)" (b) (6) >

To: "Simms, Donna Y. (ODAG)" (b) (6)

Subject: RE: Briefing Agenda for CRT Monthly

Date: Fri, 10 Mar 2023 15:09:58 -0500

Importance: Normal

Attachments: BRIEFING_AGENDA_-_CRT_Monthly_Meeting_3-7-23.docx

Donna: Can you make sure this is in my daily binder?

From: Braden, Myesha (ODAG) (b) (6) >

Sent: Friday, March 10, 2023 1:38 PM

To: Miller, Marshall (ODAG) (b) (6)

Cc: Simms, Donna Y. (ODAG) (b) (6); Robertson, Ashley E. (ODAG)

(b) (6); Wimberly, Mary Helen (ODAG) (b) (6)

Subject: FW: Briefing Agenda for CRT Monthly

Duplicative Records

From: "Miller, Marshall (ODAG)" (b) (6) >

To: "Wagner, Rose (JMD)" (b) (6) - Lisa Monaco (DAG) >

Subject: FW: Briefing Agenda for CRT Monthly

Date: Sun, 12 Mar 2023 14:14:18 -0400

Importance: Normal

Attachments: BRIEFING_AGENDA_-_CRT_Monthly_Meeting_3-7-23.docx

The CRT meeting went forward Friday. Briefing materials are attached.

They are considering (b) (5) around the time of the anniversary of the Fair Housing Act in early April.

I used the opportunity to urge them to get more out of their excellent work by, (b) (5) We discussed this in a prior meeting with respect to (b) (5). This time I suggested they consider (b) (5).

I can walk you through additional info that came up at the meeting.

From: Braden, Myesha (ODAG) (b) (6) >

Sent: Friday, March 10, 2023 1:38 PM

To: Miller, Marshall (ODAG) <(b) (6)>

Cc: Simms, Donna Y. (ODAG) (b) (6) >; Robertson, Ashley E. (ODAG)

<(b) (6)>; Wimberly, Mary Helen (ODAG) (b) (6) >

Subject: FW: Briefing Agenda for CRT Monthly

Duplicative Records

From: "Mody, Saeed (OASG)" (b) (6) >

To: "Nadia Aziz" (b) (6) >, "Michael Lieberman"
(b) (6), (b) (6), "David
Stacy" (b) (6), (b) (6), (b) (6),
"Marlene Sallo" (b) (6)

Cc: "Comrie, Nazmia (COPS)" <(b) (6)>

Subject: DOJ Training for Line-Officers on Hate Crimes Recognition

Date: Tue, 14 Mar 2023 22:10:43 -0400

Importance: Normal

Attachments: e072214023_Hate_Crimes_Training_Participant_Guide_Templated_v2_27feb23.pdf

Nadia, Michael, Maya, David, Alexis, and Marlene:

In the last couple of months both the Attorney General and Associate Attorney General have talked about the Department's efforts to combat hate. This includes our efforts to encourage state and local agencies to report hate crimes through NIBRS to the FBI. One dimension to reporting is training line officers to recognize when an incident is a potential hate crime. The Community Oriented Policing Office, in collaboration with Arlington, Texas Police Department (APD), the International Association of Chiefs of Police (IACP), and a cadre of partners and subject matter experts (SMEs) developed the *Hate Crimes: Recognition and Reporting Training*. This line-level officer training addresses the immediate response on the scene of a potential hate or bias crime including victim needs, reporting incidents, building community trust, understanding different cultures, communication best practices, interviewing, and social service resources.

The COPS Office offers this 8-hour in-person training at no cost of agencies. We released it last May and are looking for opportunities to

I've attached the participant guide for the training. Please do not distribute these materials outside your organization. My hope is that you will agree that the training is beneficial to agencies and officers and we can discuss different ways to encourage agencies to request the training. We have a couple of events coming up in the next several months, but we are always looking for ways to boost the curriculum.

I'm copying Nazmia Comrie, who is a Senior Program Specialist in COPS and leads the office's work in developing resources to combat hate crimes. Should you have any questions, we could also set up a call with her to talk more about the training.

Thank you!

Saeed

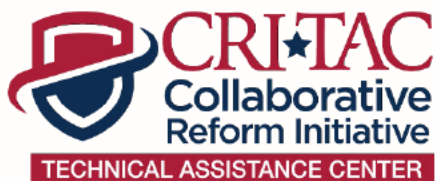
Saeed Mody (he/him) | Deputy Associate Attorney General
Office of the Associate Attorney General
U.S. Department of Justice

T: (b) (6) | (b) (6)



Hate Crimes Recognition and Reporting

PARTICIPANT GUIDE



This project was supported by cooperative agreement 2017-CR-WX-K001 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues. The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

Published 2023

Contents

Introduction.....	1
Cooperative agreement.....	1
Collaborative Reform Initiative Technical Assistance Center (CRI-TAC).....	1
Course background.....	3
Opening statement.....	3
Pre-test.....	4
Learning objectives.....	4
Reasons.....	4
Definitions	5
Hate crime.....	5
Hate incident.....	5
Bias.....	5
National Historical Events	7
Jim Crow laws.....	7
Chinese Exclusion Act.....	7
Japanese internment camps.....	8
Stonewall Inn.....	8
Attacks on James Byrd and Matthew Shepard (leading to passage of the Shepard-Byrd Hate Crimes Prevention Act)	8
Protected Classes.....	10
Race/Color.....	10
National origin / Ethnicity.....	11
Ancestry.....	11
Sexual orientation	11
Gender.....	12
Religion	14
Disability.....	16

Offenders	17
Thrill seekers.....	17
Reactive / Defensive	17
Retaliatory.....	18
Mission	18
Bias peripheral	19
Hate groups	19
Preliminary Investigations	20
Respond to the scene and make it safe.....	20
Emergency care for victims	20
Separate people	21
Protect the crime scene.....	21
Evidence collection	21
Corroborate evidence to determine crime	30
Take action.....	33
Scenarios.....	38
Scenario 1	38
Scenario 2.....	38
Scenario 3.....	38
Scenario 4.....	39
Scenario 5.....	39
Scenario 6.....	39
Scenario 7.....	39
Conclusion	40
Learning objectives	40
Post-test.....	40
Questions.....	40
Closing statement.....	40
Course Evaluations	40
References	41
Endnotes	47

Introduction

Cooperative agreement

This project was supported, in whole or in part, by cooperative agreement number 2017-CR-WX-K001 awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) or contributor(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific individuals, agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

Collaborative Reform Initiative Technical Assistance Center (CRI-TAC)

CRI-TAC provides customized technical assistance solutions designed to meet the unique needs of state, local, tribal, and campus law enforcement agencies throughout the United States. This curriculum was developed in collaboration with multiple partners that include the following:

- ☐ [Arlington \(Texas\) Police Department](#) (APD)
- ☐ [International Association of Chiefs of Police](#) (IACP)
- ☐ [International Association of Campus Law Enforcement Administrators](#) (IACLEA)
- ☐ [International Association of Directors of Law Enforcement Standards & Training](#) (IADLEST)
- ☐ [FBI National Academy Associates](#) (FBI NAA)
- ☐ [Fraternal Order of Police](#) (FOP)
- ☐ [Major County Sheriffs of America](#) (MCSA)
- ☐ [National Organization of Black Law Enforcement Executives](#) (NOBLE)
- ☐ [National Association of Women Law Enforcement Executives](#) (NAWLEE)
- ☐ [National Sheriffs' Association](#) (NSA)
- ☐ [National Tactical Officers Association](#) (NTOA)

The following subject matter experts were instrumental in developing and providing feedback to help develop the curriculum:

Jon B. Blum

Curriculum Developer
FORCE Concepts/IADLEST

Cody Brewer

Corporal
Arlington (TX) Police Department

Josh Bronson

Director of Training
International Association of Campus Law
Enforcement Administrators

Mike Brown

Director of Professional Development
National Sheriffs' Association

Pam Cammarata

Project Manager
International Association of Directors of Law
Enforcement Standards & Training

Nazmia E.A. Comrie (Nazmia Alqadi)

Senior Program Specialist
Office of Community Oriented Policing Services,
U.S. Department of Justice

Rosemary DeMenno

Senior Program Manager, Programs
International Association of Chiefs of Police

Jonathan Grant-Brooks

Lieutenant
Arlington (TX) Police Department

James B. Golden, Jr.

Chief of Police (Ret.), Saginaw (MI)
Police Department
Past President, National Organization of Black
Law Enforcement Executives

Billy J. Grogan

Chief of Police
Dunwoody (GA) Police Department

Chris Holder

Corporal
Arlington (TX) Police Department

Sarah Horn

Assistant Director, Programs
International Association of Chiefs of Police

William Johnson

Former Chief of Police
Arlington (TX) Police Department

Shane B. Lamond

Lieutenant, Intelligence Branch /
Homeland Security Bureau
Washington (DC) Metropolitan
Police Department

Deborah M. Lauter

Executive Director
New York City Office for the Prevention of
Hate Crimes

Ronnie E. Lewis

Captain, Patrol Operations Division /
Civil Disturbance Unit
City of Fairfax (VA) Police Department

Ronny McCoy

Corporal
Arlington (TX) Police Department

Mark Molinari

Deputy Inspector, Hate Crimes Task Force
New York City (NY) Police Department

Aaron Oden

Sergeant
Arlington (TX) Police Department

Robert Parsons

Sergeant / Public Information Officer

Dunwoody (GA) Police Department

Abdul N. Rad

Research Manager

New York City Office for the Prevention of
Hate Crimes

Leonard Ray

Corporal

Arlington (TX) Police Department

Tim Richardson

Senior Legislative Liaison

Fraternal Order of Police

Peggy M. Schaefer

Project Manager

International Association of Directors of Law
Enforcement Standards & Training

Jastin Williams

Corporal

Arlington (TX) Police Department

Brandy Willingham

Detective / Bias Crimes Unit

Phoenix (AZ) Police Department

Laura (Renenger) Wilt

Program Manager, Programs

International Association of Chiefs of Police

Course background

The catalyst for a national training course on hate crimes began with the Arlington (Texas) Police Department (APD). In 2018, the APD began seeing specific trends and indicators for hate related incidents throughout the United States. To ensure the APD was prepared, the chief of police directed the training division to develop an in-service course to ensure uniformed patrol officers would be equipped to correctly recognize and report hate incidents and hate crimes.

In 2020, the APD delivered its in-service Hate Crimes training course to law enforcement agencies in the metropolitan Washington, D.C., area. The partnership formed between the APD and CRI-TAC became the catalyst and foundation for this national curriculum.

Opening statement

According to the most recent UCR data, 11,834 law enforcement agencies participated in the Hate Crime Statistics Program. Law enforcement agencies submitted incident reports involving 7,262 criminal incidents and 8,673 related offenses as being motivated by bias toward race, ethnicity, ancestry, religion, sexual orientation, disability, gender, and gender identity.¹

Hate (or bias) crimes seriously threaten our democratic society, which is built on the strength of its diversity. Hate crimes damage the fabric of our society by traumatizing victims, instilling fear, and fragmenting communities. Hate crimes are a particularly heinous form of violence because they target victims for traits they cannot change or beliefs they have a right to maintain. "Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in the community is [also] affected."² Hate crimes "build walls between communities and hinder the work of law enforcement and prosecutors in investigating, prosecuting, and preventing crime."³

Pre-test

The pre-test is available online for participants who registered in advance using the IACP learning management system.

Learning objectives

Note: Pre- and post-test questions are derived directly from learning objectives.

Reasons

Uniformed patrol officers play an important role during preliminary hate crime investigations. In addition to collecting critical evidence, “officers can reinforce the message that hate crimes will be investigated promptly and aggressively, thus enhancing the likelihood that perpetrators will be apprehended and successfully prosecuted.”⁴

A swift and strong investigative response by law enforcement can help aid the victim, calm the community, and hold offenders accountable. Any response by law enforcement that appears to minimize the hate crime, dismiss the victim, or ignore community concerns can undermine police-community relations and exacerbate related problems.

This course is primarily for uniformed patrol officers and first-line supervisors. It covers basic preliminary investigation best practices, including collecting evidence, conducting interviews, addressing victim needs, reporting, and rehabilitating communities. The course goals are to provide initial steps for the first responding officer to complete and to highlight critical information that needs to be reported and forwarded to investigative personnel when available (e.g., detective, lead investigator, or specialized hate crime unit).

Definitions

Hate crime

A hate crime is one in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person.⁵

A hate crime is a traditional offense like murder or vandalism with the added element of bias. Hate crimes are also considered “message crimes” because they communicate a message of fear and terror based on a foundation of bigotry.⁶

Hate incident

A hate incident is conduct by an individual or group that, while motivated by hate or bias, does not rise to the level of a criminal offense.⁷

Bias

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity or expression.⁸

- *Explicit bias* is a conscious choice and occurs when people associate one or more characteristics (e.g., race, sexual orientation, age, occupation, homeless, etc.) with negative stereotypes. People with *explicit bias* are fully aware of their hatred, hostility, or beliefs and openly demonstrate it to others.
- *Implicit bias* is a thought or belief about people that influences our behavior without conscious intent or awareness. When our *implicit bias* becomes part of conscious thought, it can lead to prejudicial behavior against people we see as “them.”
 - “Us” = people like ourselves.
 - “Them” = people we see as different and sometimes as a potential threat.

“When it comes to group belonging, our most fundamental allegiance is to the familiar. Anything or anyone else is likely to be met, at least initially, with a measure of skepticism, fear, or hostility.”

— Dr. Robert Sapolsky, Professor of Neurology, Stanford University

- ☐ *Tribalism* is a conscious loyalty to and exaltation of one group over all others.
- ☐ *Discrimination* is an unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.
- ☐ *Harassment* is a form of discrimination. Conduct can include physical contact, bullying, ridiculing, name calling, or hostile or intimidating language.

National Historical Events

Feelings of hate toward people have been around for centuries. Hate is mentioned in religious texts and ancient societies. Humans are naturally capable of hate. However, getting an entire group of people to hate another group requires convincing. For hate to flourish, people must believe their problems and fears are caused by others who threaten to take away something of value. The following historical events are some national examples of how hate was perpetuated and the government's response to it.

Jim Crow laws

Jim Crow laws were a collection of state and local statutes that legalized racial segregation from the late 1800s until 1964. They were named after shows where White performers portrayed characters that demeaned and dehumanized African Americans (e.g., "blackface").

- ❑ Black Codes prevented Black people from owning property, conducting business, buying and leasing land, and moving freely through public spaces.⁹
- ❑ Jim Crow laws marginalized African Americans by denying them the right to vote, hold jobs, and get an education. People who attempted to defy these laws faced arrest, fines, jail sentences, violence, and in some cases, death.
- ❑ The 13th and 14th Amendments to the U.S. Constitution granted all American citizens equal rights. However, many southern states circumvented equal rights protections by implementing laws of "equal treatment" that made it legal to separate Black people from White people. For example, Black and White children could not attend the same schools; Black and White people could not use the same restrooms or drink from the same water fountains.

Chinese Exclusion Act

- ❑ The Chinese Exclusion Act of 1882 was the first significant law that restricted immigration of all members from a specific ethnic or national group into the United States.¹⁰ People living in west coast states were especially prone to blaming declining wages and economic ills on Chinese workers, even though Chinese were less than 1 percent of the nation's population.
- ❑ The act was renewed in 1892 and Chinese immigration was made permanently illegal in 1902.¹¹
- ❑ The act was repealed in 1943, which allowed small numbers of Chinese immigrants to enter per year.¹² Chinese immigration increased when direct racial barriers were abolished with the passage of the Immigration and Nationality Acts of 1952¹³ and 1965.¹⁴

Japanese internment camps

- In response to the attack on Pearl Harbor, President Franklin Roosevelt signed an executive order in February 1942 that ordered people of Japanese descent to be confined in isolated camps. The executive order's intent was to prevent espionage on American shores.¹⁵
- Approximately 120,000 people of Japanese ancestry (most of them American citizens) were forced to live at camps in California, Washington, Montana, New Mexico, and North Dakota. The practice ended in 1945 when the Supreme Court ruled the government could not detain any citizen who did not necessarily agree with but remained loyal to the United States.¹⁶

Stonewall Inn

- The Stonewall Inn bar was a haven for people who were gay or lesbian to avoid violence and harassment. The bar was owned by criminal organizations who bribed law enforcement to look the other way regarding sexual orientation or gender identity "offenses" that were still against the law at the time. Bar owners blackmailed some patrons by threatening to "out" them to family members or employers.¹⁷
- On June 28, 1969, officers raided the bar to arrest patrons. A riot followed and the bar was set on fire. The event sparked the Gay Liberation Front movement, the first group to publicly advocate for gay rights. The Gay Pride Parade is now held annually on the last weekend in June, celebrating and commemorating the Stonewall Inn riots.¹⁸

Attacks on James Byrd and Matthew Shepard (leading to passage of the Shepard-Byrd Hate Crimes Prevention Act)

- On June 7, 1998, in Jasper, Texas, James Byrd, a Black man, accepted a ride from three men who were members of White supremacist group. Instead of taking him home, the men beat Byrd, stripped him naked, chained him by the ankles to their pickup truck, and dragged him for several miles on an asphalt road. Byrd was killed when his head and arm were severed during the attack.¹⁹
- On October 6, 1998, in Laramie, Wyoming, Matthew Shepard, a gay 21-year old, met two men who drove him to a remote area. The men tied Shepard up to a split-rail fence, beat him, and left. Still tied to the fence, Shepard was found 18 hours later by a cyclist who initially mistook him for a scarecrow. Shepard died in the hospital on October 12.²⁰

- On October 28, 2009, the Shepard-Byrd Hate Crimes Prevention Act became law. It provides funding and technical assistance to state, local, and tribal jurisdictions to investigate and prosecute hate crimes. The act added gender, sexual orientation, gender identity, and disability to the list of protected classes. The act also added the element of “actual or perceived” bias allowing bias-motivated crimes to be classified as hate crimes even if the victim is not in fact a member of the class to which the perpetrator believes they belong.²¹ When presenting group is finished, ask the entire class, “Does this historical event resonate or apply today? If yes, how?”

Protected Classes

Note: The purpose of this course is to provide a basic understanding of hate crimes and hate incidents. Legal definitions and terms do not evolve as quickly as language used by communities to describe any given protected class. Officers should remain abreast of specific language used by communities (and offenders) that may be relevant to an investigation.

The foundation of a hate crime is a preformed negative bias, opinion, or belief toward a group of persons in the following protected classes.²² Individual jurisdictions' laws may include additional protected classes not covered here.

Race/Color

Race refers to common physical characteristics (e.g., skin, eye and hair color, facial features, etc.) genetically transmitted by descent or heredity that distinguish people who share them as a distinct division of humankind.

- ☐ Race is the most likely motivation for a hate crime (55.8 percent), and African Americans are targeted more than any other race (48.4 percent of racial hate crimes targeted Black victims).²³
- ☐ The FBI Uniform Crime Report (UCR) hate crime data show more than half of victims known to law enforcement believe the offense was motivated by race.²⁴
- ☐ Anti-race hate crimes are more likely to involve person crimes (e.g., assaults, verbal threats, etc.).²⁵
- ☐ Offenders attacking racial minorities were found to have more extensive and violent criminal histories than other offenders.²⁶
- ☐ Hate crime offenders believe the targeted race is inferior or posing a threat to the group's agenda or way of life. For example, many hate crime offenders fear interracial marriage.²⁷

Case study. In October 2017, two White men built a cross and lit it on fire near the homes of African American residents in Seminary, Mississippi. Both men admitted to knowing that burning crosses have historically been used to threaten, frighten, and intimidate African Americans and that they wanted to make the community members in the neighborhood fearful. The cross-burning was mostly directed at a young African American victim and placed near that victim's home.²⁸

Video: Community Relations Service, "Hashtag Hate: CRS Responds to Noose Incident at Denfield High School," YouTube, November 23, 2016, <https://www.youtube.com/watch?v=0zCeiSkNYMI>.

National origin / Ethnicity

National origin and *ethnicity* refer to a common heritage through which people identify with one another; this heritage includes language, culture, religion, or ideology. National origin / ethnicity is the second-most common motivation for hate crimes (30 percent).²⁹

Case study. On August 3, 2019, a man armed with an assault rifle murdered 22 people at a Walmart in El Paso, Texas. On the day of the attack, the man uploaded a document to the internet that said, *"This attack is a response to the Hispanic invasion of Texas. They are the instigators, not me. I am simply defending my country from cultural and ethnic replacement brought on by the invasion."*³⁰

Ancestry

Ancestry refers to common lineage or descent, including American Indian or Alaska Native; Arab or Middle Eastern; Asian; Black or African American; Hispanic or Latino; Indian; Native Hawaiian or Pacific Islander; and White.

- ☐ Many hate crime offenders fear increased minority immigration.³¹
- ☐ Anti-immigrant hate crime offenders believe people of non–United States origin pose a threat to their personal safety, financial stability, or way of life. Anti-immigrant hate groups can also have anti-religious beliefs (e.g., Muslim).

Sexual orientation

Note: This course may not cover all of the terms used to describe sexual orientation and gender identity. Officers should take time to learn more about specific terminology used in their communities.

Sexual orientation refers to a person's physical, romantic, or emotional attraction to members of the same or another sex. Terms include lesbian, gay, bisexual, transgender, queer (often grouped as LGBTQ), and heterosexual ("straight").

- ☐ Almost 17 percent of reported hate crimes are motivated by sexual orientation.³²
- ☐ Medical attention was required by 46 percent of all LGBTQ hate crime victims in 2008.³³
- ☐ Offenders who targeted LGBTQ victims had prior histories of violence, but that violence was not hate-crime related.³⁴
- ☐ Once these offenders start committing hate crimes, they tend to keep committing them.³⁵

- ☐ Hate crimes committed against a person's sexual orientation "often involve multiple offenders who are usually under the influence of drugs or alcohol and more likely to seriously injure the victim when compared to offenders who commit other types of assaults."³⁶
- ☐ More than half (54 percent) of LGBTQ people were "concerned," "very concerned," or "extremely concerned" about being the victim of a hate crime.³⁷

Case study. In March 2019, three men conspired to use the social media platform Grindr to lure gay men to be robbed and kidnapped. The offenders held victims at gunpoint and forced them to withdraw money from ATMs. At least one victim was sexually assaulted. Victims were also urinated on and had human feces wiped on them.³⁸

Gender

Cisgender

Based on the person's actual or perceived gender

- ☐ While women are often victims of violence for the same reason as men (robbery, burglary, larceny, motor vehicle theft), women are also victims of violence simply because they are women.
- ☐ Victim is assaulted, abused, or murdered in ways that suggest a hate crime. Factors include a lack of provocation, severity of attack, mutilation, absence of any other viable motive, and obvious intent to terrorize.
- ☐ Factors to consider when determining if a hate crime was motivated by gender include the following:
 - Suspect and victim are of different genders.
 - Suspect makes abusive or derogatory references based on gender.
 - Suspect statements that indicate hatred for a gender as a class.
 - Pattern of similar types of verbal, physical, and sexual abuse, and control and domination of victims of the same gender.

Case study. In May 2014, a 22-year old man killed four people and himself in Isla Vista, California. The suspect directed his vengeance at women. The suspect recorded himself on video saying, "I'm 22 years old . . . I've never even kissed a girl. I've been through college for two and a half years and I'm still a virgin. It has been very torturous. College is the time when everyone experiences those things such as sex and fun and pleasure. Within those years, I've had to rot in loneliness. You girls have never been attracted to me. I will punish you all for it."³⁹

Note: See the IACP's [Agency Self-Assessment and accompanying Community Assessment](#) on approaches to domestic and sexual violence. They provide tools and supplementary resources for law enforcement agencies to internally and externally assess responses to and investigations of gender-based violence.

Gender identity refers to a person's internal sense of being male, female, a combination of these, neither, or something else. A person's gender may differ from their sex assigned at birth.

Transgender

A transgender person may relate to or identify as a different gender than they were assigned at birth by doing any of the following:

- ☐ Outwardly expressing their gender identity all of the time, part of the time, or none of the time
- ☐ Changing their body to medically conform to their gender identity
- ☐ Expressing their gender identity through characteristics including clothing, hair, voice, mannerisms, or behaviors that do not conform to society's usual gender-based expectations

Transgender people may consider themselves gay, lesbian, heterosexual, bisexual, asexual, or none of these; gender identity is not the same as sexual orientation.

Nonbinary and gender nonconforming

- ☐ A *gender nonconforming* person does not conform to gender-based expectations of society (e.g., a woman dressed in traditional male clothing or a man wearing makeup). A gender nonconforming person may or may not be LGBTQ but may be perceived as such.
- ☐ A person's gender identity and sexual orientation are **separate categories**. When crimes are committed against people based on sexual orientation or gender identity, epithets used by offenders can reveal the motive for the attack.

Common gender identity-related epithets and terms include: "*he-she*," "*she-male*," "*tranny*," "*it*," and "*transvestite*." Also, the terms "*cross dresser*" and "*drag queen*" may be used in a hateful way, even though some people may self-identify with these terms.

- ☐ Confusion can occur when an offender is motivated solely because of the victim's gender identity or presentation but uses anti-gay (i.e., sexual orientation-related) language during the attack. Offenders do this because they are generally more familiar with anti-gay terms like "*faggot*," "*dyke*," and "*queer*," not because they are actually motivated by bias toward (or even necessarily aware of) the victim's sexual orientation. Therefore, an offender may use anti-gay epithets, even though they have targeted a person entirely because the victim is or appears to be transgender or gender nonconforming.

- Whether a hate crime should be classified as “anti-transgender” or “anti-gender nonconforming” is not always clear. Anti-transgender is the category for crimes that are committed primarily because the person lives or presents as a gender different than their sex at birth. Persons may identify themselves as “transgender” or “transsexual.” If the person’s gender nonconformance is limited to clothing but they do not live as a different gender or have not transitioned medically or surgically, that is also an anti-transgender crime. For example, attacking a man because he wears a dress would be an anti-transgender crime. A possible indication that the crime is anti-transgender is if the word(s) “transgender,” “transsexual,” “tranny,” “transvestite,” “drag king,” or “drag queen” is used in the commission of a crime.
- Anti-gender nonconforming crimes include those against people whose appearance is only slightly gender nonconforming (e.g., not presenting 100 percent as the other gender). For example, an offender who attacks a man who wears men’s clothes and identifies as a male because he wears eye-makeup is committing a gender nonconforming hate crime. Evidence of motivation for anti-gender nonconforming bias includes the use of “sissy,” “lady,” “girlie man,” or “tomboy” by the offender while committing the crime.

Case study. On May 28, 2015, Joshua Vallum murdered Mercedes Williamson because she was a transgender woman. Vallum believed he would be in danger if his fellow Latin Kings gang members found out he was in a consensual sexual relationship with a transgender woman. Vallum went to Williamson’s Alabama home and used false pretenses to lure her into his car. Vallum drove Williamson to his father’s residence in Lucedale, Mississippi. Vallum used a stun gun to electrically shock Williamson in the chest and then repeatedly stabbed and struck Williamson with a hammer until she died.⁴⁰

Video: Community Relations Service, “Respecting Identity | Law Enforcement Training and the Transgender Community,” YouTube, November 23, 2016, <https://www.youtube.com/watch?v=bo-ZIV8di0g>.

Religion

Religion refers to people who share the same beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being or beings.

- More than 21 percent of reported hate crimes are motivated by religion.⁴¹
- Anti-religion hate crimes are more likely to involve property offenses (e.g., vandalism) than crimes against persons.⁴²
- Offenders who target religious groups have fewer prior offenses and less serious criminal histories.⁴³

- Anti-religion hate crime offenders believe the targeted religion is false or inferior or poses a threat to the offender or their hate group's way of life.
- Jewish (60.3 percent) and Muslim (13.3 percent) faiths are the most common religions targeted.⁴⁴

Case study. In December 2019, a man armed with a machete entered a New York rabbi's home (which was adjacent to the rabbi's synagogue) where people had gathered for Hanukkah. The suspect slashed and stabbed several congregants. At least five victims were hospitalized with severe injuries. During a search of the suspect's home, police found handwritten journals with several pages of antisemitic references.⁴⁵

Anti-Arab hate crimes

- Like those against most ethnic groups, hate crimes against Arabs are often motivated by misunderstanding, misperceptions, and stereotypes about their culture and heritage. For example, not all Arabs are Muslim, and the majority of Arabs in the United States are Christian.⁴⁶
- Language used by the offender can reveal the motive when crimes are committed because of an anti-Arab bias. Common anti-Arab epithets include *"terrorist," "camel jockey," "sand nigger," "towel-head," "rag-head," "suicide bomber,"* and *"America-hater."*
- The offender may also use *"Ay-rab,"* which is an offensive pronunciation of "Arab". Hate crime offenders with an anti-Arab bias may use *"Al-Qaeda," "Hamas," "Hezbollah," "Bin Laden,"* or *"Saddam"* to harass the victim based upon perceived race or ethnicity, religion, or national origin.

Case study. From 2012 to 2017, a suspect from Virginia sent over 700 emails to Arab American Institute (AAI) employees. The suspect threatened AAI employees because of their efforts to encourage Arab Americans to participate in political and civic life in the United States. Motivation for this crime includes religion and national origin.⁴⁷

Anti-Hindu hate crimes

- Hinduism is a religion and should not be confused with ancestry. The majority of Hindu Americans in the United States are of Indian origin. There are also Hindu Americans of Caucasian, African American, Hispanic, Caribbean Islander, and East Asian origin.⁴⁸
- Language used by offenders to target Hindu victims include *"dot-head," "cow-kisser,"* or *"macaca."* In addition, Hindus may also be targeted with epithets more commonly directed at Arabs. Hate crimes commonly target Hindus wearing head coverings during religious festivals.

Case study. In May 2019, in Sunnyvale, California, an Iraq war veteran intentionally drove his car into a crosswalk filled with pedestrians because he thought they were Muslim. Eight people were injured. A 13-year-old Indian-American victim had the most serious injuries. She was in a coma after her brain was left swollen and bleeding.⁴⁹

Disability

Disability refers to physical or cognitive impairments that impact people's lives, whether such disability is temporary or permanent and whether it is congenital or acquired by heredity, accident, injury, advanced age, or illness.

- Disability is the motivation for 2 percent of reported hate crimes.⁵⁰
- Victims targeted because of a disability are the least likely to report the crime to law enforcement.

Case study. Two family members conspired to obtain unpaid household labor from a woman with a cognitive disability. The suspects used force; threats of force; physical restraint; and physical, verbal, and psychological abuse. The victim was locked in a backyard cage and forced to perform housework in exchange for food and water. The family also routinely stole the victim's federal disability benefits.⁵¹

Offenders

Hate crimes are more likely than other crimes to involve strangers, to involve multiple offenders, and to occur in public places. Most hate crime offenders are young White men with no criminal record, and 50 percent of offenders are under 20 years old.⁵² “Offenders are known to select victims that visually stand out (e.g., unique attire associated with lifestyle or religious affiliation) and thought to be more vulnerable because they would not fight back or report the crime.”⁵³

Researchers have identified five common types of hate crime offenders. They are (1) *thrill seekers*, (2) *reactive / defensive*, (3) *retaliatory*, (4) *mission*, and (5) *bias peripheral*.

Thrill seekers

- ☐ This is the most common type of hate crime offender, with no distinct affiliation with any organized hate group.
- ☐ Thrill seekers are usually small groups of teenagers with no prior criminal record. Group peer pressure and “bragging rights” provide motivation.
- ☐ Participation may be limited to a specific aspect of the crime. This allows thrill seekers to avoid or deny accountability.
- ☐ Hatred of the victim is relatively superficial. Victims are chosen randomly from any protected class deemed inferior, but the most common victim is chosen because of their [sexual orientation](#) (e.g., gay).
- ☐ Vandalism, threats, and assaults are the most common crimes committed by thrill seekers.
- ☐ Offenses tend to occur in public locations (e.g., parks and streets and outside of the offender’s “turf”).
- ☐ Offenders may be deterred from repeating the crimes if there is strong societal response condemning the behavior.

Reactive / Defensive

- ☐ A primary reason for reactive / defensive bias is a sense of entitlement regarding their rights, employment, privileges, or way of life that does not extend to the victim.
- ☐ This type of offender uses fear and intimidation to “send a message” that will repel “outsiders” who pose a threat.
- ☐ [People of color](#) are the most common group targeted by reactive / defensive offenders.
- ☐ Reactive / defensive offenders specifically seek out victims from the targeted group they believe is encroaching upon their neighborhood. Crimes are usually committed in the offender’s neighborhood, school, or place of employment.

- Reactive / defensive offenders feel little, if any, guilt. They believe their conduct and crimes are a justifiable response to perceived threat.
- Reactive / defensive offenders generally have no prior history of criminal behavior, explicit bias, or association with an organized [hate group](#). Reactive / defensive offenders may ask for or recruit help to defend against a perceived threat. For example, hate groups may take advantage of a situation by recruiting disaffected White men in the area and encouraging the commission of hate crimes.
- If hate crimes are not taken seriously by law enforcement or the community, reactive / defensive offenders may be emboldened to act (or act again) because they believe the larger community shares their dislike of the targeted group and would support crimes against them.

Retaliatory

- Retaliatory offenders want to “get even” for a previous hate crime committed against members of their group. Thus, retaliatory offenders commit a hate crime as revenge against the person or group who allegedly committed the initial hate crime.
- Retaliatory hate crimes can create tensions that undermine public safety and community cohesion.
- Retaliatory offenders will seek or frequent locations where target group is found.

Mission

- This is the rarest type of hate crime offender, who may suffer from mental illness and believe targeted group members are “evil” and must be eliminated.
- Mission offenders believe in “getting even” for illogical conspiracies and misfortunes caused by targeted groups. “Often psychotic, suffering from mental illness that may cause hallucinations, impaired ability to reason, and withdrawal from other people.”⁵⁴
- Mission offenders are more likely than other hate crime offenders to be members of specific [hate groups](#) or support a movement’s ideology.
- They generally act alone, choose their victims deliberately, and are more likely to commit deadly attacks.
- Mission offenders are more likely to commit suicide or to be killed during their attack.

Bias peripheral

- Bias peripheral offenders are more likely than other offenders to act alone and commit crimes for mixed reasons, with hate appearing to be an outlying (or peripheral) reason. For example, during an argument between two people, one person attacks the other while referencing their race, religion, or other status.⁵⁵
- Offenses can be difficult for law enforcement to classify and effectively respond to.

Hate groups

"A hate group is an organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, ethnicity, national origin, religion, disability, sexual orientation, gender, or gender identity."⁵⁶

"Between 2014 and 2018, the number of hate groups in the United States increased by 30 percent. In 2020, the [Southern Poverty Law Center](#) tracked 838 hate groups across the United States. "Some jurisdictions with a larger number of hate-group activities report high numbers of hate crimes."⁵⁷

"Many hate crimes are committed by groups, which can have a significant impact on the victim for several reasons. First, there is a diffusion of responsibility that generally prevents one person for taking the blame. Second, groups generate courage amongst members where there is usually none individually. Third, groups tend to exacerbate the viciousness of the crimes committed."⁵⁸ It is important to note that the vast majority of hate crimes are not committed by organized hate groups.

Common characteristics of hate groups include the following:⁵⁹

- They range from loosely to highly structured. Groups may be local or national.
- Group leaders may project a mainstream image versus fringe extremist.
- Group focus is generally on issues of concern to most Americans (e.g., government overreach) as a method for cloaking and marketing their hate philosophy.
- Groups may self-identify with unique slogans, logos, and symbols, but many do not. In fact, hate groups who traditionally "advertised" explicit biases openly in public with clothing, tattoos, and language have increasingly become more obscure to avoid law enforcement attention.

Case study. The Patriot Front is a White supremacist, American nationalist hate group that espouses racism, antisemitism, and intolerance. The group spreads propaganda and recruits members online and during events.⁶⁰

Preliminary Investigations

Preliminary investigation protocols for hate crimes are similar to those for other non-bias person crimes. These include securing the crime scene, helping victims, collecting evidence, and conducting interviews. However, investigating officers need to be more sensitive to victim needs and elements required to establish a hate crime.⁶¹ To effectively investigate hate crimes, law enforcement and community partners must work together to establish trust and a deeper **RESPECT** for everyone involved, especially victims:

- ☐ **Respond to the scene and make it safe**
- ☐ **Emergency care for victims**
- ☐ **Separate people**
- ☐ **Protect the crime scene**
- ☐ **Evidence collection**
- ☐ **Corroborate evidence to determine crime**
- ☐ **Take action**

Respond to the scene and make it safe

The first priority for officers is to make the scene safe for everyone, especially victims and the community.

- ☐ "Hate crimes are more likely to be violent compared to non-hate crimes. For example, more than 85 percent of hate crimes involved violence and nearly 25 percent of them were serious violent offenses (e.g., rape, sexual assault, robbery, aggravated assault)."⁶²
- ☐ When one member of a specific race, ethnic background, gender, or sexual orientation is attacked, an entire community can feel victimized. This can lead to increased tension between groups, civil unrest, and [retaliation](#).
- ☐ Violent [mission](#) offenders can be unpredictable and attack police.

Emergency care for victims

To promote needed trust between the victim and law enforcement, do the following immediately upon initial contact:

- ☐ Provide care for victims' physical injuries.
- ☐ Address victims' basic need for physical or emotional safety as soon as possible.

- ☐ Reassure victims that they are not responsible or to blame.
- ☐ Validate and support reasonable actions taken by victims to protect themselves or diffuse the situation.

Note: Hate crime victims require more attention because offender motivation and conduct behind the hate crime are different than other crimes. For example, hate crime offenders tend to use extreme violence and go beyond what is required to simply subdue the victim. Additional caretaking strategies for victims are covered throughout the lesson.⁶³

Separate people

- ☐ Separate victims from suspects first to help reduce tension and create a safer scene.
- ☐ Separate all witnesses as soon as possible. If a witness must leave the scene, gather their contact information for follow-up interviews. Strategies for interviewing witnesses are covered later.
- ☐ Take any additional steps needed to ensure victims feel safe.
- ☐ Assure victims that their anonymity will be protected as much as possible.

Protect the crime scene

- ☐ Establish perimeters and identify evidence that must be protected, is fragile, or needs processing **first**. Request expert forensic assistance when needed.
- ☐ Sketch or photograph crime scene and evidence.

Evidence collection

The value of evidence type and collection methods will vary by crime and circumstances. Officers should be prepared to take photographs and properly collect physical evidence using a documented chain of custody.

Bias crime indicators

To investigate a hate crime, officers must know the distinction between criminal *intent* and *motive*. *Intent* is the purpose to use a particular means for a desired result. *Motive* is the mental state that impels one to action for a desired result. Most criminal laws require the offender have *intent* to commit a crime to be guilty of that crime but do not address the *motive* behind that intent. Hate crimes are the exception.

Bias does not automatically mean a hate crime was committed. The crime must have been motivated, in whole or in part, by the offender's bias or hatred against the victim of a [protected class](#). But because motivation is subjective, it is difficult to know with certainty whether a crime was the result of the offender's bias. Therefore, officers must conduct a case-by-case assessment to determine offender motivation for committing a hate crime.⁶⁴

Before an act can be reported as a hate crime, objective facts must be present to lead a reasonable person to believe the offender's actions were motivated, in whole or in part, by bias. "Bias crime indicators are objective facts, circumstances, or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated in whole, or in part, by any form of bias."⁶⁵

The presence of any bias crime indicator suggests a possibility of a hate crime, **not a legal certainty**. Indicators are used to steer the investigation further into a suspect's motive.

- ☐ Bias-related drawings, markings, symbols, or graffiti found on the suspect or at crime scene. For example, a swastika painted on the door of a synagogue, mosque, or LGBTQ center. Take photographs immediately to preserve evidence and take steps to ensure graffiti, markings, etc., is removed as soon as possible.

Note: If officers do not understand or know what the graffiti, mark, or symbol means, ask the victim to explain.

- ☐ Brochures, flyers, propaganda, handwritten letters, and social media posts containing recognized hate symbols, speech, etc. The Anti-Defamation League has a [hate symbols database](#) for law enforcement officers.⁶⁶
- ☐ Statements made by suspects directed at victims, including derogatory slurs, epithets, labels, and descriptions.

Under the First Amendment of the U.S. Constitution, people have the right to believe and express themselves, even if their message is one of hate. However, there are limits to free speech when it advocates or threatens violence or encourages people to commit crimes. The following are exceptions to First Amendment protections for speech:

- Threats of force or language that places a specific person in reasonable fear of physical injury. This includes "fighting words" or speech directed at a particular person or group of persons that is said in a manner which causes a hostile, physical reaction that tends to incite an immediate breach of the peace.⁶⁷

Factors to determine threats or fighting words include the following:

- ☐ Slurs that target a specific protected class
- ☐ Words and gestures intended to provoke a violent reaction
- ☐ Suspect is larger in physical size and strength
- ☐ Suspect is male and victim is female

- ☐ Significant age and position differences between suspect and victim
- ☐ Suspect uses a loud voice volume
- ☐ Specific body language or gestures used by suspect (e.g., clenches fists)
- ☐ Incident occurs in a confined location or setting
- Speech that is a clear and present danger to public safety; for example, inciting others to take violent action.
- Speech that is incidental to conduct (i.e., not the idea being expressed, but the intolerable mode of expressing the idea the speaker wishes to convey). For example, a White man says *"I hate Blacks!"* while assaulting a Black man.⁶⁸
- ☐ Are the following statements protected under the First Amendment?
 - "Our race is superior to other races."
 - "We need to take a stand for our race and destroy those who stand in our way."
 - "Those opposing our race, like those people over there, are the enemy and must be attacked now!"

Context is often needed to make a determination. Does the person or members of the group appear ready and willing to take prompt violent action? If yes, the speech may not be protected and illegal because it is inciting or encouraging violence or the threat of violence.

Note: If the offensive or hate speech is protected under the First Amendment, law enforcement should still report the event; speech that is not itself illegal may still be related to a hate crime or may become relevant during a future investigation.

- ☐ Specific objects that indicate hate or bias. For example, suspects who wear white sheets with hoods to cover their faces; a burning cross left at the victim's residence.
- ☐ The suspect and the victim were of a different race, religion, disability status, sexual orientation, ethnicity, gender, or gender identity. For example, the victim was African American and the suspect was White. However, **this factor alone is not an automatic indicator of a hate crime**. Officers must investigate the event in its totality.
- ☐ The victim or the suspect was engaged in activities promoting their group.
 - **Example 1.** During a monthly skinhead meeting at a local restaurant, one skinhead member threatened to kill a man who sat down at a nearby table to eat.
 - **Example 2.** During a peaceful protest at city hall, several members from the local gay and lesbian community were assaulted by a non-protester who was a church minister.
- ☐ Long-standing animosity exists between suspect and victim groups. For example, there may be open hostility between two different ancestry groups within a community.

- ❑ Crime occurred on a specific date, holiday, or anniversary that is significant to the victim's or suspect's group.
- ❑ Similar incidents or crimes occurred in the same place or about the same time, and the victims of both were the same race, religion, disability status, sexual orientation, ethnicity, national origin, gender, or gender identity.
- ❑ The victim was in a location where previous hate crimes had been committed because of race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity and where tensions remained high against the victim's group.
- ❑ A protected class of which the victim is a member is overwhelmingly outnumbered by other groups in the area. For example, while walking through a predominately Latino neighborhood, a White victim was assaulted by local Latino gang members.
- ❑ A substantial portion of the community where the crime occurred perceives the incident was motivated by bias.
- ❑ The crime occurred near or in a location associated with members of a particular group (e.g., Catholic church, LGBTQ bar, etc.)
- ❑ The victims are not part of a protected class but are accompanying, advocating for, or associated with a protected class.
 - **Example 1.** Marriages or intimate relationships between people of different races.
 - **Example 2.** A heterosexual attorney who advocates for and represents gay couples who want to marry.
- ❑ Evidence exists that a [hate group](#) was involved. For example, hate group literature is found at the scene.

Victim testimony

According to the National Crime Victimization Survey (NCVS), there were 243,770 hate crime victimizations of persons aged 12 or older between 2010 and 2019, about 44 percent of which (107,850) were reported to police.⁶⁹

"Hate crime victims may search for other reasons to explain the attack because their group membership may represent an unchangeable aspect of themselves. Thus, they will forever be identified as a member of that group and vulnerable to future attacks."⁷⁰

Factors that impact whether a victim reports a hate crime may include the following:⁷¹

- ❑ Humiliation and shame
- ❑ Victim may not know the offense was a hate crime
- ❑ Fear of revictimization or retaliation

- ❑ Victim's fear of having privacy compromised; includes fears by LGBTQ persons of being "outed" to family members or employers
- ❑ Fear of law enforcement and uncertainty or suspicion about the criminal justice system
- ❑ Fear of being deported (e.g., undocumented immigrants)
- ❑ When circumstances allow, use only one officer to interview victims to minimize trauma.⁷² A more detailed follow-up interview may be needed for victims who have been physically injured or emotionally distressed.

Note: When permitted by agency policy, body-worn cameras can be used to record victim interviews.

- ❑ Assure victims that their anonymity will be protected as much as possible but cannot be guaranteed. Explain that additional interviews from investigators may be forthcoming and that there is a potential for news media coverage.⁷³
- ❑ To build needed trust, be patient and interview victims in private locations where victims can feel safe.
- ❑ To communicate effectively, **demonstrate empathy and recognize both cultural differences and expectations of hate crime victims**. Communication strategies during victim interviews include the following:
 - ❑ "Avoid personal value judgments with [victim] differences and seek to understand why people from [protected classes] believe and behave as they do."⁷⁴
 - ❑ Reassure victims that they are not responsible or to blame. Validate and support reasonable actions taken by victims to protect themselves or diffuse the situation.
 - ❑ Ask victims, "How do you want me to help you?"
 - ❑ Allow victims to defer or not answer questions when emotionally distraught.
 - ❑ Ask victims if they want to have a family member, friend, advocate, or service provider to be with them for support. When applicable, show concern for the victim's family, who may also be upset because they are from the same protected class.

Note: The practice of asking a family member, friend, or advocate to provide support should be reviewed by the local prosecutor to prevent "coaching" of statements.

- ❑ Request assistance from language translators if needed and address special needs of victims with disabilities (e.g., deaf, blind, etc.). Victims from other cultures may need more direct involvement from law enforcement to overcome cultural and linguistic barriers.

Note: Cultural or privacy considerations may prohibit a victim from using a younger member of the family as a translator, even if they are the only English-speaking member of the household. Use a neutral translator or translation service.

- ❑ Make every effort to grant reasonable requests by victims for an officer from the protected class to conduct the interview. For example, a transgender woman may want to be interviewed by a female officer.
- ❑ Listen actively and allow victims to vent and share their story more than once to help them gain a sense of control.
- ❑ Focus on and validate feelings expressed by victims. Reframe victims' feelings and use open-ended questions to show empathy. Include all versions of questions asked to gather the victim's statement. Detail any amendments the victim makes to their statement and any re-phrasing of victim statements by investigating officers. Consider the following exchange between a hate crime victim and officer:

Victim: "I'm afraid this is going to happen to me again."

Officer: "You're fearful that you are no longer safe. That must be difficult. How do you think you can begin to feel safe again?"

- ❑ Use and embrace silence. Hate crime victims may need more time to process information. In some cases, little or no talking at all can be more effective.

Ask for a full description of the crime. Allow victims to freely express feelings of fear, intimidation, anger, etc., without interruption.

- ❑ "May I talk with you about what happened?"
- ❑ "In your own words, please tell me exactly what happened. Start from the beginning."

Ask questions to identify the timeline of events leading up to the event as well as during and after it.

- ❑ "When did you first come into contact with the suspect(s)?"
- ❑ "When did the act / crime occur in relation to first contact?"
- ❑ "How soon afterward did you report the act / crime to law enforcement?"

Ask the victim to identify their race, religion, sexual orientation, disability, etc. **Do not** make assumptions about victim's race, religion, sexual orientation, or other protected class. Be respectful and nonjudgmental when asking questions to determine the victim's protected class. Avoid using stereotype language about any protected class (e.g., perceived habits, mannerisms, or culture) when communicating with victims.

It is **not** essential to determine if the victim is a member of a protected class when identifying bias crime indicators. The issue of concern is the suspect's motive based on their perception of who the victim is.

Transgender victims

People who are transgender should be addressed according to the gender they identify and live as now, regardless of sex assigned at birth. If a victim identifies as a woman, address her using “she,” “her,” and “Ms.” Refer to her using her preferred name even if she has not legally changed her name. If someone identifies as a man, he should be addressed as a man, with male pronouns. Always use victims’ preferred names.⁷⁵

When referring to someone’s gender identity, use the term “transgender.” The term “transgender” is an adjective and should not be changed to “transgendered” or “transgenders.”

Note: It is acceptable to ask victims which pronouns they use.

To demonstrate understanding and build trust with victims, officers can identify their pronouns when introducing themselves. For example, *“Hello, I am Officer Adams. My pronouns are he, him, his. What’s your name?”*

Arab victims

Victims who are Arab may be hesitant to tell law enforcement officers about their heritage, especially if they just experienced violence or vandalism. Arab victims and witnesses will be more likely to cooperate and answer questions if they are assured that the officer is merely trying to document the crime and prevent it from happening again in the future.⁷⁶

Hindu victims

Victims who are Hindu may be uncomfortable with physical contact and prefer to greet officers by pressing their palms together and offering a greeting of “Namaste.” When interviewing Hindu victims, avoid phrases like “*your gods*” and “*idols*” because they can be alienating and disrespectful. “*The deities*” or “*the murtis*” are more appropriate terms to use.⁷⁷

- ☐ Ask the victim to elaborate or provide additional details about potential [bias indicators](#).
- ☐ Ask the victim for a full physical description of suspect(s), including the following:
 - Age and sex
 - Height, weight, and build
 - Hair and eye color
 - Clothing
 - Scars, marks, and tattoos
 - Other distinctive features (e.g., chipped tooth)

Note: Clothing and tattoos may include bias indicators that depict hate signs or symbols.

- Ask the victim if they have been targeted in the past for a hate crime. Previous hate crimes committed against the same victim are a bias indicator.
- To the best of their ability, ask the victim to describe statements or gestures made by the suspect(s).
 - “What did [the suspect] say about you?”
 - “How did [the suspect] describe you?”

Bias indicator statements made by the suspect would include derogatory and offensive language about victim’s ethnicity, race, sexual orientation, etc.

Note: Specific and verbatim language used by suspects is critical for showing motivation to commit a hate crime.
- Ask the victim for their perception of suspect’s motives but **without directly asking** if they believed it was a “hate crime.”
 - “Is there any reason why you believe this happened?”
 - “Do you have any idea why this happened to you?”
 - “Why do you think [the suspect] said or did [X]?”

Note: Victims may not recognize the crime committed against them was motivated by hate.

Witness testimony

Witnesses can corroborate known information or provide officers with important new information. Interview witnesses using the same strategies applied to victims.

- Witnesses can include people **of the same or different** race, religion, ancestry, etc., as the **victim or the suspect**. Thus, witnesses may present a distorted or inaccurate view of what occurred based on their own biases or unwillingness to accept the presence of hatred in their community.

Note: It is critical for investigating officers to distinguish facts from beliefs (e.g., witness opinions) when gathering witness testimony.
- Interview neighbors, co-workers, and other individuals with first-hand knowledge about the victim and suspect. These witnesses can provide historical perspectives and additional evidence of motivation.
- Conduct a neighborhood canvass. This helps send a message to the community and potential suspects that law enforcement is serious about investigating hate crimes.
- Encourage reluctant witnesses to provide information by emphasizing the victim’s need for justice. Emphasizing the victim’s need for help and sense of justice can encourage witnesses to participate willingly and fully.

- ❑ Witnesses may initially refuse to be interviewed or provide information, which is their right. Honoring their initial wishes not to talk may open the door to getting information at another time. In some cases, the best option may be to obtain witness contact information and try interviewing them later. Consult with the prosecutor to determine if the witness may be “hostile.”
- ❑ **Do not** share information known by law enforcement or provided by victims, suspects, or other witnesses. Doing so may contaminate witness memory and reduce information reliability. Even casual statements by officers can inadvertently sway witnesses toward preconceived notions.

Suspect testimony

Officers should interview hate crime suspects *last* or after all other available evidence has been gathered. Questions will be determined by crime circumstances.

When possible and prior to the interview, check to see if the suspect has a criminal record and identify any relevant charges. Also search for known associates of the suspect and their criminal histories.

- ❑ Use open-ended questions that allow suspects to elaborate on their own.
- ❑ Ask for full description of actions. Allow suspects to explain their version of events. Statements may reveal [bias indicators](#).

Note: Never forget to investigate the primary crime(s). For example, an incident may still meet criminal elements for an assault even if there is no proof of suspect bias or hate indicators.

- ❑ Ask suspects about victims’ physical appearance. Answers may reveal biases.
 - “What did the victim look like?”
 - “Can you tell me about the victim’s [race, religion, etc.]?”
 - “What made you do [X]?”
 - “Why did you choose the victim?”
 - “Why did you choose to do [X] to the victim?”
- ❑ Ask suspects about any statements made to or about the victim.
 - “Can you explain what you said to the victim and why?”
 - “Were your comments directed toward anyone specific?”
 - “When you said [X], can you help me understand what [X] means?”

Note: Specific and verbatim language used by suspects is critical for showing motivation.

- ❑ Ask questions that determine motivation (e.g., hate) for criminal conduct.
 - “Can you help me understand why you did [X]?”
 - “Tell me about any differences between you and [victim].”
- ❑ Ask suspects if they were previously accused of or charged with committing a hate crime.
- ❑ Ask suspects if they are a member of or self-identify with any hate group.

Other sources of evidence

- ❑ Closed-circuit television (CCTV) or surveillance camera recordings (e.g., parking lots, building interiors, etc.)
- ❑ Social media
- ❑ Suspect affiliation with hate groups

Common errors made by officers when responding to hate crimes

- ❑ Appearing or being too abrupt, uninterested, in a hurry, uncomfortable, or indifferent.
- ❑ Rejecting victim or witness claims that the crime was motivated by hate.
- ❑ Misidentification of victim’s protected class.
- ❑ Failure to collect physical and testimonial evidence.⁷⁸

Corroborate evidence to determine crime

To charge a person with a hate crime, officers must conduct a case-by-case examination of the facts to determine if the suspect’s bias motivated them to commit the hate crime. Corroborate all evidence collected with criminal elements to determine if probable cause exists to charge suspects. Where possible, communicate with state (or federal) prosecutors to determine activities and formal court actions.

Remember, never forget to investigate the primary offense to determine if another crime (assault, vandalism, communicating threats, etc.) was committed even if there is insufficient cause to charge the suspect with a hate crime.

Jurisdiction

Federal laws

The FBI conducts investigations into allegations of civil rights violations in accordance with federal criminal codes. Contact your local FBI office for technical support. [Federal criminal statutes](#) that apply to hate crimes include the following:

- 18 U.S.C. 249; Matthew Shepard and James Byrd Hate Crimes Prevention Act (HCPA) of 2009

It is a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of the victim's actual or perceived race, color, religion, or national origin.

The HCPA also extends federal hate crime prohibitions to crimes committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person, only where the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction.

- 18 U.S.C. 247; Damage to Religious Property, Church Arson Prevention Act

It is a federal crime to intentionally deface, damage, or destroy religious real property because of the religious nature of the property, where the crime affects interstate or foreign commerce, or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also criminalizes the intentional obstruction by force or threat of force of any person in the enjoyment of that person's free exercise of religious beliefs.

- 18 U.S.C. 245; Violent Interference with Federally Protected Rights

It is a federal crime to use or threaten to use force to willfully interfere with any person because of race, color, religion, or national origin and because the person is participating in a federally protected activity, such as public education, employment, jury service, travel, or the enjoyment of public accommodations, or helping another person to do so.

- 18 U.S.C. 241; Conspiracy Against Rights

It is unlawful for two (2) or more persons to conspire to injure, threaten, or intimidate a person in any state, territory, or district in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or the laws of the United States.⁷⁹

State laws

Local law enforcement officers must be knowledgeable about their [state laws](#) for hate crimes. Nearly all states have enacted laws that specifically target criminal acts of hate or bias.⁸⁰

Hate incidents

A hate incident is conduct by an individual or a group that is motivated by hate or bias but does not rise to the level of a criminal offense. For example, hostile, hateful, or disrespectful speech can be motivated by hate but not be illegal.

Hate incidents can be precursors to more serious crimes. When hate-motivated incidents are reported and thoroughly investigated by law enforcement, evidence of escalating patterns of violence can be seen.

Note: Consult your agency policy for specific reporting standards for hate incidents.

Suspect's mistaken perception

Suspects who commit hate crimes against people whom they mistakenly believe are members of a specific race, religion, or other protected class but are not may be charged with a hate crime if motivated, in whole or in part, by bias. For example, a heterosexual man was seen by a group of teenagers walking by a bar frequented by gay men. The teenagers attacked the man after mistakenly believing he had just left the bar and was gay.

Misleading facts

During the preliminary investigation, officers should look for specific circumstances or fact patterns that are misleading. For example, it is generally not a hate crime when a person uses a racial slur against another person of the same race. However, there are exceptions.

A Mexican-American citizen (who was born in the United States) is motivated by hate and intentionally assaults a Mexican individual (who was born in Mexico and immigrated to the United States). Although the suspect and victim are of the same ancestry (Hispanic), a hate crime was committed.

Feigned facts or hoaxes

Because hate crimes attract attention, officers must be alert in case suspects leave evidence intending to give a false impression that the incident was motivated by hate. For example, students of a religious school vandalize their own school, leaving anti-religious statements and symbols on its walls in the hope that they will be excused from attending class.

Bias crimes can attract intense community interest and sensational publicity. Law enforcement may want to consider not announcing *suspected* hoaxes publicly. Any statement that the event may be hoax or faked can result in victim blaming and hinder police-community relations. However, transparency and responsible reporting to the public affirming or disproving claims is important in any crime of violence to avoid feeding a misperception.

Mixed motivations

At times it may be difficult to determine whether an incident was motivated by bias when mixed motivations are present. For example, in a neighbor-to-neighbor dispute where members are from different racial groups, a conflict over a property line may degenerate into racial name-calling and threats. Whether hate was one of the motivating reasons for the dispute must be examined in consideration of all the facts. In the neighbor-to-neighbor example, factors to consider include the nature of the relationship prior to the dispute and how each neighbor treated other members of the protected class. Any decision to charge must be based on the alignment of facts against the elements of the offense as prescribed by federal or state statute.

Take action

Depending on circumstances, there are a wide range of actions law enforcement can take for hate crime preliminary investigations. Agency policy may also provide additional guidance.

Note: IACP, *Investigation of Hate Crimes: Model Policy and Concepts & Issues Paper* (Alexandria, VA: International Association of Chiefs of Police, 2021), <https://www.theiacp.org/resources/policy-center-resource/hate-crimes>.

Continue searching for relevant evidence and pursuing investigative leads.

This search includes conducting neighborhood canvasses and coordinating with investigating agency personnel (e.g., detectives, hate crimes unit) to identify crime patterns and potential suspects.

Thoroughly report the incident, including specific hate crime data.

“Unfortunately, there is a significant gap between the number of hate crimes that occur, those reported to the police, and the official number that the police report to the FBI. Between 2003 and 2011, 38 percent of hate crime victims did not report offense because they believed law enforcement could not or would not help.”⁸¹

Accurate reporting of hate crimes by law enforcement can lead to their prevention by identifying offenders and sending a message that these crimes will not be ignored or tolerated. When crimes are not categorized for their bias or are underreported, fear and mistrust of police can spread, offenders can become emboldened and believe their hatred is condoned or even shared by others, and community tensions can rise.⁸²

- ☐ Federal Hate Crimes Statistics Act (28 U.S.C. Section 534)

Signed into law in 1990, the act states the U.S. Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity.

- Helps identify the geographic location and the nature and type of bias crimes occurring in the United States.
- The FBI's Uniform Crime Reports (UCR) Section is responsible for managing the collection of hate crime data. Each state may have its own reporting requirements.
- Effectiveness depends on implementation and support by state and local law enforcement. Every state and local agency should report all bias crimes in its jurisdiction to the appropriate Federal and State reporting agencies.

Use a standard system for collecting, analyzing, and reporting hate crimes. Required report contents include the following:

- ☐ Time and date when offense occurred. Include reasons for any gap between when the crime occurred and when it was reported.
- ☐ Victim targeted, including name, age, contact information, and [protected class](#).
- ☐ Object or property targeted, including premise or institution (e.g., church) and personal property (e.g., residence, car).
- ☐ Full description of crime scene and all physical evidence collected. Include photographs when applicable.⁸³
- ☐ How the person, object, or property was attacked (e.g., assaulted, threatened, damaged). Include any tool, weapon, or device used to facilitate the hate crime.
- ☐ A full description of all injuries sustained by victims and any medical treatment received.
- ☐ Statements provided by all persons interviewed. Verbatim bias language used by suspects is critical in determining motivation needed to show a hate crime was committed.
- ☐ All [bias indicators](#) described in detail. This includes the mode of operation or individual identifying characteristics of the hate crime that may distinguish the offense from others committed in the same manner. This can be helpful in connecting suspects to multiple events and identifying participation of organized hate groups.

Personally follow up with the victim, provide ongoing support, and frequently update them about the case status.

Note: A specific unit or investigator may be tasked with victim follow-up. Refer to employing agency policy.

- ☐ Make every effort to avoid revictimization by the criminal justice system. Contact the prosecutor's office to determine if an advocate is needed to serve as the single point of contact for the victim during the investigative process and prosecution of suspect(s).
- ☐ Explain the investigative process to victims (e.g., additional interviews may be needed or conducted by another investigator). Do not confirm or deny to victims that a hate crime was committed until all evidence is collected and analyzed.⁸⁴
- ☐ Help victims to recognize and address the following potential issues:
 - Because hate crime victims are targeted for a core and unchangeable identity characteristic, they can experience acute feelings of rage, fear, confusion, suspicion, frustration, self-blame, and denial.
 - Victims with obvious physical traits (e.g., race) may feel vulnerable to repeated attacks. A heightened sense of vulnerability can result in feelings of hopelessness.
 - "Racism—regardless of whether it is verbal or physical, blatant or ambiguous, direct or witnessed—can be understood as a chronic and acute stressor that elicits psychological, physiological, and behavioral responses within individuals."⁸⁵
 - Some hate crime victims are more likely to suffer from post-traumatic stress disorder (PTSD) when compared to other types of victims.
 - Hate crime victims are more likely to have employment problems, suffer from health issues, and have difficulties overcoming the victimization. For example, "Asian Americans who have experienced racism have heightened symptoms of depression, anxiety, stress, and physical symptoms."⁸⁶
 - "Encouraging victims to report the crime can have a positive impact on their emotional well-being. For example, 28 percent of Asian-Americans who reported the hate crime committed against them had a reduction in trauma symptoms."⁸⁷
- ☐ Victims may become afraid to associate with other members of their targeted group and even deny a significant aspect of their identity.
- ☐ When compared to non-hate crime victims, hate crime victims are more likely to be fearful and expect to be victimized again in the area where the crime occurred. Thus, "hate crimes can impact the spatial mobility of both the victim [and members] of the targeted community. Victims [and members] may restrict their everyday movements to only those environments where they feel safe."⁸⁸

- Provide victims with a written list of available resources and support services to help them with any trauma caused by hate crime. It is important for law enforcement to provide support services that **are specific to the victim's group** (e.g., LGBTQ).

Note: Establishing a formal connection or agreement between law enforcement and social service resources is crucial to gain the victim's trust and help them cope with their trauma.

Engage the community to stabilize, rehabilitate, build trust with law enforcement, and prevent future hate crimes.

- "Scan for problems by starting conversations within the agency and community, especially in neighborhoods that may be at high risk for hate crimes."⁸⁹
- Identify potential impact on targeted group members who were not victims. Bias crimes can put all members of the victimized class in fear. Other members of targeted group may feel victimized and vulnerable following a hate crime. It can be an unwelcome reminder of past personal experiences and events. Keeping community leaders and targeted groups informed about the ongoing investigation helps maintain trust and can prevent retaliatory violence from the victim's community against members of the offender's community. Such an occurrence would further undermine public safety and community stability.
- "Use town hall, city council, and neighborhood watch meetings as well as cultural and religious gatherings to identify the problems citizens are facing."⁹⁰
- Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.⁹¹
- Analyze calls for service, police reports, community member complaints, and community surveys to determine if hate crimes are a significant community and public safety concern.⁹²
- Participate in community meetings, collaborate with stakeholders, be transparent, and share information with community leaders to mobilize resources, assist victims, and prevent future hate crimes.
- "Identify community groups that serve as intermediaries between hate crime victims and law enforcement. For example, in some communities, victims of hate who have either been mistrustful or fearful of law enforcement may turn to community groups or faith-based organizations for support first. These organizations can serve as an interface when authorities may get involved."⁹³
- Work with segments of the larger community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.

- Meet with neighborhood groups, residents in target communities, and other identified groups as soon as possible to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counterviolence and reprisals; and provide safety, security, and crime prevention information.

Video: Community Relations Service, "GodSquad | Keeping the Peace in Sanford, Florida," YouTube, November 23, 2016, <https://www.youtube.com/watch?v=ezMxLN6nzc8>.

Video: Community Relations Service, "Strengthening Police and Community Partnerships," YouTube, October 10, 2018, <https://www.youtube.com/watch?v=jEsQnXAgb-0>.

Scenarios

Note: All names and circumstances used for the following scenarios are fictional. Any resemblance to any person or actual event is purely coincidental.

Read each of the following hypothetical scenarios and ask the following questions:

- ☐ Using only facts and circumstances provided, was the act motivated by bias? Is it a hate crime or hate incident?
- ☐ Are there any bias indicators present?
- ☐ What protected class(es) were involved in the incident?
- ☐ What offender type may be involved?
- ☐ What other potential information should law enforcement seek out to determine or further establish suspect motivation?

Scenario 1

A man in his mid-30s who openly describes himself as “very conservative” intentionally threw a large rock at a convenience store window owned by Korean immigrants. The window was totally destroyed.

Scenario 2

A group of four or five teenagers committed random vandalism attacks at 10 different locations in three different communities. They defaced walls, driveways, and automobiles with slurs against Jewish people, African Americans, and skinheads. However, no member of any protected class listed lived in the communities targeted.

Scenario 3

On May 5, Bob, a Black man in his late 20s, had been unemployed for three months and was having a hard time finding a job. Reading the local news, he became very angry after seeing a story about Cinco de Mayo. The population of Mexican immigrants in Bob’s town was less than 10 percent; 35 percent of the population was Black. While driving down the road in his car, Bob saw what he believed to be an illegal Mexican immigrant sitting on a curb. Bob stopped his car, pointed a handgun through the car window at the man, and said, “Go back home to where you belong!” Fearing for his life, the man ran into a nearby wooded area to hide. The victim was actually a third-generation Irish American.

Scenario 4

A White family and an Asian American family have lived in neighboring houses for five years without any problems. Last Saturday, a member of the Asian American family mistakenly cut down an oak tree he believed was on his property but that was actually on the White neighbor's property. When the White family's father sees the tree being cut down, he yells racial epithets and punches the Asian American man in the face.

Scenario 5

A man (Jim) approached a woman (Stacy) inside a night club and asked her to dance. Stacy laughed out loud and said, *"No thank you."* While Stacy was walking to her car after the club closed, Jim tackled her to the ground and began choking her. Jim said, *"I hate you—you bitch. No bitch laughs at me!"*

Scenario 6

Patrol Officer Parker responded to investigate a suspicious vehicle. When she approached the vehicle, she found an unconscious man inside with a head injury. The man was partially dressed in women's clothing. The word "FAGGOT" was spray painted on the vehicle's hood and trunk. Officer Parker found a dress and wig inside the car. The first name on the victim's driver's license was "Jennifer."

Scenario 7

Deputy Anderson was dispatched to investigate a report of harassing phone calls. The victim, Meredith, said she has received repeated telephone calls from an unknown person who said, *"I see you going into that gay bar. You will be punished for being pure trash."* Meredith said she is a lesbian.

Conclusion

Learning objectives

Note: Pre- and post-test questions come directly from learning objectives.

Post-test

The post-test is available online. Contact the IACP or instructor for access. To receive a successful completion certificate, participants must complete the post-test.

Questions

Closing statement

Law enforcement agencies should not dismiss or diminish the significance of hate and bias symptoms in their communities. Police or community indifference regarding hate crimes may imply that offender hatred and behavior is condoned by others in the community.

If hate is allowed to flourish in any form, it can become the catalyst for progressively violent acts including homicide. Moreover, proactively investigating and preventing hate crimes can improve both community relations and officer safety.

Law enforcement must devote the time and resources needed to investigate hate crimes promptly and thoroughly. When law enforcement and community partners work together to respond to hate crimes and intolerant acts that may lead to crime, they can reassure victims, avoid increased tension, and help avert more attacks and violence in the community.

Course Evaluations

Scan the following QR code or go to https://www.surveymonkey.com/r/CRITAC_Training and complete a course evaluation. Participants must complete an evaluation to receive a successful completion certificate.

References

- 18 U.S.C. §249 "Hate Crime Acts." <https://www.govinfo.gov/content/pkg/USCODE-2012-title18/html/USCODE-2012-title18-partI-chap13-sec249.htm>.
- ADL (Anti-Defamation League). 2022a. "Hate on Display Hate Symbols Database." Accessed July 19, 2022. <https://www.adl.org/resources/hate-symbols/search>.
- ADL. 2022b. "Patriot Front." Last modified June 23, 2022. <https://www.adl.org/resources/backgrounder/patriot-front>.
- Alqadi, Nazmia, Libby McInerney, and Kelly Whalen. 2013. *Building Stronger, Safer Communities*. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P270>.
- Babwin, Don, and Herb McCann. 2020. "Actor Jussie Smollett Faces 6 New Charges in Chicago." Associated Press. Last modified February 11, 2020. <https://apnews.com/ae6ecdc8dfa7b5af555071033b2b2a7b>.
- Balsamo, Michael. 2020. "FBI Report Shows U.S. Hate Crimes Reached the Highest Level since 2008." USA Today. November 17, 2020. <https://www.usatoday.com/story/news/nation/2020/11/16/2019-us-hate-crimes-highest-mark-since-2008-fbi-report/6314908002/>.
- Barakat, Suzanne. 2016. "Islamophobia Killed My Brother. Let's End the Hate." TED Talk. https://www.ted.com/talks/suzanne_barakat_islamophobia_killed_my_brother_let_s_end_the_hate/transcript?nolanguage=de.
- Berlet, Chip. 2001. "Hate Groups, Racial Tension and Ethnoviolence in an Integrating Neighborhood, 1976–1988." *Research in Political Sociology* 9: 117–163.
- Boyd, Lorenzo M. 2022. "Murder of James Byrd, Jr." Britannica. Last modified July 20, 2022. <https://www.britannica.com/event/murder-of-James-Byrd-Jr>.
- Business Insider. 2017. "Here's Where the Most Hate Crimes Occur in the U.S.—It's Not Where You Think." YouTube. August 22, 2017. <https://www.youtube.com/watch?v=q98otN2lwck>.
- Byers, Bryan D., and Benjamin W. Crider. 2002. "Hate Crimes Against the Amish: A Qualitative Analysis of Bias Motivation Using Routine Activities Theory." *Deviant Behavior* 23(2): 115–148. <https://doi.org/10.1080/016396202753424529>.
- Ciarlante, Mitru, and Kim Fountain. 2010. *Why It Matters: Rethinking Victim Assistance for LGBTQ Victims of Hate Violence*. New York: National Coalition of Anti-Violence Programs. <http://avp.org/wp-content/uploads/2019/02/WhyItMatters.pdf>.

- Civil Rights Division. 2018. "The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009." U.S. Department of Justice. Last modified October 18, 2018.
<https://www.justice.gov/crt/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act-2009-0>.
- Cohen v. California. 403 U.S. 15 (1971). <https://supreme.justia.com/cases/federal/us/403/15/>.
- CRS (Community Relations Service). 2016a. "GodSquad | Keeping the Peace in Sanford, Florida." YouTube. November 23, 2016. <https://www.youtube.com/watch?v=ezMxLN6nzq8>.
- CRS. 2016b. "Hashtag Hate: CRS Responds to Noose Incident at Denfield High School." YouTube. November 23, 2016. <https://www.youtube.com/watch?v=0zCeISkNYMI>.
- CRS. 2016c. "Respecting Identity | Law Enforcement Training and the Transgender Community." YouTube. November 23, 2016. <https://www.youtube.com/watch?v=bo-ZlV8di0g>.
- CRS. 2018. "Strengthening Police and Community Partnerships." YouTube. October 10, 2018. <https://www.youtube.com/watch?v=jEsQnXAgb-0>.
- Dastagir, Alia E. 2017. "The State of Hate in America." *USA Today*, July 9, 2017.
<https://www.usatoday.com/story/news/2017/07/09/kkk-racist-rants-religious-vandalism-us-vs-them-mentality-escalates-leaving-dark-corners-interne/418100001/>.
- Davis, Ronald L., and Patrice O'Neill. 2016. "The Hate Crimes Reporting Gap: Low Numbers Keep Tensions High." *Police Chief Magazine* 83. <https://www.policechiefmagazine.org/the-hate-crimes/>.
- DOJ (U.S. Department of Justice). 1997. *Hate Crimes Training Curricula: Student Manual*. Washington, DC: U.S. Department of Justice.
- DOJ. 1998. *National Hate Crimes Training Curriculum for Detectives and Investigators*. Volume 2. Washington, DC: U.S. Department of Justice.
<https://www.ojp.gov/pdffiles1/Digitization/176992NCJRS.pdf>.
- Dowd, Trone. 2020. "Arizona Mass Shooter Who Live-Streamed Attack Was a Self-Described 'Incel' Targeting Couples." *Vice News*. Last modified May 22, 2020.
https://www.vice.com/en_us/article/bv8xq4/arizona-mass-shooter-who-live-streamed-attack-was-a-self-described-incel-targeting-couples.
- Dunbar, Edward, Jary Quinones, and Desiree A. Crevecoeur. 2005. "Assessment of Hate Crime Offenders: The Role of Bias Intent in Examining Violence Risk." *Journal of Forensic Psychology Practice* 5(1): 1–19. https://doi.org/10.1300/J158v05n01_01.
- Executive Order 9066. 1942. *Authorizing the Secretary of War to Prescribe Military Areas*. U.S. National Archives: General Records of the United States Government.
<https://www.archives.gov/milestone-documents/executive-order-9066>.

- FBI (Federal Bureau of Investigation). 2019. "About Hate Crime Statistics, 2019 and Recent Developments." Accessed January 26, 2023. <https://ucr.fbi.gov/hate-crime/2019>.
- FBI. 2022a. "FBI Releases 2021 Hate Crime Statistics." Press release, December 12, 2022. <https://www.fbi.gov/news/press-releases/fbi-releases-2021-hate-crime-statistics>.
- FBI. 2022b. *Hate Crime Data Collection Guidelines and Training Manual*. Version 3.0. Washington, DC: Federal Bureau of Investigation. <https://le.fbi.gov/file-repository/hate-crime-data-collection-guidelines-and-training-manual.pdf/view>.
- FBI. 2022c. "About Hate Crime Statistics, 2019 and Recent Developments." Accessed November 8, 2022. <https://ucr.fbi.gov/hate-crime/2019>.
- Freilich, Joshua D., and Steven M. Chermak. 2013. *Hate Crimes*. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P268>.
- Glaser, Jack, Jay Dixit, and Donald P. Green. 2002. "Studying Hate Crime with the Internet: What Makes Racists Advocate Racial Violence?" *Journal of Social Issues* 58(1): 177–193. <https://doi.org/10.1111/1540-4560.00255>.
- Green, Donald P., Robert P. Abelson, and Margaret Garnett. 1999. "The Distinctive Political Views of Hate-Crime Perpetrators and White Supremacists." In *Cultural Divides: Understanding and Overcoming Group Conflict*, edited by Deborah A. Prentice and Dale T. Miller, 429–464. New York: Russell Sage.
- Hendrix, Steve. 2019. "He Always Hated Women. Then He Decided to Kill Them." *The Washington Post*, June 7, 2019. <https://www.washingtonpost.com/graphics/2019/local/yoga-shooting-incel-attack-fueled-by-male-supremacy/>.
- History.com. 2021. "Japanese Internment Camps." Last modified October 29, 2021. <https://www.history.com/topics/world-war-ii/japanese-american-relocation>.
- History.com. 2022a. "Stonewall Riots." Last modified May 31, 2022. <https://www.history.com/topics/gay-rights/the-stonewall-riots>.
- History.com. 2022b. "Chinese Exclusion Act." Last modified August 9, 2022. <https://www.history.com/topics/immigration/chinese-exclusion-act-1882>.
- Hunt, Ryan, and Travis Martinez. 2015. *Lessons from a Hate Crime Detective: A Guide for Law Enforcement*. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P313>.
- IACP (International Association of Chiefs of Police). 2016. *Model Policy: Investigation of Hate Crimes*. September 2016. Alexandria, VA: International Association of Chiefs of Police. <https://www.theiacp.org/sites/default/files/2018-08/HateCrimesPolicy2016.pdf>.

- IACP. 2021. *Investigation of Hate Crimes: Model Policy and Concepts & Issues Paper*. Alexandria, VA: International Association of Chiefs of Police. <https://www.theiacp.org/resources/policy-center-resource/hate-crimes>.
- IACP. 2022a. "Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention." Accessed November 8, 2022. <https://www.theiacp.org/resources/responding-to-hate-crimes-a-police-officers-guide-to-investigation-and-prevention>.
- IACP. 2022b. "Agency Self-Assessment and Community Assessment: Approaches to Domestic & Sexual Violence." Accessed November 8, 2022. <https://www.theiacp.org/GBVAssessments>.
- Immigration History. 2023a. "Immigration and Nationality Act of 1952 (the McCarran-Walter Act)." University of Texas at Austin. Accessed February 14, 2023. <https://immigrationhistory.org/item/immigration-and-nationality-act-the-mccarran-walter-act/>.
- . 2023b. "Immigration and Nationalist Act of 1965 (Hart-Celler Act)." University of Texas at Austin. Accessed February 14, 2023. <https://immigrationhistory.org/item/hart-celler-act/>.
- Kearney, Patricia, Timothy G. Plax, and Jennifer Waldeck. 2001. *Public Speaking in a Diverse Society*. New York: McGraw Hill Education.
- Kena, Grace, and Alexandra Thompson. 2021. *Hate Crime Victimization, 2005–2019*. Special Report. Washington, DC: Bureau of Justice Statistics. https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519_1.pdf.
- Lane, Frank. J., Linda R. Shaw, and Martin Kim. 2009. "Hate Crimes Committed Against Persons with Disabilities." In *Hate Crimes volume 3: The Victims of Hate Crime*, edited by Barbara Perry. Westport, CT: Praeger Publishing.
- Levin, Jack, and Jack McDevitt. 2002. *Hate Crimes Revisited: America's War on Those Who Are Different*. Boulder, CO: Westview Publishing.
- Matthew Shepard Foundation. 2023. "Matthew's Story." Accessed February 14, 2023. <https://www.matthewshepard.org/about-us/our-story/>.
- Marzullo, Michelle, and Alyn Libman. 2009. *Hate Crimes and Violence Against Lesbian, Gay, Bisexual and Transgender People. Research Overview*. Washington, DC: Human Rights Campaign Foundation. https://assets2.hrc.org/files/assets/resources/Hatecrimesandviolenceagainstlgbtpeople_2009.pdf.
- McDevitt, Jack, Jennifer Balboni, Luis Garcia, and Joann Gu. 2001. "Consequences for Victims: A Comparison of Bias- and Non-Bias-Motivated Assaults." *American Behavioral Scientist* 45(4): 697–713. <https://doi.org/10.1177%2F0002764201045004010>.

- Messner, Steven F., Suzanne McHugh, and Richard B. Felson. 2004. "The Distinctive Characteristics of Assaults Motivated by Bias." *Criminology* 42(3): 585–618. <https://doi.org/10.1111/j.1745-9125.2004.tb00530.x>.
- Mukherji, Anahita. 2019. "A Hate Crime against an Indian-American Unites Silicon Valley's Sunnyvale." Quartz India. Last modified May 31, 2019. <https://qz.com/india/1632089/indians-in-silicon-valley-unite-against-hate-crime-in-sunnyvale/>.
- NBC News. 2014. "Isla Vista Massacre: What Do We Know about Elliot Rodger's Rampage?" Last modified May 26, 2014. <https://www.nbcnews.com/storyline/isla-vista-rampage/isla-vista-massacre-what-do-we-know-about-elliott-rodgers-n114416>.
- Not In Our Town. 2021. "Waking in Oak Creek." YouTube. August 26, 2021. https://www.youtube.com/watch?v=h_QFqLKq6Us.
- OJP (Office of Justice Programs). 2021. "Violent Hate Crimes Were Most Commonly Motivated by Bias against Race, Ethnicity, or National Origin." Press release, September 13, 2021. <https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/pressreleases/2021/hate-crimes-motivated-race-ethnicity-or-national-origin-bias>.
- OPA (Office of Public Affairs). 2017. "Mississippi Man Sentenced to 49 Years in Prison for Bias-Motivated Murder of Transgender Woman in Lucedale, Mississippi." Press release, May 15, 2017. U.S. Department of Justice. <https://www.justice.gov/opa/pr/mississippi-man-sentenced-49-years-prison-bias-motivated-murder-transgender-woman-lucedale>.
- OPA. 2019a. "Virginia Man Convicted of Threatening Employees of the Arab American Institute." Press release, May 9, 2019. U.S. Department of Justice. <https://www.justice.gov/opa/pr/virginia-man-convicted-threatening-employees-arab-american-institute>.
- OPA. 2019b. "Mississippi Man Sentenced to 11 Years for Crossburning." Press release, September 10, 2019. Washington, DC: U.S. Department of Justice. <https://www.justice.gov/opa/pr/mississippi-man-sentenced-11-years-crossburning>.
- OPA. 2019c. "Two Dallas Men Plead Guilty to Hate Crimes after Using Dating App to Target Gay Men for Violent Crimes." Press release, December 13, 2019. U.S. Department of Justice. <https://www.justice.gov/opa/pr/two-dallas-men-plead-guilty-hate-crimes-after-using-dating-app-target-gay-men-violent-crimes>.
- OPA. 2020. "Orange County Man Charged with Additional Federal Hate Crimes for December 28, 2019, Machete Attack at Rabbi's Home." Press release, January 9, 2020. U.S. Department of Justice. <https://www.justice.gov/opa/pr/orange-county-man-charged-additional-federal-hate-crimes-december-28-2019-machete-attack>.

- Owen, Tess. 2020. "White Supremacists Built a Website to Doxx Interracial Couples—and It's Going to Be Hard to Take Down." Vice News. Last modified May 13, 2020.
https://www.vice.com/en_us/article/n7ww4w/white-supremacists-built-a-website-to-dox-interracial-couples-and-its-going-to-be-hard-to-take-down.
- Phillips, Kristine. 2020. "'We Just Want to Be Safe': Hate Crimes, Harassment of Asian Americans Rise amid Coronavirus Pandemic." USA Today, May 21, 2020.
<https://www.usatoday.com/story/news/politics/2020/05/20/coronavirus-hate-crimes-against-asian-americans-continue-rise/5212123002/>.
- RSA (Royal Society for Arts, Manufacturers, and Commerce). 2013. "Brené Brown on Empathy." YouTube. December 10, 2013. <https://www.youtube.com/watch?v=1Evwgu369Jw>.
- Sandholtz, Nathan, Lynn Langston, and Michael Planty. 2013. *Hate Crime Victimization, 2003–2011*. Special Report. Washington, DC: Bureau of Justice Statistics.
<http://bjs.gov/content/pub/pdf/hcv0311.pdf>.
- Saw, Anne, Aggie J. Yellow Horse, and Russell Jeung. 2021. Stop AAPI Hate Mental Health Report. San Francisco: Stop AAPI Hate. <https://stopaapihate.org/mental-health-report/>.
- Southern Poverty Law Center. 2017. "Hate Crimes." YouTube. August 8, 2017.
<https://youtu.be/qCNuUFBuA74>.
- Stack, Liam. 2019. "Over 1,000 Hate Groups Are Now Active in the United States, Civil Rights Group Says." *The New York Times*, February 20, 2019.
<https://www.nytimes.com/2019/02/20/us/hate-groups-rise.html>.
- U.S. Attorney's Office for the Eastern District of Louisiana. 2019. "Louisiana Man Sentenced for Violating Civil Rights of Woman with Disabilities." Press release, October 31, 2019.
<https://www.justice.gov/usao-edla/pr/louisiana-man-sentenced-violating-civil-rights-woman-disabilities>.
- U.S. Attorney's Office for the Western District of Texas. 2020. "Texas Man Charged with Federal Hate Crimes and Firearm Offenses Related to August 3, 2019, Mass-Shooting in El Paso." Press release, February 6, 2020. <https://www.justice.gov/usao-wdtx/pr/texas-man-charged-federal-hate-crimes-and-firearm-offenses-related-august-3-2019-mass>.
- USA Today. 2020. "Man Who Wore KKK Hood at California Grocery Store May Be Charged with Hate Crime, Authorities Say." May 5, 2020.
<https://www.usatoday.com/story/news/nation/2020/05/05/hate-crime-man-kkk-hood-california-grocery-store-may-charged/3083336001/>.
- Wisconsin v. Mitchell. 508 U.S. 476 (1993). <https://supreme.justia.com/cases/federal/us/508/476/>.
- Wormser, Richard. 2003. *The Rise and Fall of Jim Crow*. New York: Macmillan.

Endnotes

- ¹ FBI 2022a.
- ² FBI 2022b, 1.
- ³ Alqadi, McNerny, and Whalen 2013, 13.
- ⁴ IACP 2021, 4.
- ⁵ IACP 2021, 2; 18 U.S.C. §249.
- ⁶ Freilich and Chermak 2013, 8.
- ⁷ IACP 2021, 3.
- ⁸ DOJ 1998, 6–9; IACP 2021, 2.
- ⁹ Wormser 2003, 8.
- ¹⁰ History.com 2022b.
- ¹¹ History.com 2022b.
- ¹² History.com 2022b.
- ¹³ Immigration History 2023a.
- ¹⁴ Immigration History 2023b.
- ¹⁵ Executive Order 9066, 1942.
- ¹⁶ History.com 2021.
- ¹⁷ History.com 2022a.
- ¹⁸ History.com 2022b.
- ¹⁹ Boyd 2022.
- ²⁰ Matthew Shepard Foundation 2023.
- ²¹ Civil Rights Division 2018.
- ²² FBI 2022b, 9–16.
- ²³ FBI 2020.
- ²⁴ FBI 2019.
- ²⁵ OJP 2021.
- ²⁶ Freilich and Chermak 2013, 16; Glaser, Dixit, and Green 2002.
- ²⁷ Glaser, Dixit, and Green 2002.
- ²⁸ OPA 2019b.
- ²⁹ OJP 2021.
- ³⁰ U.S. Attorney’s Office for the Western District of Texas 2020.
- ³¹ Green, Abelson, and Garnett 1999.
- ³² FBI 2020.
- ³³ Ciarlante and Fountain 2010, 5.
- ³⁴ Freilich and Chermak 2013, 16.
- ³⁵ DOJ 1997, 11.
- ³⁶ Dunbar, Quinones, and Crevecoeur 2005.
- ³⁷ Marzullo and Libman 2009.
- ³⁸ OPA 2019c.
- ³⁹ NBC News 2014.
- ⁴⁰ OPA 2017.
- ⁴¹ FBI 2020.
- ⁴² Freilich and Chermak 2013, 16.
- ⁴³ Freilich and Chermak 2013, 16.
- ⁴⁴ FBI 2020.
- ⁴⁵ OPA 2020.
- ⁴⁶ FBI 2022, 77.
- ⁴⁷ OPA 2019a.
- ⁴⁸ FBI 2022, 77–78.
- ⁴⁹ Mukherji 2019.
- ⁵⁰ FBI 2020.
- ⁵¹ U.S. Attorney’s Office for the Eastern District of Louisiana 2019.
- ⁵² Freilich and Chermak 2013, 14–16; Levin and McDevitt 2002.
- ⁵³ Byers and Crider 2002.

-
- ⁵⁴ DOJ 1997, 20.
- ⁵⁵ Dunbar, Quinones, and Crevecoeur 2005.
- ⁵⁶ IACP 2021.
- ⁵⁷ Freilich and Chermak 2013, 11.
- ⁵⁸ DOJ 1997, 60.
- ⁵⁹ DOJ 1997, 21.
- ⁶⁰ ADL 2022b.
- ⁶¹ FBI 2022, 29.
- ⁶² Freilich and Chermak 2013, 9.
- ⁶³ Messner, McHugh, and Felson 2004; McDevitt et al. 2001.
- ⁶⁴ FBI 2022, 6.
- ⁶⁵ DOJ 1997, 15.
- ⁶⁶ ADL 2022a.
- ⁶⁷ *Cohen v. California*.
- ⁶⁸ *Wisconsin v. Mitchell*.
- ⁶⁹ Kena and Thompson 2021, 2.
- ⁷⁰ DOJ 1997, 18.
- ⁷¹ Lane, Shaw, and Kim 2009; IACP 2022.
- ⁷² IACP 2022.
- ⁷³ IACP 2022.
- ⁷⁴ Kearney, Plax, and Waldeck 2001, 75.
- ⁷⁵ FBI 2022, 74.
- ⁷⁶ FBI 2022, 77.
- ⁷⁷ FBI 2022, 78.
- ⁷⁸ DOJ 1997, 35.
- ⁷⁹ DOJ 2022.
- ⁸⁰ DOJ 2021.
- ⁸¹ Sandholtz, Langston, and Planty 2013.
- ⁸² Davis and O'Neill 2016.
- ⁸³ IACP 2021, 8–9.
- ⁸⁴ IACP 2022, 5.
- ⁸⁵ Saw, Yellow Horse, and Jeung 2021, 2.
- ⁸⁶ Saw, Yellow Horse, and Jeung 2021, 1.
- ⁸⁷ Saw, Yellow Horse, and Jeung 2021, 4.
- ⁸⁸ IACP 2022.
- ⁸⁹ Alqadi, McInerney, and Whalen 2013, 8.
- ⁹⁰ Alqadi, McInerney, and Whalen 2013, 8.
- ⁹¹ IACP 2021, 6.
- ⁹² Alqadi, McInerney, and Whalen 2013, 8.
- ⁹³ Alqadi, McInerney, and Whalen 2013, 16.



Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at cops.usdoj.gov.

e072214023

From: "Comrie, Nazmia (COPS)" (b) (6) >
To: Michael Lieberman (b) (6) >, "Mody, Saeed (OASG)"
<(b) (6)>, Nadia Aziz (b) (6) <(b) (6)>
(b) (6), David Stacy (b) (6) <(b) (6)>
<(b) (6)>, Marlene Sallo (b) (6) >

Subject: RE: DOJ Training for Line-Officers on Hate Crimes Recognition

Date: Wed, 15 Mar 2023 09:32:30 -0400

Importance: Normal

Inline-Images: image001.png

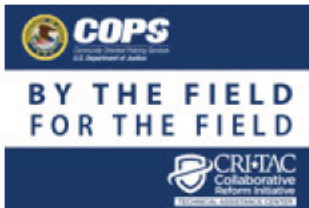
Good morning,

Thank you, Saeed!

Michael, absolutely. Can you provide some times that work for you and your team and I can check my schedule?

Thank you,

Nazmia E.A. Comrie (she/her)
Senior Program Specialist, The COPS Office
(b) (6)



For free, customized technical assistance, please visit
<https://cops.usdoj.gov/collaborativereform>.

From: Michael Lieberman (b) (6) >
Sent: Wednesday, March 15, 2023 8:09 AM
To: Mody, Saeed (OASG) (b) (6); Nadia Aziz (b) (6) <(b) (6)>; David Stacy (b) (6) <(b) (6)>; Marlene Sallo (b) (6) >
Cc: Comrie, Nazmia (COPS) (b) (6) >
Subject: [EXTERNAL] RE: DOJ Training for Line-Officers on Hate Crimes Recognition

Good morning Saeed,
Thanks for following up on our request. Thanks for making this resource available to us.
I look forward to reviewing it.

Good to meet you Nazmia.
Perhaps our team could meet with you to discuss our collective views in the next weeks?
Michael



Michael Lieberman he/him/his
Senior Policy Counsel, Hate & Extremism | Policy
Southern Poverty Law Center & SPLC Action Fund

T (b) (6)
(b) (6) | splcenter.org | splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-

mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.

From: Mody, Saeed (OASG) (b) (6)

Sent: Tuesday, March 14, 2023 10:11 PM

To: Nadia Aziz (b) (6) >; Michael Lieberman (b) (6) ; (b) (6)

David Stacy <(b) (6) > (b) (6) ; Marlene Sallo (b) (6) >

Cc: Comrie, Nazmia (COPS) (b) (6) >

Subject: DOJ Training for Line-Officers on Hate Crimes Recognition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Duplicative Records

From: "Moossy, Robert (CRT)" (b) (6) >
To: "Sooknanan, Sparkle (OASG)" (b) (6) >, "Braden, Myesha (ODAG)" <(b) (6)>, "Cochran, Shaylyn (OAG)" (b) (6) >
Cc: "Bradford, Aryele (PAO)" (b) (6) >, "Weiner, Robert (CRT)" (b) (6) >, "Rojas, Mikael (CRT)" (b) (6) >

Subject: RE: Seattle PD

Date: Thu, 23 Mar 2023 12:02:01 -0400

Importance: Normal

Attachments: SPD_Tick_Tock_2023.03.22.To_SMO_3.23.docx

Attached is the most recent rollout schedule in more detail.

From: Moossy, Robert (CRT)
Sent: Monday, March 20, 2023 2:41 PM
To: Sooknanan, Sparkle (OASG) (b) (6) >; Braden, Myesha (ODAG) <(b) (6)>; Cochran, Shaylyn (OAG) (b) (6) >
Cc: Bradford, Aryele (PAO) <(b) (6)>; Weiner, Robert (CRT) (b) (6) >; Rojas, Mikael (CRT) (b) (6) >
Subject: Seattle PD

Team,

We will get you the more detailed rollout package later this week, but wanted to give you the outlines now. Note we will file a Joint Motion, DOJ Memo in Support, [City will file a Memo in Support], and Transition Agreement:

3/27

Morning: Depart DC to Seattle

afternoon: Arrive Seattle (FrontOffice team is AAG Clarke, DAAG Moossy, Mikael Rojas)

afternoon: Meet with USAO re CRT Overview and priorities

3/28 (PST)

OPA issues Press advisory

9:30 am Heads-up calls to National Groups (Police and NGO)

9:30 File Motion, City Memo, DOJ Memo, Transition Agreement

10 am Press Conference with Mayor and Chief (speakers AAG Clarke and Mayor, maybe Chief)

10 am Issue Press Release

10 am OLA Notice to Federal Delegation

10 am Issue Press Release

11 am SPD Command Staff meeting

1pm Meet with NGO enforcement partners (ACLU, Defenders, Community Policing Comm'n)

1:30 pm Meet with local community groups

Afternoon: Zoom with National CRT groups (tentative)

4 pm Return to DC

Robert J. Moossy, Jr.

Deputy Assistant Attorney General

Civil Rights Division

United States Department of Justice

**ANNOUNCEMENT OF AGREEMENT ON SUSTAINED COMPLIANCE
WITH CITY OF SEATTLE AND THE SEATTLE POLICE DEPARTMENT**

Last Updated: March 22, 2023

TICK TOCK

	<u>DAY BEFORE ANNOUNCEMENT: March 27, 2023</u>		
Time/Place	Event/Purpose	DOJ	Attendees/Audience
12:30 pm PDT	Welcome meeting with Nick Brown, U.S. Attorney and Tessa M. Gorman, First Assistant U.S. Attorney Location: United States Attorney's Office 700 Stewart Street Seattle, WA 98101	• Kristen Clarke, Assistant Attorney General, Civil Rights Division • Nick Brown, United States Attorney • Tessa M. Gorman, First Assistant United States Attorney • Robert Moossy, Deputy Assistant Attorney General • Tim Mygatt, Deputy Chief, Special Litigation Section • Additional SPL/USAO Staff TBD	

12:45 pm PDT	All Staff Meeting at USAO highlighting work of the Civil Rights Division/meeting with USAO Civil Rights Unit Location: United States Attorney's Office 700 Stewart Street Seattle, WA 98101	• Kristen Clarke, Assistant Attorney General, Civil Rights Division • Nick Brown, United States Attorney • Tessa M. Gorman, First Assistant United States Attorney • Robert Moossy, Deputy Assistant Attorney General • Tim Mygatt, Deputy Chief, Special Litigation Section	
2:00 pm PDT	Calls to national leaders/validators	• Kristen Clarke, Assistant Attorney General, Civil Rights Division •	• NAACP • LDF • Leadership Conference • PERF/Chuck Wexler • Policing Project/Barry Friedman • FOP/Jim Pasco • TBD
3:30 pm PDT	Embargoed interview with Mike Carter, Seattle Times	• Kristen Clarke, Assistant Attorney General, Civil Rights Division • Tessa M. Gorman, Acting United States Attorney (Acting U.S. Attorney for SPD matter)	

		• Robert Moossy, Deputy Assistant Attorney General • Tim Mygatt, Deputy Chief, Special Litigation Section • Additional SPL/USAO Staff TBD	
--	--	---	--

<u>DAY OF ANNOUNCEMENT: March 28, 2023 @ 10:00 am PST</u>			
Time/Place	Event/Purpose	DOJ	Attendees/Audience
8:30 am PDT	Announce press conference at 10:00 am PST for a major civil rights announcement	• OPA	
8:30 am PDT	Email Community Stakeholders inviting them to a meeting at 12:30	• Matt Waldrop/Kerry Keefe, Assistant United States Attorney, USAO	
9:30 am PDT	Meeting with Mayor, City Attorney, and Chief of Police to prepare for press conference Location: Courthouse Courthouse/United States Attorney's Office 700 Stewart Street Seattle, WA 98101	• Kristen Clarke, Assistant Attorney General, Civil Rights Division • Tessa M. Gorman, Acting United States Attorney • Robert Moossy, Deputy Assistant Attorney General • Tim Mygatt, Deputy Chief, Special Litigation Section • Additional SPL/USAO Staff TBD	• Mayor Bruce Harrell • Chief Adrian Diaz • [City Attorney Ann Davison] • City/SPD/CAO Staff TBD
9:45 am PDT	File Agreement on Sustained Compliance and Joint Motion/Memoranda in Support	• Matt Waldrop, Assistant United States Attorney	• Kerala Cowart, Assistant City Attorney
10:00 am PDT	Press Conference to announce Agreement on Sustained Compliance	• Tessa M. Gorman, Acting United States Attorney (introductions)	• Bruce Harrell, Mayor of Seattle

<u>DAY OF ANNOUNCEMENT: March 28, 2023 @ 10:00 am PST</u>			
Time/Place	Event/Purpose	DOJ	Attendees/Audience
	Location: Courthouse Courthouse/United States Attorney's Office 700 Stewart Street Seattle, WA 98101	Kristen Clarke, Assistant Attorney General, Civil Rights Division	
During Press Conference	OLA sends press release to federal delegation while AAG is speaking	OLA	
At Start of Press Conference	**Issue Press Release **	OPA	
Following Press Conference	Notify national law enforcement groups (send AAG remarks/press release).	CRT Front Office	- FOP - IACP - NAPO - PERF - MCC
Following Press Conference	Notify national civil rights organizations (send AAG remarks/press release). Offer briefing by SPL at a later date.	CRT Front Office	NAACP LDF, NAACP, ACLU, SPLC, Advancement Project, MALDEF, Leadership Conference

DAY OF ANNOUNCEMENT: March 28, 2023 @ 10:00 am PST

Time/Place	Event/Purpose	DOJ	Attendees/Audience
Following Press Conference	Notify police unions and offer to meet (send press release).	• Matt Waldrop, Assistant United States Attorney	• Seattle Police Officer's Guild • Seattle Police Management Association
11:00 am PDT	Meeting with Command Staff to congratulate on reaching this milestone, discuss next steps Location: West Precinct 810 Virginia Street Seattle, WA 98101	• Kristen Clarke, Assistant Attorney General, Civil Rights Division • Tessa M. Gorman, Acting United States Attorney • Robert Moossy, Deputy Assistant Attorney General • Tim Mygatt, Deputy Chief, Special Litigation Section • Additional SPL/USAO Staff TBD	• SPD Command Staff, Chief to coordinate participants
12:15 pm PDT	Meeting with community stakeholders Location: Thomas Wales Conference Room, US Attorney's Office, Fifth Floor, 700 Stewart Street, Seattle, WA 98101	• Kristen Clarke, Assistant Attorney General, Civil Rights Division • Tessa M. Gorman, Acting United States Attorney • Tim Mygatt, Deputy Chief, Special Litigation Section • Additional SPL/USAO Staff TBD	• See attachment below

DAY OF ANNOUNCEMENT: March 28, 2023 @ 10:00 am PST

Time/Place	Event/Purpose	DOJ	Attendees/Audience
1:15 pm PDT	Civil Rights Community Meeting Location: United States Attorney's Office 700 Stewart Street Seattle, WA 98101	• Kristen Clarke, Assistant Attorney General, Civil Rights • Nick Brown, United States Attorney • Tessa M. Gorman, First Assistant United States Attorney • Tim Mygatt, Deputy Chief, Special Litigation Section • Additional SPL/USAO Staff TBD	• Attendee List being developed by USAO
2:00 pm PDT	AAG Clarke Departs for airport	• Kristen Clarke, Assistant Attorney General, Civil Rights	

Attachment

Community Stakeholders Meeting Attendees	
• Rev. Harriett Walden, Founder, Mothers for Police Accountability; CPC Co-Chair • Rev. Patricia Hunter, Rev. Mt. Zion Baptist Church, CPC Co-Chair • Joel Merkel, Co-Chair CPC • Michele Storms, Exe. Director, ACLU-WA • Estella Ortega, Exe. Director, El Centro • Diane Narasaki, Former Director, Asian Counseling & Referral Service • L. Darrell Powell, President, NAACP King County • Lisa Dugaard, Public Defender Association/Former CPC Co-Chair • Fé Lopez, Public Defender Association/Former CPC Exe. Dir. • Jay Hollingsworth, John T. Williams Organizing Committee/Former CPC	

•	Reverend Aaron Williams, Mt. Zion Baptist Church, Former CPC	
•	Isaac Ruiz, Former CPC co-chair	
•	Enrique Gonzalez, Former CPC	

From: "Higginbotham, Ryan K (OLP)" (b) (6)

To: "Policy, CRT (CRT)" (b) (6), "Policy, AAG (CRT)"

(b) (6) [REDACTED], "Stevens, Karen L (CRT)" (b) (6)

"Lopez, Louis (CRT)" (b) (6), "Weiner, Robert (CRT)"

(b) (6) [REDACTED] >, "Smith, Johnathan (CRT)" (b) (6) [REDACTED] >.

"Douglas, Joshua (CRT)"(b) (6), "Morales, Michelle (CRM)"

(b) (6) _____, "Brink, David (CRM)" (b) (6) _____, "Opl,

Legislation (CRM)" (b) (6) >, NSD Policy

(b) (6) >, "NSD LRM Mailbox (NSD)"

(b) (6) [REDACTED], "policy, civil (CIV)" (b) (6) [REDACTED], (b)(6) per OVW

“(OVW)”(b) (6), (b)(6) per OVW (OVW)”

(b) (6) [REDACTED] Bernstein, Jesse M. (ATJ)

(b) (6), "Maher, Robin (ATJ)" (b) (6)

"Chaney, Christopher B. (OTJ)" (b) (6) (b)(6) per EOUSA

(USAE0)"(b) (6) >,(b)(6), (b)(7)(C) per ATF

(b) (6) OPCL.policy (b) (6) >, "Smith, Justin

(ENRD)"(b) (6) >, "Alder Reid, Lauren (EOIR)"

(b) (6) [REDACTED], "Wills, James (BOP)" (b) (6), "Jacobs,

Jeanne H.(OTJ)"(b) (6), "Harvey, Judy (ENRD)"

(b) (6) [REDACTED] >, "Oakes, Matthew (ENRD)" (b) (6) >.

(b)(6), (b)(7)(C) per ATF (ATF)" (b) (6), "Diegor, Melody L. (CRS)"

(b) (6), (b)(7)(C) per FBI [redacted] (CID) (FBI)" (b)(6), (b)(7)(C) per FBI [redacted],

CJISD) (FBI)" (b)(6), (b)(7)(C) per FBI

Cc: "Evans, DeAnna E. (OLP)" (b) (6) >, "Ruiz, Hector (OLP)"

(b) (6) [REDACTED], "Mody, Saeed (OASG)" (b) (6)

Subject: Please respond by 5 pm Friday, March 31: Advance Questions for ICCPR Civil Society Consultation

Date: Mon, 27 Mar 2023 13:29:30 -0400

Importance: High

Attachments: Advanced_Questions_U.S._ICCPR_Consultation_with_CSO_April_19_2023.docx;
Advanced_Questions_Background.docx

Colleagues:

I am attaching the advance questions for the April 19 civil society consultation on the ICCPR. Would you please review them this week and advise **by 5 pm Friday** as to which questions you are in a position to address or provide talking points for? (To be clear, you don't need to draft talking points by Friday; I'm simply seeking to identify components that can respond during the consultation or provide talking points for the consultation.)

In addition, a reminder to please advise **by 5 pm tomorrow** whether your component can participate in the April 19 consultation. I've heard from ATF, CRT, ENRD, NSD, OPCL, OVW.

Thank you,

Ryan K. Higginbotham
Counsel
Office of Legal Policy
U.S. Department of Justice

(b) (6)

(b) (6)

From: Higginbotham, Ryan K (OLP)

Sent: Wednesday, March 15, 2023 4:40 PM

To: Policy, CRT (CRT)(b) (6); Policy, AAG (CRT)(b) (6); Stevens, Karen L (CRT)(b) (6); Lopez, Louis (CRT)(b) (6); Weiner, Robert (CRT)(b) (6); Smith, Johnathan (CRT)(b) (6); Douglas, Joshua (CRT)(b) (6); Morales, Michelle (CRM)(b) (6); Brink, David (CRM)(b) (6); Opl, Legislation (CRM)(b) (6); NSD Policy(b) (6); NSD LRM Mailbox (NSD)(b) (6); policy, civil (CIV)(b) (6); (b)(6) per OVW (OVW)(b) (6); (b)(6) per OVW (OVW)(b) (6); Bernstein, Jesse M. (ATJ)(b) (6); Maher, Robin (ATJ)(b) (6); Chaney, Christopher B. (OTJ)(b) (6); (b)(6) per EOUSA (USAEO)(b) (6); (b)(6), (b)(7)(C) per ATF (ATF)(b) (6); OPCL.policy(b) (6); Smith, Justin (ENRD)(b) (6); Alder Reid, Lauren (EOIR)(b) (6); Wills, James (BOP)(b) (6); Jacobs, Jeanne H.(OTJ)(b) (6); Harvey, Judy (ENRD)(b) (6); Oakes, Matthew (ENRD)(b) (6); (b)(6), (b)(7)(C) per ATF (ATF)(b) (6); Diegor, Melody L. (CRS)(b) (6);

Cc: Evans, DeAnna E. (OLP)(b) (6); Ruiz, Hector (OLP)(b) (6); Mody, Saeed (OASG)(b) (6);

Subject: Please respond by 5 pm Tues., 3/28-Participation in April 19 ICCPR civil society consultation

Importance: High

Colleagues:

The State Department has scheduled a civil society consultation for April 19 regarding the United States' implementation of the [International Covenant on Civil and Political Rights](#) (ICCPR).

The United States is scheduled to make a presentation on its implementation of the ICCPR on October 17-18, 2023. The April 19 consultation will be the second of the civil society consultations: February 23, **April 19**, May 25, July 6 (tentative date), and just prior to the presentation itself. The consultations give civil society organizations the opportunity to ask questions and raise concerns in dialogue with USG representatives. The consultations will help prepare the United States for the presentation because many of the presentation questions will be drawn from civil society submissions. Information about the topics of the consultations is provided below.

Topics to be discussed on April 19, 2023
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)
Freedom of expression (Art. 19), Hate crimes
Freedom of assembly and association (Arts. 21 and 22) (e.g., state anti-demonstration laws)
Freedom of Religion or Belief
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)
LGBTQI+ Persons

Civil society organizations have been asked to submit advance questions by March 23. (The meeting link has not been circulated yet.)

Would you please advise **by 5 pm Tuesday, March 28** whether your component can participate in the April 19 consultation. I will circulate the advance questions as soon as I receive them.

Thank you,

Ryan K. Higginbotham
Counsel
Office of Legal Policy
U.S. Department of Justice

(b) (6)

(b) (6)

Advanced Questions
U.S. ICCPR Consultation with CSO, April 19th, 2023
****last updated: 24 March 2023****

Theme	CSO	Question	Agency
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Physicians for Human Rights, <i>Michael Payne</i>	1. How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?	
	Global Justice Center, <i>Elena Sarver</i>	----- 1. The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? (a) related: Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes? -----	

SENSITIVE BUT UNCLASSIFIED

	Justice Clinic at University of California, Irvine School of Law, Eric Nguyen	1. As illustrated in the Center’s 2022 Report “American Dragnet: Data-Driven Deportation in the 21st Century,” ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S and used that data to subject people to detention and deportation. Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights? (a) Related: On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. When is ICE planning to publicly respond to this letter? 2. The Department of Homeland Security (“DHS”), of which ICE and CBP are part, has stated publicly that it will “continue to implement safeguards for privacy, transparency, civil rights, and civil liberties.” What steps is DHS taking to address the issues raised through the Center’s report and Senator’s oversight letter to make ICE and CBP’s immigration enforcement operations comply with the ICCPR and its commitment to privacy protection? 3. Is the Department of Justice planning to impose restrictions on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to	
--	---	---	--

		safeguard people's right to privacy (under ICCPR art. 17)? 4. As raised by Representative Eshoo (D-CA) last September, will the Federal Trade Commission investigate the problem of large-scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy? ----- 1. What steps are the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that Countering Violent Extremism (CVE) programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made? ----- 1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal	
	Asian American Advancing Justice - Asian Law Caucus, <i>Hammad Alam,</i> <i>Caroline Marks</i> Main Street Legal Service, CUNY School of Law, <i>Cynthia Soohoo</i>		

	Law, Hinako Sugiyama	2. As seen recent journalist East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically charged events. What steps has the US taken to ensure police officers responding to these events are aware of the rights of journalists and protect and promote the rights to freedom of expression, assembly, and association? (a) Related: When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly?	
Freedom of Religion or Belief	Southern Poverty Law Center, Lisa Borden	1. Given the obvious incentive for some political and advocacy groups to be designated as churches for IRS purposes, what is the review process for organizations that seek this status? (a) Related: Will the Biden administration identify the political advocacy organizations that have sought church status – and those that have been granted church status – over the past five years? (b) Related: What steps will be taken to address improper designations of church status?	
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Southern Border Communities Coalition (SBCC), Ricky Garza	1. How are the DOJ and DHS addressing their lack of compliance with the ICCPR's arbitrary enforcement (Art. 9) and nondiscrimination (Art. 26) provisions with respect to profiling by US Customs and Border Protection? (a) Related: How is Congress addressing this issue? -----	

	International Association for Official Human Rights Agencies (IAOHRA), <i>Alisa Warren</i>	1. What steps have been taken to date to consider the formation of an NHRI, and what, if any, determinations have been made, and on what basis? 2. How does the federal government intend to coordinate with state and local governments to support and encourage state and local human rights implementation and ensure compliance with our obligations under the ICCPR, especially in light of recent actions taken by states such as Tennessee and Florida which directly deprive LGBTQI+ persons of their rights under Article 19 and Article 26? 3. What actions has the United States taken, and what action will be taken, to make information on the U.S. obligations under the ICCPR and other international human rights treaties easily accessible and understandable for state and local officials? ----- Physicians for Human Rights, <i>Michael Payne</i> 1. What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination? ----- 1. Considering restricting access to abortion discriminates against women and girls, violating the right to equality	
--	---	---	--

	Global Justice Center, Elena Sarver	and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected	
LGBTQI+ Persons	Southern Poverty Law Center, Lisa Borden	1. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future?	

Southern Poverty Law Center, Lisa Borden, 3/9/23

- The data provided by the FBI's annual report under the **Hate Crime** Statistics Reporting Act has always been incomplete and inconsistent due to the voluntary nature of reporting by the nation's law enforcement agencies. Nevertheless, until now it has been the most important and comprehensive national snapshot of hate violence in the US. The 2021 report, released in December, was dramatically incomplete, with far fewer agencies participating than in prior years, with 90 million fewer people were included in the reporting. These included dozens of very large cities, like New York, Los Angeles and Chicago, and almost the entire states of Florida and California. Much of the latest drop in participation is related to the FBI's transition to a new reporting system. What steps will the administration take to ensure complete and accurate reporting to the greatest extent possible in future years? Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?
- It is vital that government officials, whether elected or appointed, use their public platforms to condemn hate-fueled violence. We appreciate and applaud this administration's statements of support for **LGBTQ people and communities**, and the actions it has taken to promote their equal rights. However, it is also essential that our government exercise caution to avoid participating in the platforming, mainstreaming, and normalization of people and groups who espouse hateful ideologies that can lead – and have led – to violence. Earlier this year, Secretary of State Antony Blinken, Ambassador Beth van Schaack, USAID Administrator Samantha Power, and other administration officials participated in the International Religious Freedom Summit. Speakers and sponsors of the Summit, which was co-chaired by former Trump administration Ambassador-at-Large for Religious Freedom and Kansas Gov. Sam Brownback, included Tony Perkins of the Family Research Council, Alliance Defending Freedom, Samaritan's Purse (led by Franklin Graham) and other organizations that are well known for spreading hate and disinformation about LGBTQ people, for advocating the re-criminalization of same sex relations, the legalization of discrimination against LGBTQ people, and even worse. Many of these people and groups have sought to use religious freedom as a weapon to thwart the freedom of others and to turn back the clock to a time when LGBTQ people did not have equal rights. We are alarmed that Biden administration officials would lend legitimacy to them, not only by appearing at an important conference with them, but also by not including any denunciation of such views in their remarks. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future?
- Press reports have documented a disturbing new trend in which overtly political advocacy organizations – including some of the most prominent and active anti-LGBTQ advocacy organizations – have successfully claimed that they should be recognized and treated as “churches” under US Internal Revenue Service code provisions. This privileged tax status designation frees them from significant transparency, accountability, and financial disclosure requirements – involving donors, salaries, and other expenditures – that apply to other tax-exempt non-profit organizations. However, these groups do not possess many of the identified attributes of churches under IRS guidelines. For example, they do not have a form of religious

worship, hold religious worship services, employ clergy, or have affiliated congregations. **Given the obvious incentive for some political and advocacy groups to seek this privileged status, what is the review process for organizations that seek to be designated as churches for IRS purposes? Will the Biden administration identify the political advocacy organizations that have sought church status – and those that have been granted church status – over the past five years? What steps will be taken to address improper designations of church status?**

International Center for Not for Profit Law, Nick Robinson, 3/15/23

- Over the last several years, the United States has witnessed widespread violations of Americans right to peaceful assembly, including numerous incidents of police violence against nonviolent protesters and unjustified arrests. The country's federal counter-terrorism infrastructure has been used to surveil and spread misinformation about nonviolent protesters and, recently, in Georgia, activists, including nonviolent protesters and a legal observer, have been charged under the state's domestic terrorism law, which carries a mandatory sentence of 35 years in jail. According to ICNL's Protest Law Tracker, since 2017, 20 states have enacted at least 39 anti-protest bills. The government has also repeatedly failed to protect protesters from intimidation and violence from armed counter-protesters and vigilantes, particularly at LGBTQ, reproductive rights, and racial justice protests. Studies have shown if third parties with firearms are present at a protest violence is much more likely to result and people are much less likely to attend the demonstration.
- We support recent initiatives of the federal government to better secure protest rights, including new guidelines from COPS on the policing of protests; pattern and practice investigations that examine First Amendment violations, including in Louisville, Kentucky; and the Justice Department filing a statement of interest against HB 1 in Florida, a law which had created a new sweeping crime of rioting that can capture nonviolent conduct.
- Given the scale of past violations and current threats to protest rights in the U.S., what coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? Specifically, what is the federal government's short, mid, and long term strategy for protecting protest rights in the country?

Southern Border Communities Coalition (SBCC), Ricky Garza, 3/23/23

Although ICCPR Article 26 recognizes the right to equal protection and prohibits discrimination, U.S. Customs and Border Protection (CBP) engages in racial and identity profiling, which is a form of discrimination.

Although the Department of Justice has issued guidance to federal law enforcement limiting profiling, it has carved out an exception near the border, stating that their guidance "does not apply to interdiction activities in the vicinity of the border, or to protective, inspection, or screening activities." FN 1. CBP's policy permits the use of race and ethnicity in violation of ICCPR Art. 26, allowing that "CBP personnel may use race or ethnicity when a compelling governmental interest is present and its use is narrowly tailored to that interest" where "national security is per se a compelling interest". FN 2.

The profiling that CBP engages in is often combined with the agency's arbitrary searches using their warrantless search powers granted in 8 USC 1357(a)(3), which itself violates ICCPR Art. 9. As a result, people of color are stopped, asked for their papers, and searched *inside the country* by border agents without cause, undermining their human rights.

How are the DOJ and DHS addressing their lack of compliance with the ICCPR's arbitrary enforcement (Art. 9) and nondiscrimination (Art. 26) provisions with respect to profiling by CBP? How is Congress addressing this issue?

FN 1: Department of Justice, Guidance for Federal Law enforcement Agencies Regarding The Use Of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Or Gender Identity at FN 2 (December 2014), https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf.

FN 2: U.S. Customs and Border Protection, CBP Policy on Nondiscrimination in Law Enforcement Activities and all other Administered Programs (Last Modified May 24, 2022), <https://www.cbp.gov/about/eeo-diversity/policies/nondiscrimination-law-enforcement-activities-and-all-other-administered>

International Association for Official Human Rights Agencies (IAOHRA), Alisa Warren (3/23/23)

The members of IAOHRA are active in the mission of securing domestic compliance with human rights standards and the enforcement of anti-discrimination measures within jurisdictions throughout the country. In recent years these agencies have sought to become more active and have specifically requested support from the federal government, but to date have not received the sustained federal guidance and support necessary for a comprehensive and coordinated nationwide approach to human rights. After last year's CERD review, the U.S. accepted recommendations to take the establishment of a National Human Rights Institute under consideration. This recommendation has also been made in the past ICCPR reviews, and has already been raised through these consultations, demonstrating the importance of this issue. Currently, the United States is one of few democratic nations to lack a NHRI.

Our questions are: (a) what steps have been taken to date to consider the formation of an NHRI, and what, if any, determinations have been made, and on what basis?

(b) how does the federal government intend to coordinate with state and local governments to support and encourage state and local human rights implementation and ensure compliance with our obligations under the ICCPR, especially in light of recent actions taken by states such as Tennessee and Florida which directly deprive LGBTQI+ persons of their rights under Article 19 and Article 26?

(c) what actions has the United States taken, and what action will be taken, to make information on the U.S. obligations under the ICCPR and other international human rights treaties easily accessible and understandable for state and local officials?

Physicians for Human Rights , Michael Payne, (3/23/23)

What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination? How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?

Global Justice Center, Elena Sarver, (3/23/23)

Privacy:

- The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes?

Non-Discrimination/Equality:

- Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected?

Justice Clinic at University of California, Irvine School of Law, Eric Nguyen, (3/23)

1. U.S. Immigration and Customs Enforcement's acquisition and use of personal data
As illustrated in the Center's 2022 Report "American Dragnet: Data-Driven Deportation in the 21st Century," ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S, and used that data to subject people to detention and deportation. This practice of oversight-free dragnet surveillance interferes with the right to privacy (ICCPR art. 17) as well as the right to freedom of expression (ICCPR art. 19(2)) by chilling the exercise of freedom of expression by individuals and whole communities.. In addition, ICE has discriminatorily arrested and charged potential sponsors of unaccompanied children based on the information shared by the ORR in violation of individuals' right to protection of the family (ICCPR art. 23(1)) and the unaccompanied child's interest in having a guardian (under ICCPR art. 24(1)). **Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights?** On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. **When is ICE planning to publicly respond to this letter?**

The Department of Homeland Security ("DHS"), of which ICE and CBP are part, has stated publicly that it will "continue to implement safeguards for privacy, transparency, civil rights, and civil liberties." **What steps is DHS taking to address the issues raised through the Center's report and Senator's oversight letter to make ICE and CBP's immigration enforcement operations comply with the ICCPR and its commitment to privacy protection?**

2. Use of geofence warrants to target healthcare providers and their patients at abortion clinics
A "geofence" warrant (or "reverse location warrant") requests location data revealing what mobile devices were present in a specified area during a particular time period. In the wake of the *Dobbs* decision, there is increasing concern that these geofence warrants could be used to target healthcare providers and patients at abortion clinics. **Is the Department of Justice planning to impose restrictions**

on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people's right to privacy (under ICCPR art. 17)?

3. Private companies' large scale location data collection which runs the risk of abuse by police. Companies are creating massive databases of mobile devices location information stored through various apps and then allowing police to use it without a warrant, enabling them to track devices' locations. App users may not be aware of these consequences when they download these apps. One particular concern is the ability of police to surveil people seeking abortion, even seeing if any devices cross over into a state where abortion is legal and then returning. As raised by Representative Eshoo (D-CA) last September, **will the Federal Trade Commission investigate the problem of large scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy (under ICCPR art. 17)?**

International Justice Clinic at UC Irvine School of Law, Hinako Sugiyama, (3/24/23)

Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020?

As seen in the recent arrest of a journalist covering the East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically-charged events. What steps has the US taken to ensure police officers responding to these events (1) are aware of the rights of journalists and (2) protect and promote the rights to freedom of expression, assembly, and association? When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly?

A People's Law Office, Jenipher Jones (comment only, 3/23/23)

Women Lead Network, Denice Labertew (comment only, 3/24/23)

Asian American Advancing Justice - Asian Law Caucus, Hammad Alam, Caroline Marks (additional comment, 3/23/23)

ALC has and continues to call on the U.S. Government to abandon all CVE programs to prevent ongoing and future harms and violations of the fundamental rights of impacted communities. What steps is the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that such programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made?

Reports shared for Situational Awareness:

- International Justice Clinic at the UC Irvine School of Law prepared and released this report in December 2022 pertaining to the establishment of an American NHRI. (Shared by Judy Baladi, University of California Irvine Law School)

From: Michael Lieberman (b) (6)
To: "Mody, Saeed (OASG)" (b) (6)
Subject: [EXTERNAL] AZPOST rule changes that could result in anti-government extremist law enforcement training in Arizona
Date: Wed, 29 Mar 2023 13:06:54 -0400

Importance: Normal

Attachments: SPLC letter to Arizona Governor Katie Hobbs regarding AZPOST public safety rules.pdf; ICAP Letter on AZPOST Rule 3.21.23.pdf; ADL Arizona Letter to Governor Hobbs - Regarding AZPOST Public Safety Rule Change.pdf

Hi Saeed,
I hope you are well.

You may know that [LDF wrote to Vanita and Kristen in December](#), describing a recent Arizona POST rule change that could permit so-called "constitutional sheriffs" and other anti-government extremists to be approved by local authorities to train Arizona law enforcement officials in accredited training sessions. Their letter requested several DoJ actions, including a specific request to issue guidance that clearly rejects disinformation promoted by constitutional sheriffs groups and others that sheriffs are supreme law enforcement authorities in their jurisdictions, with the power to ignore or refuse to enforce federal and state laws.

I wanted to update you on this situation and let you know that, recently, SPLC, ICAP, and ADL have all written to Governor Hobbs, raising concerns about these recent rule amendments approved by the Arizona Peace Officer Standards and Training Board, which removed the requirement that AZPOST certify instructors for law enforcement trainings that are required by law. As we wrote, we believe that, unless additional safeguards are put in place, groups with extremist views will exploit these new rules – and individuals associated with discriminatory hate and antigovernment groups will receive contracts for accredited training. The three letters are attached. We have asked for meetings with staff for both the governor and the attorney general.

Our three groups are urging Governor Hobbs to delay implementation of the new AZPOST rule and to use her authority to seek amendments to the new rule to ensure that local law enforcement entities will not receive credit for trainings from providers that either ignore or actively encourage violations of Arizona law or federal law.

We would want to also, ensure, of course, that no federal funds could be used for these trainings.

If you know, and if it is possible to share, could you let me know the status of any efforts DoJ is making to address this situation?

I am writing to Shaylyn, Johnathan, and Myesha to ask about this, too.

Thanks very much.
Best Michael



Michael Lieberman he/him/his

Senior Policy Counsel, Hate & Extremism | Policy
Southern Poverty Law Center & SPLC Action Fund

T (b) (6)

(b) (6)

| splcenter.org | splcactionfund.org

This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e mail or any attachment is prohibited. If you have received this e mail in error, please notify the Southern Poverty Law Center immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.



March 14, 2023

The Honorable Katie Hobbs
Governor of Arizona
State Capitol
1700 West Washington
Phoenix, AZ 85007

Dear Governor Hobbs,

Established in 1971, the Southern Poverty Law Center (SPLC) has been tireless in identifying and countering hate and extremist groups – and remedying the harms they inflict, particularly on Black and Brown communities - to create a fair, inclusive, and unified nation. We are a nonprofit advocacy organization serving as a catalyst for racial justice throughout the South and beyond. The SPLC's Intelligence Project has deep expertise in identifying domestic hate groups and monitoring the activities of these groups and other extremists – including the neo-Nazi movement, racist skinheads, anti-immigrant groups, antigovernment militias, and others. We also seek to build public understanding around the danger these actors can pose to our democracy.

We are thus writing to bring to your attention a serious matter concerning official law enforcement training by domestic extremists in the state of Arizona. In 2020, during and the height of COVID public health restriction, revised public safety rules R13-4-111 and R13-4-114 under Title 13, relating to Arizona Police Officer Standards and Training (AZPOST), were passed by the Arizona Regulatory Review Commission (ARRC). The revised rules are scheduled to come into effect on April 5, 2023. Our concern is that, for the first time, the new rule will allow law enforcement agency chiefs the autonomy to choose the groups and individuals who will conduct official AZPOST certified advanced training for their officers without prior AZPOST approval.

We urge your office and the ARRC to delay the implementation of R13-4-111 until a thorough review of the implications of these rules can be conducted.

We believe that unless additional safeguards are put in place, domestic extremists will exploit the new rules. Agency heads who hold ideologically extreme views will contract training from individuals associated with discriminatory hate groups and antigovernment groups who seek to radicalize the public safety professionals in your state.

SPLC's research has documented that several county sheriffs in Arizona, who act as agency heads, are linked to domestic antigovernment and hate movements. At least a dozen Arizona county sheriffs have expressed views related to the constitutional



sheriff's movement or have engaged with organized antigovernment groups that support constitutional sheriff ideology.¹

These groups include the Constitutional Sheriffs and Peace Officers Association, Protect America Now, and the Oath Keepers militia, including an offshoot known as the Yavapai County Preparedness Team. All of whom have a history of recruiting law enforcement officers or using law enforcement agencies to legitimize and promote their extremist ideas.

So-called "constitutional sheriffs" believe they have the power to personally interpret which laws are constitutional and, further, have the discretion to decide which laws to enforce.² These elected officials may refuse to enforce both federal and Arizona state law and even city ordinances since they believe they hold supremacy over all other forms of law enforcement, lawmakers, and even America's Commander in Chief.³

Two of the largest organizations that espouse constitutional sheriff ideology and are actively attempting to radicalize America's county sheriffs are headquartered in Arizona.

The Constitutional Sheriffs and Peace Officers Association (CSPOA) is based in Higley, Arizona. The group's founder and Chairman of the Board is former Graham County, Arizona Sheriff Richard Mack.⁴ The organization has received support from former Maricopa County, Arizona constitutional sheriff Joe Arpaio and is staffed in part by Arizona residents.⁵ Pinal County Sheriff Mark Lamb is a leader and spokesperson for Protect America Now (PAN).⁶

In addition to their public stance that sheriffs may refuse to enforce particular laws, both organizations promoted election conspiracy theories in 2022.⁷ These groups are associated with the following domestic extremists:

- **White supremacists:**
 - CSPOA's Founder and Board Chairman Sheriff Richard Mack was friends and co-authors with the late Randy Weaver, an antigovernment white supremacist who was part of a 1992 standoff against the government at Ruby Ridge, Idaho.⁸

¹ Stone Simonelli, Isaac. Arizona 'ground zero' for extremist, anti-government sheriff movement.

<https://azcir.org/news/2022/10/20/arizona-constitutional-sheriffs-extremist-groups-election/>

² Southern Poverty Law Center. Constitutional Sheriffs. <https://www.splcenter.org/fighting-hate/extremist-files/ideology/constitutional-sheriffs>

³ Kase, Aaron. Controversial Arizona Sheriff Joe Arpaio Refuses to Enforce Gun Laws.

<https://www.businessinsider.com/controversial-arizona-sheriff-joe-arpaio-refuses-to-enforce-gun-laws-2013-1>

⁴ Powers, Ashley. The Renegade Sheriffs. <https://www.newyorker.com/magazine/2018/04/30/the-renegade-sheriffs>

⁵ Tsai Robert L. The troubling Sheriff Movement That Joe Arpaio Supports. <https://www.politico.com/magazine/story/2017/09/01/joe-arpaio-pardon-sheriffs-movement-215566/>

⁶ Pishko, Jessica. He Calls Himself the "American Sheriff." Whose Law Is He

Following? <https://www.politico.com/news/magazine/2021/10/15/mark-lamb-arizona-constitutional-sheriff-elections-republicans-514781>

⁷ Berzon, Alexandra and Corasaniti, Nick. 2020 Election Deniers Seek Out Powerful Allies: County Sheriff

<https://www.nytimes.com/2022/07/25/us/politics/election-sheriffs-voting-trump.html>

⁸ Carroll Rivas, Rachel and Wilson, Jason. Randy Weaver, Influential Figure for White Supremacist, Militia Movement Has Died. <https://www.splcenter.org/hatewatch/2022/05/13/randy-weaver-influential-figure-white-supremacist-militia-movements-has-died>



- CSPOA's CEO, Sam Bushman, runs an online radio network, Liberty News Radio, that distributes two white nationalist radio shows, Political Cesspool, on which he has been a guest and guest host, and Blood River Radio which features white nationalist, and antisemitic content.⁹
- CSPOA is partnered with Institute on the Constitution which is staffed by two former members of the neo-confederate group League of the South.¹⁰
- **The Oath Keepers militia:**
 - CSPOA's Advisory Board Chairman Sheriff Richard Mack was a founding Oath Keepers Board Member.¹¹
 - Advisory Board Member Brad Rogers, former county sheriff and current Elkhart Indiana Commissioner, was a member of the Oath Keepers. The group sponsored his attendance at the 2014 standoff against the government at the Bundy Ranch in Nevada.¹²
 - CSPOA spoke to the Yavapai County Preparedness Team at their Oct. 8, 2022, meeting in Chino Valley, Arizona.¹³
- **Conspiracy theorists:**
 - CSPOA leaders attended Red Pill Expo, a conference hosted by conspiracy theorist G. Edwards Griffin featuring well-known conspiracy theorists David Icke and the John Birch Society, among others.¹⁴
 - Sheriff Richard Mack was a speaker on the 2021 nationwide AriseUSA tour led by late antisemitic conspiracy theorist Robert David Steele.¹⁵
- **Sovereign citizens:**
 - On Sept. 16, 2020, Sheriff Richard Mack spoke at the event Free America Now: Uniting Sheriffs with the People, which was sponsored by sovereign citizen organization Constitutional Law Group.
 - CSPOA Advisory Board Member Dar Leaf, Sheriff of Barry County, Michigan wrote an insert for a book written by John Darash, the leader of sovereign citizen group National Liberty Alliance. Leaf also conducted training for the group.¹⁶
- **Anti-Immigration:**
 - Protect America Now (PAN) is linked to Federation for American Immigration Reform (FAIR), an anti-immigrant hate group whose founder is linked to white supremacists PAN promoted a press conference hosted by

⁹ Wilson, Jason. Constitutional Sheriffs Chief Runs Online Radio Station.

<https://www.splcenter.org/hatewatch/2023/02/28/constitutional-sheriffs-chief-runs-online-radio-station-featuring-white-supremacists>

¹⁰ Bixby, Ginny. MoCo GOP to host class led by pastor linked to neo-Confederate group.

<https://moco360.media/2023/01/30/moco-gop-to-host-class-led-by-pastor-linked-to-neo-confederate-group/>

¹¹ Southern Poverty Law Center. Constitutional Sheriffs. <https://www.splcenter.org/fighting-hate/extremist-files/ideology/constitutional-sheriffs>

¹² Neiwert, David. Indiana Sheriff With Antigovernment Views Creates Stir By Traveling to Bundy Ranch.

<https://www.splcenter.org/hatewatch/2014/05/07/indiana-sheriff-antigovernment-views-creates-stir-traveling-bundy-ranch>

¹³ Stone Simonelli, Isaac. Experts warn of extremist push to expand sheriffs' role in elections.

<https://azcir.org/news/2022/10/21/extremist-sheriffs-push-expanded-election-role/>

¹⁴ Roku. Richard Mack CSPOA Founder at Red Pill Expo. <https://www.roku.com/whats-on/movies/richard-mack-csboa-founder-at-red-pill-expo?id=62d0346299758edeb5d3229358739cf3>

¹⁵ Burghart, Devin and Tanner, Chuck. "Constitutional Sheriffs" Group Teams Up with Antisemitic Conspiracist.

<https://www.irehr.org/2021/07/02/constitutional-sheriffs-group-antisemitism/>

¹⁶ Stone Simonelli, Isaac. Arizona-based sheriff group promotes members with ties to white nationalism.

<https://azcir.org/news/2023/02/16/constitutional-sheriff-group-promotes-extremist-leadership-positions/>



FAIR on their website. PAN Advisory Committee member Culpeper County, Virginia and Sheriff Scott Jenkins spoke at the event.¹⁷

- PAN Spokesperson and Advisory Committee member Sheriff Mark Lamb spoke at FAIR's Rally to End Biden's Border Crisis on June 25, 2021.¹⁸

These activities and involvements are troubling on their own but are especially dangerous when considered in tandem with the fact that CSPOA offers regular training to law enforcement. In the past, CSPOA requested to become official law enforcement trainers in Arizona and were denied approval, but this new rule could open the door to be approved for accredited trainings.

Other extremist groups that could likely benefit from this rule by receiving approval from local agency heads include militias, anti-Muslim, and anti-immigrant groups, including Understanding the Threat, which is staffed by Caleb Collier, a former John Birch Society staffer, and John Guandolo, a known Islamophobe who previously trained Arizona cops and sheriffs. Guandolo has claimed American Muslims "do not have a First Amendment right to do anything," and mosques have no right to exist.¹⁹

The instructional competency clause provision in the revised rules is a possible safeguard against extremist trainers if the rule stays intact. The provision designates the AZPOST board as responsible for making the determination about an instructor's competence, but only after they are made aware of it by an agency head, which is most likely to occur only after a training, when the damage has already been done. If the agency head is responsible or endorses a bigoted or antigovernment extremist trainer or training program, there is no process for AZPOST review.

We are concerned about the AZPOST board's willingness and ability to keep extremists from providing law enforcement training in Arizona. The AZPOST board had the opportunity in a February 10, 2022, meeting to address issues with the revised rules and failed to raise this as an issue.²⁰ There was also apparently no opportunity for public comment, which may have been a result of the covid-19 pandemic amending the standard regulatory review process. Most importantly, board members have been associated with extremist ideologies.

AZPOST board chairman Mark Dannels is a member of the constitutional sheriff's movement and associated with CSPOA.²¹ He has also participated in multiple events held by FAIR, the anti-immigrant hate group, including the June 25, 2021, Rally to End

¹⁷ Goldwasser, Rachel and Kieffer, Caleb. Hate Group FAIR Continues to Partner with Sheriffs to Target Migrants <https://www.splcenter.org/hatewatch/2022/09/19/hate-group-fair-continues-partner-sheriffs-target-immigrants>

¹⁸ Pishko, Jessica. He Calls Himself the "American Sheriff." Whose Law Is He Following <https://www.politico.com/news/magazine/2021/10/15/mark-lamb-arizona-constitutional-sheriff-elections-republicans-514781>

¹⁹ Lemons, Stephen. Paul Babeu Spent RICO Funds on Training by Notorious Islamophobe John Guandolo <https://www.phoenixnewtimes.com/news/paul-babeu-spent-rico-funds-on-training-by-notorious-islamophobe-john-guandolo-8553942>

²⁰ MINUTES OF THE FEBRUARY 20, 2022 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA. <https://post.az.gov/sites/default/files/2022-02/021022%20Minutes.pdf>

²¹ Knefel, John. Sheriff Mark Dannels uses frequent right-wing media appearances to demonize immigrants and push falsehoods about the border *Dannels is an adherent of the far-right "Constitutional Sheriff" movement* <https://www.mediamatters.org/fox-news/sheriff-mark-dannels-uses-frequent-right-wing-media-appearances-demonize-immigrants-and>



Biden's Border Crisis, at which Sheriff Lamb also spoke. Daniels has been a signatory on multiple letters written by FAIR and one from CSPOA, in which he publicly issued a commitment that he would not enforce gun control laws.²²

In addition, Mohave County Sheriff and AZPOST Board Member Doug Schuster, announced that he is a "law enforcement leader and constitutional sheriff" in the 2020 Mohave County Voter Guide.²³ He also declared "The day they outlaw guns is the day your sheriff becomes an outlaw," while speaking in support of making Mohave County a Second Amendment Sanctuary at a Board of Supervisors meeting on Nov. 4, 2019.²⁴ In addition, Schuster's office has been in contact with CSPOA according to emails between Sheriff Schuster's office and CSPOA our organization obtained under the Freedom of Information Act.

These activities and positions indicate a presence of bias that raise serious doubts about these persons' ability to fulfill their duties as AZPOST board members and law enforcement agency chiefs given their discretion to decide eligible POST certified training.

We urge you to delay the implementation of this rule and seek additional review by your office and any newly appointed ARRC Council members. We believe the information we provided makes clear why this is necessary. This would help to ensure that all necessary steps are taken to prevent domestic extremists from exploiting this rule to spread their propaganda amongst other Arizona law enforcement officials.

We would appreciate a written response and would be very happy to meet to discuss this matter at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Susan Corke".

Susan Corke
Director
Intelligence Project

A handwritten signature in cursive script that reads "Rachel Goldwasser".

Rachel Goldwasser
Sr. Research Analyst
Intelligence Project

CC The Honorable Kris Mayes

²² KGUN9. End the Biden Border Crisis Rally. <https://www.youtube.com/watch?v=7Qu9paB1e18>

²³ 2020 Mohave County Voters' Guide. <https://issuu.com/wickcommunications/docs/voterguide2020>

²⁴ Mohave County is Second Amendment Sanctuary. https://www.havasunews.com/mohave-county-is-second-amendment-sanctuary/article_0807e354-ff37-11e9-a7b0-bf3de86f4507.html



INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION
GEORGETOWN UNIVERSITY LAW CENTER

VIA EMAIL

The Honorable Katie Hobbs
Governor of Arizona
1700 W. Washington Street
Phoenix, AZ 85007

March 21, 2023

Dear Governor Hobbs,

I am the Executive Director of Georgetown University Law Center's Institute for Constitutional Advocacy and Protection (ICAP), a non-partisan institute that uses novel litigation tools, strategic policy development, and constitutional scholarship to vindicate constitutional rights, protect democratic processes, and defend the rule of law.

Over the past several years, since bringing successful litigation in 2017 against private paramilitary organizations that participated in the Unite the Right rally in Charlottesville, Virginia,¹ ICAP has developed an expertise in legal options for countering political violence and domestic extremism. ICAP provides policy guidance to state and local governments on protecting public safety while preserving constitutional rights,² countering bigotry and extremism in the ranks of law enforcement,³ and understanding and responding to the so-called “constitutional sheriffs” movement.⁴

I am writing to raise concerns about recent rule amendments approved by the Arizona Peace Officer Standards and Training Board (“AZPOST” or “the Board”), which removed the requirement that AZPOST certify instructors for law enforcement trainings that are required by law. Under the amended rule, local law enforcement agencies will be permitted to “utilize selected instructors to facilitate this training without having to obtain AZPOST approval.”⁵ The Governor’s

¹ See Inst. for Const. Advoc. & Prot., *City of Charlottesville v. Pa. Light Foot Militia* (accessed Mar. 17, 2023), <https://www.law.georgetown.edu/icap/our-work/addressing-the-rise-of-unlawful-private-militias/city-of-charlottesville-v-pennsylvania-light-foot-militia/>.

² See Inst. for Const. Advoc. & Prot., *Protests & Public Safety: A Guide for Cities and Citizens* (accessed Mar. 17, 2023), <https://constitutionalprotestguide.org/>.

³ See Inst. For Const. Advoc. & Prot., *Countering Bigotry and Extremism in the Ranks: A First Amendment Guide for Law Enforcement Agencies* (accessed Mar. 17, 2023), <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2022/04/2022.4.7.-Countering-Bigotry-and-Extremism-in-the-Ranks.pdf>.

⁴ See Inst. For Const. Advoc. & Prot., *Fact Sheet: “Constitutional Sheriffs” and Elections* (accessed Mar. 17, 2023), <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2022/09/Constitutional-Sheriffs-Fact-Sheet.pdf>.

⁵ Ariz. Peace Officers Standards and Training Bd., *Minutes of the May 18, 2022 Meeting of the Arizona Peace Officers Standards and Training Board 3* (accessed Mar. 17, 2023), <https://post.az.gov/sites/default/files/2022-06/May%2018%20Minutes.pdf>.

Regulatory Review Council (GRRC) approved these changes on October 4, 2022.⁶ At a subsequent AZPOST meeting, Executive Director Matt Giordano confirmed that the newly approved amendment means that “AZPOST will no longer be vetting advanced officer training.”⁷

We are deeply concerned by the possibility that this amended rule will open the door for Arizona peace officers to receive training from adherents of the “constitutional sheriffs” movement and other actors who urge local law enforcement to assume authorities beyond those allowed by law and to reject the proper exercise of state and federal authority in their jurisdictions.⁸ Such trainings could result in violations of the U.S. Constitution’s Supremacy Clause,⁹ and would place residents at risk of improper activity by county peace officers. As noted by the NAACP Legal Defense and Educational Fund, such a dynamic would pose a “particular threat” to Black and Brown communities, who are at the greatest risk of harm from abuses by law enforcement.¹⁰

To prevent these harms, we urge you to petition AZPOST¹¹ to make appropriate amendments to the rule before it takes effect on April 5, 2023,¹² or, at minimum, to ask the GRRC to delay implementation of the rule so that AZPOST can make the changes necessary to ensure that it will not allow for training that encourages violations of state or federal law.¹³ Should AZPOST decline to amend the rule to address the concerns raised herein, we urge your office to ask GRRC to reconsider this rule. Because the relevant provisions of the rule are not yet in place, it is not too late to make clear that Arizonans require peace officers to receive training that endorses the rule of law and rejects association with extremist organizations and vigilante activity.

There is good reason to believe that without action to intervene in the implementation of the rule, groups like the Constitutional Sheriffs and Peace Officers Association (CSPOA) will promptly take advantage of the loosened restrictions to offer training to law enforcement agencies throughout the state. The CSPOA is a group of so-called “constitutional sheriffs” that was founded by a former

⁶ Governor’s Regul. Rev. Council, *Governor’s Regulatory Review Council, Notice of Action Taken at the October 4, 2022 Meeting* 3 (accessed Mar. 17, 2023), <https://grrc.az.gov/sites/default/files/2022-10/10.4.2022%20Action%20Report.pdf>; see also Governor’s Regul. Rev. Council, *October Final Files* 319-48 (accessed Mar. 17, 2023), <https://grrc.az.gov/sites/default/files/2022-10/10.4.2022%20October%20Final%20Files.pdf>.

⁷ Ariz. Peace Officers Standards and Training Bd., *Minutes of the October 19, 2022 Arizona Peace Officers Standards and Training Board* 2 (accessed Mar. 17, 2023), https://post.az.gov/sites/default/files/2022-11/101922%20Minutes%20%281%29_0.pdf.

⁸ See *Fact Sheet: “Constitutional Sheriffs” and Elections*, *supra* note 4.

⁹ See U.S. Const., art. VI, cl. 2.

¹⁰ NAACP Legal Def. & Educ. Fund, *Letter to Associate Attorney General Vanita Gupta and Assistant Attorney General Kristen Clarke Re: The Growing Threat of “Constitutional Sheriffs” to Our Multi-Racial Democracy* 1 (Dec. 21, 2022), https://www.naacpldf.org/wp-content/uploads/2022.12.20-LDF-letter-to-AAG-Gupta-AAG-Clar_Puneet-Cheema.pdf.

¹¹ Under Arizona law, “any person” may petition for the amendment or repeal of an agency rule. Ariz. Rev. Stat. Ann. § 41-1033(A). If an agency rejects the petition, then the Governor’s Regulatory Review Council is entitled to review an appeal. *Id.* §§ 41-1033(E), (H).

¹² Ariz. Rev. Stat. Ann. § 41-1823(A) requires that a rule establishing a minimum qualification for law enforcement officers not go into effect until six months after being filed with the Secretary of State. The changes at issue here are subject to this requirement. See *October Final Files*, *supra* note 6, at 322.

¹³ Ariz. Rev. Stat. Ann. § 41-1052(D)(5) requires that the GRRC not issue final approval of rules if they are “illegal, inconsistent with legislative intent, or beyond the agency’s statutory authority.”

Arizona sheriff, Richard Mack.¹⁴ CSPOA’s website states that “[t]he law enforcement powers held by the sheriff supersede those of any agent, officer, elected official or employee from any level of government when in the jurisdiction of the county.”¹⁵ Its official brochure boasts that the “County Sheriff [sic] is the one who can say to the feds, ‘Beyond these bounds you shall not pass.’”¹⁶

According to a recent investigation, during law enforcement training offered by CSPOA, Mack has instructed law enforcement that the Constitution gives them authority to stop federal officials from enforcing federal laws in their counties, and even the “powers to personally determine whether laws are constitutional.”¹⁷ Training like this encourages violations of the U.S. Supremacy Clause as well as state law. According to Boston University School of Law Professor Robert Tsai, it “makes mincemeat out of the framers’ constitutional design.”¹⁸

Mack and CSPOA also have a long history of entanglement with the Oath Keepers,¹⁹ whose leaders have been convicted of seditious conspiracy for plotting the January 6, 2021, attack on the U.S. Capitol.²⁰ Although Mack has tried to distance himself and CSPOA from the Oath Keepers, the two organizations have a well-documented alliance that extends to the eve of the insurrection.²¹ As recently as October 2022, Mack addressed an Oath Keeper-aligned militia in Chino Valley.²²

In 2021, CSPOA submitted a proposal to AZPOST to train officers in “American ideals and the principles of Liberty upon which the USA was founded.”²³ At the time, AZPOST rejected this request.²⁴ Once the rule change is effectuated, however, AZPOST will cede its authority to approve required officer trainings, paving the way for CSPOA to offer lessons to law enforcement entities

¹⁴ Anti-Defamation League, *The Constitutional Sheriffs and Peace Officers Association (CSPOA) and Richard Mack: How Extremists Are Successfully Infiltrating Law Enforcement* (Sep. 20, 2021), <https://www.adl.org/resources/report/constitutional-sheriffs-and-peace-officers-association-cspos-and-richard-mack-how>.

¹⁵ Const. Sheriffs & Peace Officers Ass’n, *About CSPOA* (accessed Mar. 17, 2023), <https://cspos.org/about/>.

¹⁶ Const. Sheriffs & Peace Officers Ass’n, *2022 CSPOA Brochure 1* (accessed Mar. 17, 2023) <https://cspos.org/wp-content/uploads/2022-CSPOA-Brochure.pdf>.

¹⁷ Scott Friedman et al., *Former Oath Keeper Has Trained Texas Law Enforcement from More Than 80 Departments*, NBC DFW (Jan. 5, 2023), <https://www.nbcdfw.com/investigations/former-oath-keeper-has-trained-texas-law-enforcement-from-more-than-80-departments/3167915/>.

¹⁸ Robert Tsai, *The Troubling Sheriffs’ Movement That Joe Arpaio Supports*, Politico (Sept. 1, 2017), <https://www.politico.com/magazine/story/2017/09/01/joe-arpaio-pardon-sheriffs-movement-215566/>.

¹⁹ See Tess Owen, *How a Small-Town Sheriff Ended Up on a Crusade to Radicalize American Law Enforcement*, Vice (July 28, 2021), <https://www.vice.com/en/article/epnkg/richard-mack-constitutional-sheriff-movement>.

²⁰ U.S. Dep’t of Just., *Leader of Oath Keepers and Oath Keepers Member Found Guilty of Seditious Conspiracy and Other Charges Related to the U.S. Capitol Breach*, (Nov. 29, 2022), <https://www.justice.gov/opa/pr/leader-oath-keepers-and-oath-keepers-member-found-guilty-seditious-conspiracy-and-other>.

²¹ Chuck Tanner, *Shoulder to Shoulder: CSPOA and the Oath Keepers*, Inst. for Rsch. & Educ. on Hum. Rts. (July 15, 2022), <https://www.irehr.org/2022/07/15/shoulder-to-shoulder-cspos-and-the-oath-keepers/>.

²² Isaac Stone-Simonelli, *Rule Change Opens New Path for “Constitutional Sheriff” Group to Train Arizona Law Enforcement*, Ariz. Ctr. for Investigative Reporting (Nov. 16, 2022), <https://azcir.org/news/2022/11/16/azpost-rule-change-opens-path-constitutional-sheriff-training/>.

²³ Const. Sheriffs & Peace Officers Ass’n, *Lesson Plan: Ethics and the LE Oath of Office 1* (accessed Mar. 17 2023), <https://www.documentcloud.org/documents/23304707-cspos-training-curriculum-lesson-plan-2021-1-1-2?responsive=1&title=1>.

²⁴ Stone-Simonelli, *supra* note 22.

throughout the state. Given the extent of CSPOA's influence among Arizona sheriffs,²⁵ there is a real risk that CSPOA will quickly find a foothold in promoting its false and unlawful theories under the guise of state-sanctioned training for law enforcement.

This is part of a nationwide strategy. In Texas, for example, CSPOA has already offered numerous training sessions, prompting an investigation by Texas officials.²⁶ Montana has similarly hosted trainings by Mack himself,²⁷ while Virginia officials have also approved a training sponsored by CSPOA at the request of Grayson County Sheriff Richard Vaughan,²⁸ himself a member of CSPOA's Advisory Board.²⁹ Allowing the CSPOA and similar organizations to present themselves as official trainers of Arizona law enforcement could have dangerous consequences for public safety and constitutional rights in the state. As we explain in our fact sheet on the "constitutional sheriffs" movement, the growing influence of CSPOA's unlawful theories has led to a belief that sheriffs have the capacity to interfere with the lawful functions of state and federal law enforcement and with election administration, often contrary to state and federal law.³⁰

Since the 2020 election, Mack and his allies have tried to investigate meritless claims of election fraud, which has raised the prospect that CSPOA-aligned sheriffs may try to intimidate voters in future elections.³¹ One Michigan sheriff associated with CSPOA came under investigation for his involvement in the illegal breach of a vote-counting machine.³² The movement's recent focus on voter fraud—and the insistence that sheriffs are empowered to act unilaterally to ensure election

²⁵ See Isaac Stone-Simonelli, *Arizona "Ground Zero" for Extremist, Anti-Government Sheriff Movement*, Ariz. Ctr. for Investigative Reporting (Oct. 20, 2022), <https://azcir.org/news/2022/10/20/arizona-constitutional-sheriffs-extremist-groups-election/>.

²⁶ See Jessica Pishko, *The Fringe Ideology of "Constitutional Sheriffs" is Attracting Believers Within Texas Law Enforcement*, Tex. Trib. (Jan. 13, 2023), <https://www.texastribune.org/2023/01/13/constitutional-sheriffs-texas/>. Mack himself has provided accredited trainings to officers from more than 80 law enforcement agencies across the state. Friedman et al., *supra* note 17.

²⁷ Stone-Simonelli, *supra* note 22.

²⁸ Va. Dep't of Crim. Just. Servs., *CSPOA Course Approval*, (accessed Mar. 17, 2023), <https://www.documentcloud.org/documents/22274635-virginia-cspoa-records-request>.

²⁹ Const. Sheriffs & Peace Officers Ass'n, *Our Leadership* (accessed March 17, 2023), <https://cspoa.org/about/our-leadership/>.

³⁰ *Fact Sheet: "Constitutional Sheriffs" and Elections*, *supra* note 4. In recent years, "constitutional sheriffs" have actively resisted the implementation of COVID-19 public safety mandates, as well as state and federal gun laws. See, e.g., Hillary Borrud, *Oregon "Constitutional Sheriffs" Seize on Mask Mandates to Attack State Government's Authority*, Or. Live (Aug. 26, 2021), <https://www.oregonlive.com/coronavirus/2021/08/oregon-constitutional-sheriffs-seize-on-mask-mandates-to-attack-state-governments-authority.html>; Simon Romero & Timothy Williams, *When Sheriffs Say No: Disputes Erupt Over Enforcing New Gun Laws*, N.Y. Times (Mar. 11, 2019), <https://www.nytimes.com/2019/03/11/us/state-gun-laws.html>; Eric Lutz, *Can Illinois's Assault Weapons Ban Survive Scores of Rogue Sheriffs?*, Vanity Fair (Jan. 27, 2023), <https://www.vanityfair.com/news/2023/01/can-illinois-assault-weapons-ban-survive-scores-of-rogue-sheriffs>; Alexandra Berzon & Nick Corasaniti, *2020 Election Deniers Seek Out Powerful Allies: County Sheriffs*, N.Y. Times (July 25, 2022), <https://www.nytimes.com/2022/07/25/us/politics/election-sheriffs-voting-trump.html>.

³¹ See Maurice Chammah, *Does Your Sheriff Think He's More Powerful Than the President?* The Marshall Project (Oct. 18, 2022), <https://www.themarshallproject.org/2022/10/18/does-your-sheriff-think-he-s-more-powerful-than-the-president>; see also Jessica Pishko, *These Sheriffs Say They're More Powerful Than the President. Now, They're Targeting Elections*, Reveal News (Nov. 5, 2022), <https://revealnews.org/article/big-lie-sheriffs-target-us-elections/>.

³² Craig Mauger, *Nessel's Office Seeks Special Prosecutor in Election "Conspiracy" Probe of DePerno, Others*, Detroit News (Aug. 7, 2022), <https://www.detroitnews.com/story/news/politics/2022/08/07/michigan-nessel-seeks-special-prosecutor-election-conspiracy-probe-deperno/10249508002/>.

integrity—should raise special concern in Arizona, where armed paramilitary actors took it upon themselves to patrol polling stations before the 2022 midterm elections.³³

The threat posed by open CSPOA infiltration of Arizona law enforcement—with the imprimatur of government approval, no less—would not be confined to elections. So-called “constitutional sheriffs” have propagated false and anti-Semitic conspiracies, created and supported extremist private militias, and encouraged defiance of COVID-19 orders.³⁴ Pinal County Sheriff Mark Lamb, the founder of a CSPOA-spinoff called Protect America Now,³⁵ has advocated in support of private militias, claiming, contrary to well-settled Supreme Court precedent,³⁶ that such militias are “well within the constitution,”³⁷ and promoting the supposed power of sheriffs to call local civilians into service to “suppress all affrays, insurrections and riots that comes [*sic*] to the attention of the sheriff.”³⁸ In 2020, in response to nationwide Black Lives Matter protests following the murder of George Floyd, Sheriff Lamb formed a “civilian posse to assist deputies with law enforcement,” even though there were no reports of unpeaceful protests in Pinal County.³⁹

CSPOA’s longtime affinity for the militia movement⁴⁰ poses a particular challenge for Arizona, which—like all other states—prohibits unauthorized militias and military units from engaging in activities reserved for the state militia, including law enforcement activities.⁴¹ Given that Arizona has struggled to respond to illegal activity by border vigilante groups,⁴² there is appreciable danger in allowing accredited CSPOA trainings that ignore state regulation of military and law

³³ See Rocio Fabbro, *Election Officials Combat Voter Intimidation Across U.S. as Extremist Groups Post Armed Militia at Some Polls*, CNBC (Nov. 6, 2022), <https://www.cnbc.com/2022/11/06/election-officials-facing-armed-militia-presence-at-some-polls.html>.

³⁴ Cloee Cooper et al., *Mapping Far-Right and Anti-Immigrant Movement Alignment With County Sheriffs*, Pol. Rsch. Assoc. (Sep. 14, 2020), <https://politicalresearch.org/2020/09/14/mapping-far-right-and-anti-immigrant-movement-alignment-county-sheriffs>.

³⁵ Jessica Pishko, *He Calls Himself the “American Sheriff.” Whose Law is He Following?*, Politico (Oct. 15, 2021), <https://www.politico.com/news/magazine/2021/10/15/mark-lamb-arizona-constitutional-sheriff-elections-republicans-514781>.

³⁶ See Mary B. McCord, *Dispelling the Myth of the Second Amendment*, Brennan Center (June 29, 2021), <https://www.brennancenter.org/our-work/research-reports/dispelling-myth-second-amendment>.

³⁷ Pishko, *supra* note 35.

³⁸ *Id.*

³⁹ Alana Minkler, *Pinal County Sheriff Mark Lamb Discusses Citizen Posse in Response to Protests*, AZ Central (July 31, 2020), <https://www.azcentral.com/story/news/local/arizona-breaking/2020/07/31/pinal-county-sheriff-mark-lamb-new-citizen-posse/5555959002/>.

⁴⁰ Mack has been a “vocal supporter” of the militia movement and has urged people “not to demonize” militia groups. Anti-Defamation League, *The Constitutional Sheriffs and Peace Officers Association (CSPOA) and Richard Mack: How Extremists Are Successfully Infiltrating Law Enforcement* (Sep. 20, 2021), <https://www.adl.org/resources/report/constitutional-sheriffs-and-peace-officers-association-cspos-and-richard-mack-how>.

⁴¹ See Ariz. Const. art. II, § 20 (“The military shall be in strict subordination to the civil power.”); Ariz. Rev. Stat. Ann. § 26-123 (making it a felony for any “person, partnership or corporation,” other than state and local law enforcement, “sheriff’s posses,” and armed security guards protecting businesses, to “maintain troops under arms.”); *id.* § 26-170 (making it a misdemeanor for any person to “wear any part of the uniform of the national guard” or the U.S. armed forces, “or a uniform so similar as to be easily mistaken therefor, unless the person is a member of the service whose uniform he wears” or a veterans’ association.).

⁴² See Vanda Felbab-Brown & Elise Norio, Brookings Inst., *What Border Vigilantes Taught US Right-Wing Armed Groups*, (Mar. 12, 2021) <https://www.brookings.edu/articles/what-border-vigilantes-taught-us-right-wing-armed-groups/>.

enforcement conduct in favor of a revisionist endorsement of private paramilitary activity that flaunts proper civilian authority and places civilians at risk of violence and unlawful detention.⁴³

Local law enforcement are indispensable partners in combatting the nationwide rise in political violence that has taken aim at the free administration of elections, public health policies, marginalized populations, and American democracy itself.⁴⁴ But in order to serve as effective partners in safeguarding the constitutional system, law enforcement must receive accurate information about the boundaries of their authority.

These foundational principles of the rule of law are threatened by the prospect of trainings that will encourage Arizona peace officers to instead choose lawlessness and vigilantism. Trainings such as those offered by CSPOA and like-minded entities both “jeopardize[] the safety” of the public and “violate[] acceptable training standards,”⁴⁵ thereby failing to meet the requirements for instructional competency. By eliminating AZPOST’s oversight role in certifying instructors, however, the new rule would give CSPOA and other groups hostile to the constitutional structure the chance to influence Arizona law enforcement in a way that is contrary to state law.

For the foregoing reasons, we strongly urge you to use your authority to seek amendments to the new AZPOST rule that would ensure that local law enforcement entities will not receive credit for trainings from providers that encourage violations of Arizona law or federal law. Please do not hesitate to contact ICAP if we can assist you as you consider how best to ensure that this pending rule change does not make it more difficult for Arizona to maintain law enforcement that is well-informed and respectful of its role under the Constitution.

Sincerely,



Mary B. McCord

Executive Director
Institute for Constitutional Advocacy & Protection
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
(b) (6)

⁴³ See, e.g., James Dobbins, *A Texas County Welcomed a Border Militia Last Fall. Now Some Officials Have Grown Weary of It*, Tex. Monthly (May 2022), <https://www.texasmonthly.com/news-politics/kinney-county-border-militia/>.

⁴⁴ Anti-Defamation League, *The January 6 Effect: An Evolution of Hate and Extremism* (accessed Mar. 17, 2023), <https://www.adl.org/january-6-effect-evolution-hate-and-extremism>.

⁴⁵ Ariz. Admin. Code §§ 13-4-114(A)(3)(a)-(b) (as published Dec. 31, 2022).

cc:

The Honorable Kris Mayes
Attorney General of Arizona
20005 N. Central Avenue
Phoenix, AZ 85004

(b) (6)

Executive Director Matt Giordano
Arizona Peace Officers Standards and Training Board
2643 E. University Drive
Phoenix, AZ 85034

(b) (6)

The Honorable Adrian Fontes
Arizona Secretary of State
1700 W. Washington St.
Floor 7
Phoenix, AZ 85007

(b) (6)

The Honorable Vanita Gupta
Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

(b) (6)

The Honorable Kristen Clarke
Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

(b) (6)

Regional Board Chair
Heather Ross

Regional Board
Alexander Benezra
Robert Braudy
Frances Frazin
Lynn Frazin Lerner
Sharon Gordon
Benée Hilton Spiegel
Rabbi Robert Kravitz
Marc Lerner
Robert Meza
Gail Ober
Sally Oscherwitz
Esther Schon
Donald Schon
Perry Schuman
Richard Stern
Nichole Wilk-Blanchard

Regional Staff
Regional Director
Jolie Brislin

Director of Development
Courtney Kravitz

Community Manager
Sarah Kader

National Officers
National Chair
Ben Sax

CEO and National Director
Jonathan Greenblatt

Deputy National Director
Kenneth Jacobson



March 22, 2023

The Honorable Katie Hobbs
Governor of Arizona
State Capitol
1700 West Washington
Phoenix, AZ 85007

Dear Governor Hobbs,

As you may know, ADL is a 110-year-old anti-hate and civil rights organization dedicated to fighting antisemitism and securing justice and fair treatment to all. ADL's Center on Extremism is the foremost authority on extremism, terrorism, and hate, both foreign and domestic. We provide resources, expertise and educational briefings that enable law enforcement officers, public officials, and community leaders to identify and counter emerging threats to our democracy and to targeted communities.

In recent years, extreme ideologies have been mainstreamed and normalized at an alarming pace. This is due in large part to the growing number of elected officials and other high-profile individuals who traffic in conspiracies and hate.

We write today to express our concerns regarding a reported rule change that would allow some longstanding extremist organizations, such as the Constitutional Sheriffs and Peace Officers Association (CSPOA), to reach Arizona law enforcement officers under the guise of "trainings" and continued education.

The Arizona Regulatory Review Commission (ARRC) passed revised public safety rules related to Arizona Police Officer Standards and Training (AZPOST). It is our understanding that these revised rules will go into effect on April 5, 2023. Under these new rules, local police chiefs and sheriffs will have autonomy over which groups or individuals provide trainings for their officers, without needing prior AZPOST approval.

CSPOA is an anti-government extremist group whose primary purpose is to recruit sheriffs into the anti-government "patriot" movement. CSPOA is led by Richard Mack, a former Arizona sheriff and former prominent member of the Oath Keepers, whose leader was recently convicted of sedition for his role in the storming of the U.S. Capitol. Mack travels across the county seeking out law enforcement audiences and billing his extremist events as "trainings," often attempting to get POST certification for his events in order to make them seem



legitimate. CSPOA's primary argument is the false claim that the powers of the county sheriff actually supersedes those of any federal, state, or local authorities, thereby giving county sheriffs the ability unilaterally to refuse to enforce, or even to actively oppose, any federal, state, or other governmental measure they deem unconstitutional.

In 2021, ADL's Center on Extremism released a report documenting CSPOA's concerning attempts to infiltrate law enforcement, including their efforts to provide ostensible trainings.¹ However, these events are far from legitimate trainings and instead are opportunities for CSPOA to recruit members and serve as platforms to promote potentially dangerous anti-government propaganda.

If the revised rule goes into effect, we fear that domestic extremists, based on their previous actions, will rush to take advantage of the opportunity. In fact, several county sheriffs in Arizona have been linked to antigovernment groups or have expressed views consistent with the so-called "constitutional sheriff" movement that emerged from Mack's proselytizing.² Under the revised rules, these sheriffs will be able to contract training from individuals associated with extremist groups, including CSPOA. This would result in the state of Arizona effectively condoning the direct spreading of extremist propaganda to its own law enforcement officers.

In Texas and Montana, CSPOA was able to gain state-approval for their "trainings" and allowing attendees to receive continuing education credit for their participation in the programs. These efforts in Texas and Montana are among the most successful attempts in recent decades by anti-government extremists to infiltrate law enforcement. Moreover, having official POST certification gives CSPOA events a misleading sense of legitimacy and credibility and allows CSPOA to market their events more effectively.

Although the revised rules include a provision that theoretically allows AZPOST to make determinations about instructor competency, that review is likely conducted after a training has already occurred and is moreover contingent on the head sheriff or chief reporting the instructor to AZPOST for review. Since several sheriffs are themselves supporters of the constitutional sheriffs movement, this does not come close providing a sufficient safeguard.

Therefore, we urge your office and ARRC to delay implementation of the rule change and to assess the potential negative consequences and harm to both the rule of law and the

¹ The Constitutional Sheriffs and Peace Officers Association (CSPOA) and Richard Mack: how extremists are successfully infiltrating law enforcement. <https://www.adl.org/resources/report/constitutional-sheriffs-and-peace-officers-association-cspoa-and-richard-mack-how>

² Stone Simonelli, Isaac. Arizona 'ground zero' for extremist, anti-government sheriff movement. <https://azcir.org/news/2022/10/20/arizona-constitutional-sheriffs-extremist-groups-election/>



communities law enforcement agencies are mandated to serve if the rule were to go into effect. We also ask you to consider additional measures to provide safeguards and prevent extremist organizations, including CSPOA, from exposing Arizona's law enforcement officers to extremist content that contains false and dangerous misinformation about the role of law enforcement. It is critical that law enforcement trainings serve legitimate and specific law enforcement purposes, be taught by experts and professionals without extremist agendas, teach principles that are in accordance with current federal and state law and judicial rulings, and do not attempt to spread partisan or ideological viewpoints.

Arizonians deserve to feel safe, protected, and secure. This can only happen if we have full confidence and trust in our law enforcement agencies.

We thank you for your attention to this matter and ADL stands by as a resource and a partner. We look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Sarah Kader". The signature is fluid and cursive, with the first and last names being clearly legible.

Sarah Kader
Community Manager
ADL Arizona

CC The Honorable Kris Mayes

From: "Higginbotham, Ryan K (OLP)" (b) (6)
To: "Policy, CRT (CRT)" (b) (6), "Policy, AAG (CRT)" (b) (6), "Stevens, Karen L (CRT)" (b) (6), "Lopez, Louis (CRT)" (b) (6), "Weiner, Robert (CRT)" (b) (6), "Smith, Johnathan (CRT)" (b) (6), "Douglas, Joshua (CRT)" (b) (6), "Morales, Michelle (CRM)" (b) (6), "Brink, David (CRM)" (b) (6) "Opl, Legislation (CRM)" (b) (6), "NSD Policy" (b) (6), "NSD LRM Mailbox (NSD)" (b) (6), "policy, civil (CIV)" (b) (6), (b)(6) per OVW (OVW)" (b) (6), (b)(6) per OVW (OVW)" (b) (6), "Bernstein, Jesse M. (ATJ)" (b) (6), "Maher, Robin (ATJ)" (b) (6), "Chaney, Christopher B. (OTJ)" (b) (6), (b)(6) per EOUSA (USAEO)" (b) (6), (b)(6), (b)(7)(C) per ATF (ATF)" (b) (6), OPCL.policy (b) (6), "Smith, Justin (ENRD)" (b) (6), "Alder Reid, Lauren (EOIR)" (b) (6), "Wills, James (BOP)" (b) (6), "Jacobs, Jeanne H.(OTJ)" (b) (6), "Harvey, Judy (ENRD)" (b) (6), "Oakes, Matthew (ENRD)" (b) (6), (b)(6), (b)(7)(C) per ATF (ATF)" (b) (6), "Diegor, Melody L. (CRS)" (b) (6), (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI "Brien, Peter (OJP)" (b) (6), "Rossi, Rachel (ATJ)" (b) (6)
Cc: "Evans, DeAnna E. (OLP)" (b) (6), "Ruiz, Hector (OLP)" (b) (6), "Mody, Saeed (OASG)" (b) (6)

Subject: RE: ICCPR Civil Society Consultation internal call-April 13 or 14

Date: Fri, 07 Apr 2023 16:26:53 -0400

Importance: High

Attachments: Advanced_Questions_U.S._ICCPR_Consultation_with_CSO,_April_19,_2023.docx;
Advanced_Questions_Background.docx

State just shared the final list of advance questions. Please see the attached.

If you haven't done so previously, please advise on your availability for an internal call on April 13 or 14.

Thank you,

Ryan K. Higginbotham
Counsel
Office of Legal Policy
U.S. Department of Justice

(b) (6)
(b) (6)

From: Higginbotham, Ryan K (OLP)
Sent: Thursday, April 6, 2023 5:28 PM

To: Policy, CRT (CRT) (b) (6); Policy, AAG (CRT) (b) (6) Stevens, Karen L (CRT) (b) (6) Lopez, Louis (CRT) (b) (6) Weiner, Robert (CRT)

(b) (6) ; Smith, Johnathan (CRT) (b) (6) ; Douglas, Joshua (CRT)
(b) (6) ; Morales, Michelle (CRM) (b) (6) Brink, David (CRM)
(b) (6) ; Opl, Legislation (CRM) (b) (6) ; NSD Policy
(b) (6) ; NSD LRM Mailbox (NSD) (b) (6) >; policy, civil (CIV)
(b) (6) ; (b)(6) per OVW (OVW) (b) (6) ; (b)(6) per OVW (OVW)
(b) (6) >; Bernstein, Jesse M. (ATJ) (b) (6) >; Maher, Robin (ATJ)
(b) (6) ; Chaney, Christopher B. (OTJ) (b) (6) ; (b)(6) per EOUSA (USAEO)
(b) (6) ; (b)(6), (b)(7)(C) per ATF ATF (b) (6) ; OPCL.policy
(b) (6) >; Smith, Justin (ENRD) (b) (6) >; Alder Reid, Lauren (EOIR)
(b) (6) >; Wills, James (BOP) (b) (6) Jacobs, Jeanne H.(OTJ)
(b) (6) Harvey, Judy (ENRD) (b) (6) >; Oakes, Matthew (ENRD)
(b) (6) >; (b)(6), (b)(7)(C) per ATF (ATF) (b) (6) Diegor, Melody L. (CRS)
(b) (6) ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI
(CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI ; Brien, Peter (OJP)
(b) (6) >; Rossi, Rachel (ATJ) (b) (6)
Cc: Evans, DeAnna E. (OLP) (b) (6) >; Ruiz, Hector (OLP) (b) (6) ; Mody, Saeed
(OASG) (b) (6)
Subject: ICCPR Civil Society Consultation internal call-April 13 or 14
Importance: High

Duplicative Records

Advanced Questions
U.S. ICCPR Consultation with CSO, April 19th, 2023

Theme	CSO	Question	Agency
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Physicians for Human Rights, <i>Michael Payne</i>	1. How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?	
	Global Justice Center, <i>Elena Sarver</i>	----- 1. The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? (a) related: Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes? -----	

SENSITIVE BUT UNCLASSIFIED

	Justice Clinic at University of California, Irvine School of Law, Eric Nguyen	1. As illustrated in the Center’s 2022 Report “American Dragnet: Data-Driven Deportation in the 21st Century,” ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S and used that data to subject people to detention and deportation. Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights? (a) Related: On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. When is ICE planning to publicly respond to this letter? 2. The Department of Homeland Security (“DHS”), of which ICE and CBP are part, has stated publicly that it will “continue to implement safeguards for privacy, transparency, civil rights, and civil liberties.” What steps is DHS taking to address the issues raised through the Center’s report and Senator’s oversight letter to make ICE and CBP’s immigration enforcement operations comply with the ICCPR and its commitment to privacy protection? 3. Is the Department of Justice planning to impose restrictions on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people’s right to privacy (under ICCPR art. 17)?	
--	--	--	--

SENSITIVE BUT UNCLASSIFIED

		4. As raised by Representative Eshoo (D-CA) last September, will the Federal Trade Commission investigate the problem of large-scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy? ----- 1. What steps are the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that Countering Violent Extremism (CVE) programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made? ----- 1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal penalties for abortions and from prosecuting people who have abortions or suffer pregnancy losses?	
	Asian American Advancing Justice - Asian Law Caucus, <i>Hammad Alam, Caroline Marks</i> Main Street Legal Service, CUNY School of Law, <i>Cynthia Soohoo</i>		

Freedom of expression (Art. 19), Hate crimes	Southern Poverty Law Center, Lisa Borden	1. What steps will the administration take to ensure complete and accurate reporting for data provided by the FBI's annual report under the Hate Crime Statistics Reporting Act to the greatest extent possible in future years? (a) Related: Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? (b) Related: Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?	
Freedom of assembly and association (Arts. 21 and 22)	International Center for Not-for-Profit Law, Nick Robinson International Justice Clinic at UC Irvine School of Law, Hinako Sugiyama	1. Given the scale of past violations and current threats to protest rights in the U.S., what coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? Specifically, what is the federal government's short-, mid-, and long-term strategy for protecting protest rights in the country? ----- 1. Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020? 2. As seen in the recent arrest of a journalist covering the East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically charged events. What steps has the US taken to ensure police officers responding to these events are	

SENSITIVE BUT UNCLASSIFIED

	New Jersey Red Umbrella Alliance and Best Practices Policy Project, N'Jaila Rhee Robert F Kennedy Human Rights Org, Delia Addo-Yobo	aware of the rights of journalists and protect and promote the rights to freedom of expression, assembly, and association? (a) Related: When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly? --- 1. Laws like FOSTA\SESTA and others are preventing civil society groups from congregating in person and online. How will this be addressed? ----- 1. Would the DOJ consider investigating abuse of domestic terrorism statutes or anti-protest laws and/or the practice of coercive plea bargaining?	
Freedom of Religion or Belief	Southern Poverty Law Center, Lisa Borden	1. Given the obvious incentive for some political and advocacy groups to be designated as churches for IRS purposes, what is the review process for organizations that seek this status? (a) Related: Will the Biden administration identify the political advocacy organizations that have sought church status – and	

SENSITIVE BUT UNCLASSIFIED

	Physicians for Human Rights, <i>Michael Payne</i> ----- 1. What steps is the United States taking to support and protect pregnant people’s access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination? ----- Global Justice Center, <i>Elena Sarver</i> 1. Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected ----- Haitian Bridge Alliance, <i>Daniel Tse</i> 1. Black migrants, refugees, asylum seekers, and immigrants with legal status are subject to discriminatory treatment and profiling by law enforcement agencies, leading to their over-representation in the criminal justice system and in deportations related to criminal convictions. What measures is the United States taking to address racial profiling and bias in the criminal justice and immigration systems to ensure that Black people are not unfairly targeted?	
--	---	--

		2. Black migrants, refugees, asylum seekers, and immigrants with legal status face unique challenges in navigating the immigration system due to language barriers and lack of legal representation, amongst other obstacles. How is the United States working to ensure that Black immigrants have access to legal representation and language and other support services to help them navigate the immigration process? 3. The intersectionality of race, gender, and immigration status puts Black immigrant women at heightened risk of discrimination and violence. What steps is the United States taking to protect and promote the rights of Black immigrant women? 4. Black immigrants face significant challenges in accessing basic services like healthcare, education, and housing. How does the United States plan to address racial disparities between Black and other immigration populations? How does the United States plan to ensure that Black immigrants have equal access to these services?	
LGBTQI+ Persons	Southern Poverty Law Center, Lisa Borden New Jersey Red Umbrella	1. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future? ---- 1. We are concerned about anti-trans legislations being proposed all across the United States and the	

SENSITIVE BUT UNCLASSIFIED

	Alliance and Best Practices Policy Project, <i>N’Jaila Rhee</i>	impact that these policy positions may be having in African nations such as Uganda and Ghana. What measures will the US be taken to defend trans lives in the US and globally given these factors? -----	
	Haitian Bridge Alliance, <i>Daniel Tse</i>	1. How does the U.S. plan to address the recent intersections (both nationally and internationally) of race, gender identity, and sexual orientation in combating discrimination and promoting equality before the law? 2. As states such as Florida continues to expand anti-LGBTQ+ laws, how does the U.S. plan to protect and address the discriminatory impact of these laws and policies on Black LGBTQIA+ immigrants? 3. What specific efforts is the U.S. government taking to ensure that Black immigrants, including those who identify as LGBTQI+, are not discriminated against in access to employment, housing, education, and other areas? Or can the U.S. provide examples of policies or programs that have been successful in promoting equality for Black immigrants who identify as LGBTQI+? 4. Are there any plans to collect and analyze data on the experiences of Black immigrants who identify as LGBTQI+ with regards to discrimination and unequal treatment in the U.S.?	

--	--	--	--

Haitian Bridge Alliance, *Daniel Tse* (requests DHS follow up in writing on below questions from last session: (b) (6))

1. Regarding access to legal process and remedy for non-citizens, what steps are being taken by the Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL) to respond to the multiple complaints filed in the last three years that allege disparate treatment and abuse against Black asylum seekers in Immigration and Customs Enforcement (ICE) immigration detention centers, ranging from torture to extract informed consent to deportation, to cruel and disproportionate solitary confinement, to medical neglect of mothers and pregnant women?
5. Does the U.S. plan to address the migrant detention center at Guantánamo Bay naval base, also known as the Migrant Operations Center (MOC)? Will the U.S. address its operations and rights implicated under the Covenant, such as violations of due process and international refugee law? Does the U.S. plan on expanding the use of the MOC for Haitian migrants seeking asylum, as [reported in September](#) and [October](#) of 2022?

Southern Poverty Law Center, Lisa Borden, 3/9/23

- The data provided by the FBI's annual report under the **Hate Crime** Statistics Reporting Act has always been incomplete and inconsistent due to the voluntary nature of reporting by the nation's law enforcement agencies. Nevertheless, until now it has been the most important and comprehensive national snapshot of hate violence in the US. The 2021 report, released in December, was dramatically incomplete, with far fewer agencies participating than in prior years, with 90 million fewer people were included in the reporting. These included dozens of very large cities, like New York, Los Angeles and Chicago, and almost the entire states of Florida and California. Much of the latest drop in participation is related to the FBI's transition to a new reporting system. What steps will the administration take to ensure complete and accurate reporting to the greatest extent possible in future years? Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?
- It is vital that government officials, whether elected or appointed, use their public platforms to condemn hate-fueled violence. We appreciate and applaud this administration's statements of support for **LGBTQ people and communities**, and the actions it has taken to promote their equal rights. However, it is also essential that our government exercise caution to avoid participating in the platforming, mainstreaming, and normalization of people and groups who espouse hateful ideologies that can lead – and have led – to violence. Earlier this year, Secretary of State Antony Blinken, Ambassador Beth van Schaack, USAID Administrator Samantha Power, and other administration officials participated in the International Religious Freedom Summit. Speakers and sponsors of the Summit, which was co-chaired by former Trump administration Ambassador-at-Large for Religious Freedom and Kansas Gov. Sam Brownback, included Tony Perkins of the Family Research Council, Alliance Defending Freedom, Samaritan's Purse (led by Franklin Graham) and other organizations that are well known for spreading hate and disinformation about LGBTQ people, for advocating the re-criminalization of same sex relations, the legalization of discrimination against LGBTQ people, and even worse. Many of these people and groups have sought to use religious freedom as a weapon to thwart the freedom of others and to turn back the clock to a time when LGBTQ people did not have equal rights. We are alarmed that Biden administration officials would lend legitimacy to them, not only by appearing at an important conference with them, but also by not including any denunciation of such views in their remarks. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future?
- Press reports have documented a disturbing new trend in which overtly political advocacy organizations – including some of the most prominent and active anti-LGBTQ advocacy organizations – have successfully claimed that they should be recognized and treated as “churches” under US Internal Revenue Service code provisions. This privileged tax status designation frees them from significant transparency, accountability, and financial disclosure requirements – involving donors, salaries, and other expenditures – that apply to other tax-exempt non-profit organizations. However, these groups do not possess many of the identified attributes of churches under IRS guidelines. For example, they do not have a form of religious

worship, hold religious worship services, employ clergy, or have affiliated congregations. **Given the obvious incentive for some political and advocacy groups to seek this privileged status, what is the review process for organizations that seek to be designated as churches for IRS purposes? Will the Biden administration identify the political advocacy organizations that have sought church status – and those that have been granted church status – over the past five years? What steps will be taken to address improper designations of church status?**

International Center for Not for Profit Law, Nick Robinson, 3/15/23

- Over the last several years, the United States has witnessed widespread violations of Americans right to peaceful assembly, including numerous incidents of police violence against nonviolent protesters and unjustified arrests. The country's federal counter-terrorism infrastructure has been used to surveil and spread misinformation about nonviolent protesters and, recently, in Georgia, activists, including nonviolent protesters and a legal observer, have been charged under the state's domestic terrorism law, which carries a mandatory sentence of 35 years in jail. According to ICNL's Protest Law Tracker, since 2017, 20 states have enacted at least 39 anti-protest bills. The government has also repeatedly failed to protect protesters from intimidation and violence from armed counter-protesters and vigilantes, particularly at LGBTQ, reproductive rights, and racial justice protests. Studies have shown if third parties with firearms are present at a protest violence is much more likely to result and people are much less likely to attend the demonstration.
- We support recent initiatives of the federal government to better secure protest rights, including new guidelines from COPS on the policing of protests; pattern and practice investigations that examine First Amendment violations, including in Louisville, Kentucky; and the Justice Department filing a statement of interest against HB 1 in Florida, a law which had created a new sweeping crime of rioting that can capture nonviolent conduct.
- Given the scale of past violations and current threats to protest rights in the U.S., what coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? Specifically, what is the federal government's short, mid, and long term strategy for protecting protest rights in the country?

Southern Border Communities Coalition (SBCC), Ricky Garza, 3/23/23

Although ICCPR Article 26 recognizes the right to equal protection and prohibits discrimination, U.S. Customs and Border Protection (CBP) engages in racial and identity profiling, which is a form of discrimination.

Although the Department of Justice has issued guidance to federal law enforcement limiting profiling, it has carved out an exception near the border, stating that their guidance "does not apply to interdiction activities in the vicinity of the border, or to protective, inspection, or screening activities." FN 1. CBP's policy permits the use of race and ethnicity in violation of ICCPR Art. 26, allowing that "CBP personnel may use race or ethnicity when a compelling governmental interest is present and its use is narrowly tailored to that interest" where "national security is per se a compelling interest". FN 2.

The profiling that CBP engages in is often combined with the agency's arbitrary searches using their warrantless search powers granted in 8 USC 1357(a)(3), which itself violates ICCPR Art. 9. As a result, people of color are stopped, asked for their papers, and searched *inside the country* by border agents without cause, undermining their human rights.

How are the DOJ and DHS addressing their lack of compliance with the ICCPR's arbitrary enforcement (Art. 9) and nondiscrimination (Art. 26) provisions with respect to profiling by CBP? How is Congress addressing this issue?

FN 1: Department of Justice, Guidance for Federal Law enforcement Agencies Regarding The Use Of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Or Gender Identity at FN 2 (December 2014), https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf.

FN 2: U.S. Customs and Border Protection, CBP Policy on Nondiscrimination in Law Enforcement Activities and all other Administered Programs (Last Modified May 24, 2022), <https://www.cbp.gov/about/eeo-diversity/policies/nondiscrimination-law-enforcement-activities-and-all-other-administered>

International Association for Official Human Rights Agencies (IAOHRA), Alisa Warren (3/23/23)

The members of IAOHRA are active in the mission of securing domestic compliance with human rights standards and the enforcement of anti-discrimination measures within jurisdictions throughout the country. In recent years these agencies have sought to become more active and have specifically requested support from the federal government, but to date have not received the sustained federal guidance and support necessary for a comprehensive and coordinated nationwide approach to human rights. After last year's CERD review, the U.S. accepted recommendations to take the establishment of a National Human Rights Institute under consideration. This recommendation has also been made in the past ICCPR reviews, and has already been raised through these consultations, demonstrating the importance of this issue. Currently, the United States is one of few democratic nations to lack a NHRI.

Our questions are: (a) what steps have been taken to date to consider the formation of an NHRI, and what, if any, determinations have been made, and on what basis?

(b) how does the federal government intend to coordinate with state and local governments to support and encourage state and local human rights implementation and ensure compliance with our obligations under the ICCPR, especially in light of recent actions taken by states such as Tennessee and Florida which directly deprive LGBTQI+ persons of their rights under Article 19 and Article 26?

(c) what actions has the United States taken, and what action will be taken, to make information on the U.S. obligations under the ICCPR and other international human rights treaties easily accessible and understandable for state and local officials?

Physicians for Human Rights , Michael Payne, (3/23/23)

What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination?

How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?

Global Justice Center, Elena Sarver, (3/23/23)

Privacy:

- The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes?

Non-Discrimination/Equality:

- Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected?

Justice Clinic at University of California, Irvine School of Law, Eric Nguyen, (3/23)

1. U.S. Immigration and Customs Enforcement's acquisition and use of personal data

As illustrated in the Center's 2022 Report "American Dragnet: Data-Driven Deportation in the 21st Century," ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S, and used that data to subject people to detention and deportation. This practice of oversight-free dragnet surveillance interferes with the right to privacy (ICCPR art. 17) as well as the right to freedom of expression (ICCPR art. 19(2)) by chilling the exercise of freedom of expression by individuals and whole communities.. In addition, ICE has discriminatorily arrested and charged potential sponsors of unaccompanied children based on the information shared by the ORR in violation of individuals' right to protection of the family (ICCPR art. 23(1)) and the unaccompanied child's interest in having a guardian (under ICCPR art. 24(1)). **Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights?** On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. **When is ICE planning to publicly respond to this letter?**

The Department of Homeland Security ("DHS"), of which ICE and CBP are part, has stated publicly that it will "continue to implement safeguards for privacy, transparency, civil rights, and civil liberties." **What steps is DHS taking to address the issues raised through the Center's report and Senator's oversight letter to make ICE and CBP's immigration enforcement operations comply with the ICCPR and its commitment to privacy protection?**

2. Use of geofence warrants to target healthcare providers and their patients at abortion clinics

A "geofence" warrant (or "reverse location warrant") requests location data revealing what mobile devices were present in a specified area during a particular time period. In the wake of the *Dobbs* decision, there is increasing concern that these geofence warrants could be used to target healthcare providers and patients at abortion clinics. **Is the Department of Justice planning to impose restrictions**

on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people's right to privacy (under ICCPR art. 17)?

3. Private companies' large scale location data collection which runs the risk of abuse by police. Companies are creating massive databases of mobile devices location information stored through various apps and then allowing police to use it without a warrant, enabling them to track devices' locations. App users may not be aware of these consequences when they download these apps. One particular concern is the ability of police to surveil people seeking abortion, even seeing if any devices cross over into a state where abortion is legal and then returning. As raised by Representative Eshoo (D-CA) last September, **will the Federal Trade Commission investigate the problem of large scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy (under ICCPR art. 17)?**

International Justice Clinic at UC Irvine School of Law, Hinako Sugiyama, (3/24/23)

Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020?

As seen in the recent arrest of a journalist covering the East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically-charged events. What steps has the US taken to ensure police officers responding to these events (1) are aware of the rights of journalists and (2) protect and promote the rights to freedom of expression, assembly, and association? When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly?

A People's Law Office, Jenipher Jones ([comment](#) only, 3/23/23)

Women Lead Network, Denice Labertew ([comment](#) only, 3/24/23)

Asian American Advancing Justice - Asian Law Caucus, Hammad Alam, Caroline Marks ([additional comment](#), 3/23/23)

ALC has and continues to call on the U.S. Government to abandon all CVE programs to prevent ongoing and future harms and violations of the fundamental rights of impacted communities. What steps is the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that such programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made?

Jacob Blaustein Institute for the Advancement of Human Rights, Felice Gauer ([comment](#) only, 4/3/23)

Robert F Kennedy Human Rights Org, Delia Addo-Yobo (4/5/23)

In response to George Floyd's murder by police in 2020, millions of Americans assembled across the country to demand an end to police violence. Viral videos captured the violent responses of police forces that beat, gassed, and shot protestors, some of whom permanently lost their vision after being

shot by police with rubber bullets. Since 2020, legislatures have introduced over 100 bills aimed at punishing or restricting protest-related activity.

In 2023, states continue to chill First Amendment rights, with Georgia being the most recent example. In 2021 the city of Atlanta and a consortium of private investors backing the Atlanta Police Foundation proposed construction of a \$90 million dollar police training academy. The land they sought to build on is called the South River Forest. It is the ancestral home of the Muscogee Creek people, who lived there until they were forcibly removed by white settlers in the eighteen-twenties and thirties. The neighborhoods closest to the forest are mostly Black, with large shares of low-income residents.

The training academy is opposed by a wide swath of civil society, including a group of "forest defenders," protesters who've spent the past year-plus occupying the forest, living in trees and on the ground. On January 18, 2023, police raided the forest, shooting and killing one protester: a non-binary activist named Manuel Teran, also called Tortuguita. Their death is the first recorded instance in the US of the murder of an environmental activist, according to experts. Initially, law enforcement officers refused to release video of the shooting, insisting that the murder of Tortuguita was in self-defense. However, released video from APD suggests that the wounded officer was likely a victim of "friendly fire" by another officer after Tortuguita had already been shot. Even more disturbing, an independent autopsy revealed that Tortuguita was shot 14 times by police, had their hands raised in the air, and "was most probably in a seated position, cross-legged when killed."

Since then, law enforcement has escalated and ramped up arrests of protestors. Additionally, prosecutors in Dekalb County and Fulton County have overzealously been charging protestors with "domestic terrorism." To date, at least forty-two protestors have been charged with domestic terrorism, including a legal observer from the National Lawyers Guild. Some protestors have been denied bond while others have had bonds set at high amounts that they cannot afford. Weaponizing felony charges like domestic terrorism, potentially resulting in up 35 years in prison, is an example of coercive plea bargaining, which includes tactics like over-charging and stacking charges to keep people imprisoned. The ongoing emergency in Georgia is only exacerbated by law enforcement and prosecutors' attempts to chill and intimidate people exercising their First Amendment rights.

Question: Would the DOJ consider investigating abuse of domestic terrorism statutes or anti-protest laws and/or the practice of coercive plea bargaining?

Reports shared for Situational Awareness:

- International Justice Clinic at the UC Irvine School of Law prepared and released [this report](#) in December 2022 pertaining to the establishment of an American NHRI. (Shared by Judy Baladi, University of California Irvine Law School)
- Haitian Bridge Alliance: Their work focuses on the inequality before the law that Black migrants consistently experience throughout their interaction with the U.S. government in a number of contexts: border interactions, interactions with the immigration and criminal legal system in the US interior, and barriers to accessing healthcare, education, and housing. HBA and RFK raised these issues last August to the UN's Committee for the Elimination of Racial Discrimination in the attached coalition Shadow Report, also linked [here](#). HBA and RFK also recently raised these

issues in a comment to the proposed rule, “Circumvention of Lawful Pathways,” 88 FR 11704. I have attached that Comment, also linked [here](#).

-

From: "Higginbotham, Ryan K (OLP)" (b) (6)

To: "Policy, CRT (CRT)" (b) (6), "Policy, AAG (CRT)"

(b) (6) [REDACTED], "Stevens, Karen L (CRT)" (b) (6)

"Lopez, Louis (CRT)"(b) (6)	"Weiner, Robert (CRT)"

(b) (6) [REDACTED], "Smith, Johnathan (CRT)" (b) (6)

"Douglas, Joshua (CRT)" (b) (6) "Morales, Michelle (CRM)"

(b) (6) , "Brink, David (CRM)" (b) (6) , "Opl,

Legislation (CRM)" (b) (6), NSD Policy

(b) (6) "NSD LRM Mailbox (NSD)"

(b) (6) [REDACTED], "policy, civil (CIV)" (b) (6) (b)(6) per OVW

(OVW)"(b) (6) (b)(6) per OVW (OVW)"

(b) (6) , "Bernstein, Jesse M. (ATJ)"

(b) (6) [REDACTED], "Chaney, Christopher B. (OTJ)"
(b)(6) per FOIA (b)(6)

(b) (6) (b)(6) per EOUSA (USAE0)" (b) (6)

(b)(6), (b)(7)(C) per ATF (b) (6) OPCL.policy

(b) (6) "Smith, Justin (ENRD)" (b) (6)

"Alder Reid, Lauren (EOIR)" (b) (6), "Wills, James (BOP)"

(b) (6) "Jacobs, Jeanne H.(OTJ)" (b) (6), "Harvey, Judy

(ENRD)" < (b) (6) "Oakes, Matthew (ENRD)"

(b) (6) (b)(6), (b)(7)(C) per ATF (ATF)" (b) (6)

"Diegor, Melody L. (CRS)"(b) (6)

(CJISD) (FBI)" (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI)"

(b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI

"Brien, Peter (OJP)"(b) (6), "Rossi, Rachel (ATJ)"

(b) (6) (b)(6) per OVW (OVW) (b) (6)

"Chapman, Robert (COPS)" (b) (6), "Comrie, Nazmia (COPS)"

(b) (6) , "Wimberly, Mary Helen (ODAG)"

(b) (6) [REDACTED], "Mody, Saeed (OASG)" (b) (6)

Cc: "Evans, DeAnna E. (OLP)" (b) (6) "Ruiz, Hector (OLP)"

(b) (6) , "Antell, Kira M. (OLP)" (b) (6)

Subject: RE: Follow up on ICCPR civil society consultation call--more advance questions

Date: Thu, 13 Apr 2023 20:10:45 -0400

Importance: High

Attachments: Advance Questions ICCPR CSO Consultation Annotated.docx

Colleagues:

I am following up with an annotated version of all the advance questions. Would you please review the component designations and questions in the margins and provide any comments or edits **by Monday**?

Thank you,

Ryan K. Higginbotham
Counsel
Office of Legal Policy
U.S. Department of Justice

(b) (6)

(b) (6)

From: Higginbotham, Ryan K (OLP)

Sent: Thursday, April 13, 2023 1:18 PM

To: Policy, CRT (CRT) (b) (6); Policy, AAG (CRT) (b) (6); Stevens, Karen L (CRT) (b) (6); Lopez, Louis (CRT) (b) (6); Weiner, Robert (CRT) (b) (6); Smith, Johnathan (CRT) (b) (6); Douglas, Joshua (CRT) (b) (6); Morales, Michelle (CRM) (b) (6); Brink, David (CRM) (b) (6); Opl, Legislation (CRM) (b) (6); NSD Policy (b) (6); NSD LRM Mailbox (NSD) (b) (6); policy civil (CIV) (b) (6); (b)(6) per OVW (OVW) (b) (6); (b)(6) per OVW (OVW) (b) (6); Bernstein, Jesse M. (ATJ) (b) (6); Maher, Robin (ATJ) (b) (6); Chaney, Christopher B. (OTJ) (b) (6); (b)(6) per EOUSA (USAEO) (b) (6); (b)(6), (b)(7)(C) per ATF (ATF) (b) (6); OPCL.policy (b) (6); Smith, Justin (ENRD) (b) (6); Alder Reid, Lauren (EOIR) (b) (6); Wills, James (BOP) (b) (6); Jacobs, Jeanne H. (OTJ) (b) (6); Harvey, Judy (ENRD) (b) (6); Oakes, Matthew (ENRD) (b) (6); (b)(6), (b)(7)(C) per ATF (ATF) (b) (6); Diegor, Melody L. (CRS) (b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Brien, Peter (OJP) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Rossi, Rachel (ATJ) (b) (6); (b)(6) per OVW (OVW) (b) (6); Chapman, Robert (COPS) (b) (6); Comrie, Nazmia (COPS) (b) (6); Wimberly, Mary Helen (ODAG) (b) (6); Mody, Saeed (OASG) (b) (6)

Cc: Evans, DeAnna E. (OLP) (b) (6); Ruiz, Hector (OLP) (b) (6); Antell, Kira M. (OLP) (b) (6)

Subject: Follow up on ICCPR civil society consultation call--more advance questions

Importance: High

Colleagues:

Thank you for joining this morning's call. I want to thank Karen Stevens for her question during the call about other advance questions. She was correct that the document we reviewed did not feature some advance questions.

Would you please review the questions below and advise which questions you are in a position to address?

Main Street Legal Service, CUNY School of Law, Cynthia Soohoo

1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal penalties for abortions and from prosecuting people who have abortions or suffer pregnancy losses? **OASG?**

New Jersey Red Umbrella Alliance and Best Practices Policy Project, N'Jaila Rhee

1. Laws like FOSTA\SESTA and others are preventing civil society groups from congregating in person and online. How will this be addressed? **CRM?**

Haitian Bridge Alliance, Daniel Tse

1. Black migrants, refugees, asylum seekers, and immigrants with legal status are subject to discriminatory treatment and profiling by law enforcement agencies, leading to their over-representation in the criminal justice system and in deportations related to criminal convictions. What measures is the United States taking to address racial profiling and bias in the criminal justice and immigration systems to ensure that Black people are not unfairly targeted? **CRM (racial bias in the criminal justice system)?**

2. Black migrants, refugees, asylum seekers, and immigrants with legal status face unique challenges in navigating the immigration system due to language barriers and lack of legal representation, amongst other obstacles. How is the United States working to ensure that Black immigrants have access to legal representation and language and other support services to help them navigate the immigration process? **EOIR?**
3. The intersectionality of race, gender, and immigration status puts Black immigrant women at heightened risk of discrimination and violence. What steps is the United States taking to protect and promote the rights of Black immigrant women? **CRT?**
4. Black immigrants face significant challenges in accessing basic services like healthcare, education, and housing. How does the United States plan to address racial disparities between Black and other immigration populations? How does the United States plan to ensure that Black immigrants have equal access to these services?

New Jersey Red Umbrella Alliance and Best Practices Policy Project, N'Jaila Rhee

1. We are concerned about anti-trans legislations being proposed all across the United States and the impact that these policy positions may be having in African nations such as Uganda and Ghana. What measures will the US be taken to defend trans lives in the US and globally given these factors? **CRT-domestic efforts?**

Haitian Bridge Alliance, Daniel Tse

1. How does the U.S. plan to address the recent intersections (both nationally and internationally) of race, gender identity, and sexual orientation in combating discrimination and promoting equality before the law? **CRT?**
2. As states such as Florida continues to expand anti-LGBTQ+ laws, how does the U.S. plan to protect and address the discriminatory impact of these laws and policies on Black LGBTQIA+ immigrants?
3. What specific efforts is the U.S. government taking to ensure that Black immigrants, including those who identify as LGBTQI+, are not discriminated against in access to employment, housing, education, and other areas? Or can the U.S. provide examples of policies or programs that have been successful in promoting equality for Black immigrants who identify as LGBTQI+?
4. Are there any plans to collect and analyze data on the experiences of Black immigrants who identify as LGBTQI+ with regards to discrimination and unequal treatment in the U.S.?

Thank you,

Ryan K. Higginbotham
Counsel
Office of Legal Policy
U.S. Department of Justice

(b) (6)

(b) (6)

From: Higginbotham, Ryan K (OLP)

Sent: Friday, April 7, 2023 4:27 PM

To: Policy, CRT (CRT) <(b) (6)>; Policy, AAG (CRT) (b) (6); Stevens, Karen L (CRT)

(b) (6); Lopez, Louis (CRT) (b) (6); Weiner, Robert (CRT)

(b) (6); Smith, Johnathan (CRT) (b) (6); Douglas, Joshua (CRT)

(b) (6); Morales, Michelle (CRM) (b) (6); Brink, David (CRM)

(b) (6); Opl, Legislation (CRM) (b) (6); NSD Policy

(b) (6); NSD LRM Mailbox (NSD) (b) (6); policy, civil (CIV)

(b) (6) ; (b)(6) per OVW (OVW) (b) (6) ; (b)(6) per OVW (OVW)
(b) (6) ; Bernstein, Jesse M. (ATJ) (b) (6) ; Maher, Robin (ATJ)
(b) (6) ; Chaney, Christopher B. (OTJ) (b) (6) ; (b)(6) per EOUSA (USAEO)
(b) (6) ; (b)(6), (b)(7)(C) per ATF (ATF) (b) (6) ; OPCL.policy
(b) (6) ; Smith, Justin (ENRD) (b) (6) ; Alder Reid, Lauren (EOIR)
(b) (6) ; Wills, James (BOP) (b) (6) ; Jacobs, Jeanne H. (OTJ)
(b) (6) ; Harvey, Judy (ENRD) (b) (6) ; Oakes, Matthew (ENRD)
(b) (6) ; (b)(6), (b)(7)(C) per ATF (ATF) (b) (6) ; Diegor, Melody L. (CRS)
(b) (6) ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI
(CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI ; Brien, Peter (OJP)
(b) (6) ; Rossi, Rachel (ATJ) (b) (6)
Cc: Evans, DeAnna E. (OLP) (b) (6) ; Ruiz, Hector (OLP) (b) (6) ; Mody, Saeed
(OASG) (b) (6)
Subject: RE: ICCPR Civil Society Consultation internal call-April 13 or 14
Importance: High

Duplicative Records

Advanced Questions
U.S. ICCPR Consultation with CSO, April 19th, 2023

Theme	CSO	Question	Agency
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Physicians for Human Rights, <i>Michael Payne</i>	1. How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?	WH, OASG
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Global Justice Center, <i>Elena Sarver</i>	1. The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? (a) related: Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes?	WH, OASG
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Justice Clinic at University of California, Irvine School of Law, <i>Eric Nguyen</i>	1. As illustrated in the Center's 2022 Report " American Dragnet: Data-Driven Deportation in the 21st Century ," ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S and used that data to subject	DHS, OASG (geofence), FTC

		people to detention and deportation. Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights? (a) Related: On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. When is ICE planning to publicly respond to this letter? 2. The Department of Homeland Security (“DHS”), of which ICE and CBP are part, has stated publicly that it will “continue to implement safeguards for privacy, transparency, civil rights, and civil liberties.” What steps is DHS taking to address the issues raised through the Center’s report and Senator’s oversight letter to make ICE and CBP’s immigration enforcement operations comply with the ICCPR and its commitment to privacy protection? 3. A “geofence” warrant (or “reverse location warrant”) requests location data revealing what mobile devices were present in a specified area during a particular time period. In the wake of the <i>Dobbs</i> decision, there is increasing concern that these geofence warrants could be used to target healthcare providers and patients at abortion clinics. Is the Department of Justice planning to impose restrictions on geofence warrants, beyond the general	
--	--	--	--

		warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people's right to privacy (under ICCPR art. 17)? 4. Private companies' large scale location data collection which runs the risk of abuse by police. Companies are creating massive databases of mobile devices location information stored through various apps and then allowing police to use it without a warrant, enabling them to track devices' locations. App users may not be aware of these consequences when they download these apps. One particular concern is the ability of police to surveil people seeking abortion, even seeing if any devices cross over into a state where abortion is legal and then returning. As raised by Representative Eshoo (D-CA) last September, will the Federal Trade Commission investigate the problem of large-scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy?	
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Asian American Advancing Justice - Asian Law Caucus, <i>Hammad Alam,</i> <i>Caroline Marks</i>	1. ALC has and continues to call on the U.S. Government to abandon all CVE programs to prevent ongoing and future harms and violations of the fundamental rights of impacted communities. What steps are the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that Countering Violent Extremism (CVE) programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made?	WH, DHS, ODAG, FBI, USAOs?

Commented [HRK(1): ODAG, FBI, EOUSA/USAOs: do you have input regarding CVE programs and frameworks?

Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Main Street Legal Service, CUNY School of Law, <i>Cynthia Soohoo</i>	1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal penalties for abortions and from prosecuting people who have abortions or suffer pregnancy losses?	OASG
Freedom of assembly and association (Arts. 21 and 22)	International Center for Not-for-Profit Law, <i>Nick Robinson</i>	Over the last several years, the United States has witnessed widespread violations of Americans right to peaceful assembly, including numerous incidents of police violence against nonviolent protesters and unjustified arrests. The country's federal counter-terrorism infrastructure has been used to surveil and spread misinformation about nonviolent protesters and, recently, in Georgia, activists, including nonviolent protesters and a legal observer, have been charged under the state's domestic terrorism law, which carries a mandatory sentence of 35 years in jail. According to ICNL's Protest Law Tracker, since 2017, 20 states have enacted at least 39 anti-protest bills. The government has also repeatedly failed to protect protesters from intimidation and violence from armed counter-protesters and vigilantes, particularly at LGBTQ, reproductive rights, and racial justice protests. Studies have shown if third parties with firearms are present at a protest violence is much more likely to result and people are much less likely to attend the demonstration. We support recent initiatives of the federal government to better secure protest rights, including new guidelines from COPS on the policing of protests; pattern and practice investigations that examine First Amendment violations, including in Louisville, Kentucky; and the Justice Department filing a statement of interest against HB 1 in Florida, a law which had created a new sweeping crime of rioting that can capture nonviolent conduct.	COPS, CRT

Commented [HRK(2)]: COPS: as discussed during today's call, can you provide talking points on your efforts/activities in this area?

		1. Given the scale of past violations and current threats to protest rights in the U.S., what coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? 2. Specifically, what is the federal government's short-, mid-, and long-term strategy for protecting protest rights in the country?	
Freedom of assembly and association (Arts. 21 and 22)	International Justice Clinic at UC Irvine School of Law, Hinako Sugiyama	1. Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020? 2. As seen in the recent arrest of a journalist covering the East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically charged events. What steps has the US taken to ensure police officers responding to these events are aware of the rights of journalists and protect and promote the rights to freedom of expression, assembly, and association? (a) Related: When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly?	COPS, CRT
Freedom of assembly and association (Arts. 21 and 22)	New Jersey Red Umbrella Alliance and Best Practices	1. Laws like FOSTA\SESTA and others are preventing civil society groups from congregating in person and online. How will this be addressed?	CRM

Commented [HRK(3)]: COPS: as discussed during today's call, can you provide talking points on your efforts/activities in this area?

Commented [HRK(4)]: CRM: can you provide points on FOSTA/SESTA?

	Policy Project, <i>N'Jaila Rhee</i>		
Freedom of assembly and association (Arts. 21 and 22)	Robert F Kennedy Human Rights Org, <i>Delia Addo-Yobo</i>	In response to George Floyd's murder by police in 2020, millions of Americans assembled across the country to demand an end to police violence. Viral videos captured the violent responses of police forces that beat, gassed, and shot protestors, some of whom permanently lost their vision after being shot by police with rubber bullets. Since 2020, legislatures have introduced over 100 bills aimed at punishing or restricting protest-related activity. In 2023, states continue to chill First Amendment rights, with Georgia being the most recent example. In 2021 the city of Atlanta and a consortium of private investors backing the Atlanta Police Foundation proposed construction of a \$90 million dollar police training academy. The land they sought to build on is called the South River Forest. It is the ancestral home of the Muscogee Creek people, who lived there until they were forcibly removed by white settlers in the eighteen-twenties and thirties. The neighborhoods closest to the forest are mostly Black, with large shares of low-income residents. The training academy is opposed by a wide swath of civil society, including a group of "forest defenders," protestors who've spent the past year-plus occupying the forest, living in trees and on the ground. On January 18, 2023, police raided the forest, shooting and killing one protester: a non-binary activist named Manuel Teran, also called Tortuguita. Their death is the first recorded instance in the US of the murder of an environmental activist, according to experts. Initially, law enforcement officers refused to release video of the shooting, insisting that the murder of Tortuguita was in self-defense. However, released video from APD suggests that the wounded officer was likely a victim of	CRT

		“friendly fire” by another officer after Tortuguita had already been shot. Even more disturbing, an independent autopsy revealed that Tortuguita was shot 14 times by police, had their hands raised in the air, and “was most probably in a seated position, cross-legged when killed.” Since then, law enforcement has escalated and ramped up arrests of protestors. Additionally, prosecutors in Dekalb County and Fulton County have overzealously been charging protestors with “domestic terrorism.” To date, at least forty-two protestors have been charged with domestic terrorism, including a legal observer from the National Lawyers Guild. Some protestors have been denied bond while others have had bonds set at high amounts that they cannot afford. Weaponizing felony charges like domestic terrorism, potentially resulting in up 35 years in prison, is an example of coercive plea bargaining, which includes tactics like over-charging and stacking charges to keep people imprisoned. The ongoing emergency in Georgia is only exacerbated by law enforcement and prosecutors’ attempts to chill and intimidate people exercising their First Amendment rights. 1. Would the DOJ consider investigating abuse of domestic terrorism statutes or anti-protest laws and/or the practice of coercive plea bargaining?	
Freedom of Religion or Belief		Press reports have documented a disturbing new trend in which overtly political advocacy organizations – including some of the most prominent and active anti-LGBTQ advocacy organizations – have successfully claimed that they should be recognized and treated as “churches” under US Internal Revenue Service code provisions. This privileged tax status designation frees them from significant transparency, accountability, and financial disclosure requirements – involving donors, salaries, and other	Treasury

		expenditures – that apply to other tax-exempt non-profit organizations. However, these groups do not possess many of the identified attributes of churches under IRS guidelines. For example, they do not have a form of religious worship, hold religious worship services, employ clergy, or have affiliated congregations. 1. Given the obvious incentive for some political and advocacy groups to be designated as churches for IRS purposes, what is the review process for organizations that seek this status? (a) Related: Will the Biden administration identify the political advocacy organizations that have sought church status – and those that have been granted church status – over the past five years? (b) Related: What steps will be taken to address improper designations of church status?	
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Southern Border Communities Coalition (SBCC), <i>Ricky Garza</i>	Although ICCPR Article 26 recognizes the right to equal protection and prohibits discrimination, U.S. Customs and Border Protection (CBP) engages in racial and identity profiling, which is a form of discrimination. Although the Department of Justice has issued guidance to federal law enforcement limiting profiling, it has carved out an exception near the border, stating that their guidance "does not apply to interdiction activities in the vicinity of the border, or to protective, inspection, or screening activities." FN 1. CBP's policy permits the use of race and ethnicity in violation of ICCPR Art. 26, allowing that "CBP personnel may use race or ethnicity when a compelling governmental interest is present	DHS, OASG (profiling)

		and its use is narrowly tailored to that interest” where “national security is per se a compelling interest”. The profiling that CBP engages in is often combined with the agency’s arbitrary searches using their warrantless search powers granted in 8 USC 1357(a)(3), which itself violates ICCPR Art. 9. As a result, people of color are stopped, asked for their papers, and searched <i>inside the country</i> by border agents without cause, undermining their human rights. FN 2. FN 1: Department of Justice, Guidance for Federal Law enforcement Agencies Regarding The Use Of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Or Gender Identity at FN 2 (December 2014), https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf. FN 2: U.S. Customs and Border Protection, CBP Policy on Nondiscrimination in Law Enforcement Activities and all other Administered Programs (Last Modified May 24, 2022), https://www.cbp.gov/about/eeo-diversity/policies/nondiscrimination-law-enforcement-activities-and-all-other-administered 1. How are the DOJ and DHS addressing their lack of compliance with the ICCPR’s arbitrary enforcement (Art. 9) and nondiscrimination (Art. 26) provisions with respect to profiling by US Customs and Border Protection? (a) Related: How is Congress addressing this issue?	
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	International Association for Official Human Rights Agencies (IAOHRA) , <i>Alisa Warren</i>	The members of IAOHRA are active in the mission of securing domestic compliance with human rights standards and the enforcement of anti-discrimination measures within jurisdictions throughout the country. In recent years these agencies have sought to become more active and have specifically requested support from the federal government, but to date have not received the sustained federal guidance and support necessary for a comprehensive and coordinated nationwide approach to human rights. After last year’s CERD review, the U.S. accepted	WH, DOS, CRT

		recommendations to take the establishment of a National Human Rights Institute under consideration. This recommendation has also been made in the past ICCPR reviews, and has already been raised through these consultations, demonstrating the importance of this issue. Currently, the United States is one of few democratic nations to lack a NHRI. 1. What steps have been taken to date to consider the formation of an NHRI, and what, if any, determinations have been made, and on what basis? 2. How does the federal government intend to coordinate with state and local governments to support and encourage state and local human rights implementation and ensure compliance with our obligations under the ICCPR, especially in light of recent actions taken by states such as Tennessee and Florida which directly deprive LGBTQI+ persons of their rights under Article 19 and Article 26? 3. What actions has the United States taken, and what action will be taken, to make information on the U.S. obligations under the ICCPR and other international human rights treaties easily accessible and understandable for state and local officials?	
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Physicians for Human Rights, <i>Michael Payne</i>	1. What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination?	WH, OASG

Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Global Justice Center, Elena Sarver	1. Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected?	WH, OASG
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Haitian Bridge Alliance, Daniel Tse	1. Black migrants, refugees, asylum seekers, and immigrants with legal status are subject to discriminatory treatment and profiling by law enforcement agencies, leading to their over-representation in the criminal justice system and in deportations related to criminal convictions. What measures is the United States taking to address racial profiling and bias in the criminal justice and immigration systems to ensure that Black people are not unfairly targeted? 2. Black migrants, refugees, asylum seekers, and immigrants with legal status face unique challenges in navigating the immigration system due to language barriers and lack of legal representation, amongst other obstacles. How is the United States working to ensure that Black immigrants have access to legal representation and language and other support services to help them navigate the immigration process? 3. The intersectionality of race, gender, and immigration status puts Black immigrant women at heightened risk of discrimination and violence. What steps is the United States taking to protect and promote the rights of Black immigrant women?	WH, EEOC, HHS, ED, HUD CRM (racial bias in criminal justice system) EOIR (access to legal representation) OASG (OVW TPs) (Black immigrant women at heightened risk of discrimination and violence)

Commented [HRK(5)]: CRM: can you provide input on the first question?

Commented [HRK(6)]: EOIR: can you provide written points on access to legal representation (question 2)?

		4. Black immigrants face significant challenges in accessing basic services like healthcare, education, and housing. How does the United States plan to address racial disparities between Black and other immigration populations? How does the United States plan to ensure that Black immigrants have equal access to these services?	
LGBTQI+ Persons	Southern Poverty Law Center, Lisa Borden	It is vital that government officials, whether elected or appointed, use their public platforms to condemn hate-fueled violence. We appreciate and applaud this administration's statements of support for LGBTQ people and communities, and the actions it has taken to promote their equal rights. However, it is also essential that our government exercise caution to avoid participating in the platforming, mainstreaming, and normalization of people and groups who espouse hateful ideologies that can lead – and have led – to violence. Earlier this year, Secretary of State Antony Blinken, Ambassador Beth van Schaack, USAID Administrator Samantha Power, and other administration officials participated in the International Religious Freedom Summit. Speakers and sponsors of the Summit, which was co-chaired by former Trump administration Ambassador-at-Large for Religious Freedom and Kansas Gov. Sam Brownback, included Tony Perkins of the Family Research Council, Alliance Defending Freedom, Samaritan's Purse (led by Franklin Graham) and other organizations that are well known for spreading hate and disinformation about LGBTQ people, for advocating the re-criminalization of same sex relations, the legalization of discrimination against LGBTQ people, and even worse. Many of these people and groups have sought to use religious freedom as a weapon to thwart the freedom of others and to turn back the clock to a time when LGBTQ people did not have equal rights. We are alarmed that Biden administration officials would lend	WH, CRT

		legitimacy to them, not only by appearing at an important conference with them, but also by not including any denunciation of such views in their remarks. 1. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future?	
LGBTQI+ Persons	New Jersey Red Umbrella Alliance and Best Practices Policy Project, <i>N'Jaila Rhee</i>	1. We are concerned about anti-trans legislations being proposed all across the United States and the impact that these policy positions may be having in African nations such as Uganda and Ghana. What measures will the US be taken to defend trans lives in the US and globally given these factors?	CRT
LGBTQI+ Persons	Haitian Bridge Alliance, <i>Daniel Tse</i>	1. How does the U.S. plan to address the recent intersections (both nationally and internationally) of race, gender identity, and sexual orientation in combating discrimination and promoting equality before the law? 2. As states such as Florida continues to expand anti-LGBTQ+ laws, how does the U.S. plan to protect and address the discriminatory impact of these laws and policies on Black LGBTQIA+ immigrants? 3. What specific efforts is the U.S. government taking to ensure that Black immigrants, including those who identify as LGBTQI+, are not discriminated against in access to employment, housing, education, and other areas? Or can the U.S. provide examples of policies or programs that have been successful in promoting equality for Black immigrants who identify as LGBTQI+?	EEOC, HUD, ED, CRT, OJP

Commented [HRK(7)]: OJP: please advise if you have input on the fourth question.

		4. Are there any plans to collect and analyze data on the experiences of Black immigrants who identify as LGBTQI+ with regards to discrimination and unequal treatment in the U.S.?	
Hate Crimes		The data provided by the FBI's annual report under the Hate Crime Statistics Reporting Act has always been incomplete and inconsistent due to the voluntary nature of reporting by the nation's law enforcement agencies. Nevertheless, until now it has been the most important and comprehensive national snapshot of hate violence in the US. The 2021 report, released in December, was dramatically incomplete, with far fewer agencies participating than in prior years, with 90 million fewer people were included in the reporting. These included dozens of very large cities, like New York, Los Angeles and Chicago, and almost the entire states of Florida and California. Much of the latest drop in participation is related to the FBI's transition to a new reporting system. 1. What steps will the administration take to ensure complete and accurate reporting to the greatest extent possible in future years? 2. Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? 3. Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?	OASG (FBI TPs)
Unknown	A People's Law Office, Jenipher Jones	Comment only	

Unknown	Women Lead Network, Denice Labertew	Comment only	
Unknown	Jacob Blaustein Institute for the Advancement of Human Rights, Felice Gauer	Comment only	

From: "Higginbotham, Ryan K (OLP)" (b) (6)

To: "Wimberly, Mary Helen (ODAG)" (b) (6)

Subject: FW: Follow up on ICCPR civil society consultation call--more advance questions

Date: Fri, 14 Apr 2023 12:12:35 -0400

Importance: High

Attachments: Advance_Questions_ICCPR_CSO_Consultation_Annotated.docx

Mary Helen, could I request that you review the question about CVE programs on page 3 in the attached? I'm interested in whether ODAG has input on the question or if you can identify a component POC (e.g., FBI or NSD?).

Thank you,

Ryan Higginbotham

From: Higginbotham, Ryan K (OLP)

Sent: Thursday, April 13, 2023 8:11 PM

To: Policy, CRT (CRT) (b) (6); Policy, AAG (CRT) (b) (6); Stevens, Karen L (CRT)

(b) (6); Lopez, Louis (CRT) (b) (6); Weiner, Robert (CRT)

(b) (6); Smith, Johnathan (CRT) (b) (6); Douglas, Joshua (CRT)

(b) (6); Morales, Michelle (CRM) (b) (6); Brink, David (CRM)

(b) (6); Opl, Legislation (CRM) (b) (6); NSD Policy

(b) (6); NSD LRM Mailbox (NSD) (b) (6); policy, civil (CIV)

(b) (6); (b)(6) per OVW (OVW) (b) (6); (b)(6) per OVW (OVW)

(b) (6); Bernstein, Jesse M. (ATJ) (b) (6); Chaney, Christopher B. (OTJ)

(b) (6); (b)(6) per EOUSA (USAEO) (b) (6); (b)(6), (b)(7)(C) per ATF (ATF)

(b) (6); OPCL.policy (b) (6); Smith, Justin (ENRD) (b) (6);

Alder Reid, Lauren (EOIR) (b) (6); Wills, James (BOP) (b) (6); Jacobs, Jeanne H.

(OTJ) (b) (6); Harvey, Judy (ENRD) (b) (6); Oakes, Matthew (ENRD)

(b) (6); (b)(6), (b)(7)(C) per ATF (ATF) (b) (6); Diegor, Melody L. (CRS)

(b) (6); (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI

(CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI (CJISD) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Brien, Peter (OJP)

(b) (6); Rossi, Rachel (ATJ) (b) (6); (b)(6) per OVW (OVW)

(b) (6); Chapman, Robert (COPS) (b) (6); Comrie, Nazmia (COPS)

(b) (6); Wimberly, Mary Helen (ODAG) (b) (6); Mody, Saeed

(OASG) (b) (6)

Cc: Evans, DeAnna E. (OLP) (b) (6); Ruiz, Hector (OLP) (b) (6); Antell, Kira

M. (OLP) (b) (6)

Subject: RE: Follow up on ICCPR civil society consultation call--more advance questions

Importance: High

Duplicative Records

From: "Foran, Sheila (CRT)" (b) (6)

To: "Mody, Saeed (OASG)" (b) (6)

Subject: RE: 4/24 Hate Crimes Initiative Meeting

Date: Fri, 14 Apr 2023 13:45:47 -0400

Importance: Normal

Excellent, thanks Saeed. Will be back in touch as we get closer.

In the meantime, also thought you might be interested in a May 24 NIJ presentation – should get a calendar invite and more info soon, and will include you.

Hate Crimes: Understanding Perpetrators, Addressing Victims' Needs, and Preventing Future Harms	Preventing and responding to hate crimes and hate incidents is one of the Justice Department's highest priorities. By summarizing findings from three recent NIJ-funded studies examining pathways to bias crime perpetration, hate crimes against LGBTQ individuals and bias crimes victimization against Latinos, this panel highlights what is known about people who commit hate crimes, the impact of bias victimization, and barriers to victim reporting, along with strategies for preventing hate crimes and better supporting victims who experience them.	Michael Jensen University of Maryland (b) (6)	Confirmed Panelist
		Besiki Luka Kutateladze Florida International University (b) (6)	Confirmed Panelist
		Carlos Cuevas Northeastern University (b) (6)	Confirmed Panelist
		Michael Lieberman Southern Poverty Law Center (b) (6)	Confirmed Discussant
		Melba Pearson Former Senior Prosecutor Florida International University (b) (6)	Confirmed Discussant
		Olivia "Sunny" Schnitzer Bureau of Justice Administration (b) (6)	Confirmed Chair

Additionally, Besiki and Melba are two PIs on the FY22 NIJ award to study hate crime prosecution decisions in 5 jurisdictions – which will include examining cases where there was a potential bias element but did not result in a hate crime charge.

From: Mody, Saeed (OASG) (b) (6) >

Sent: Friday, April 14, 2023 1:36 PM

To: Foran, Sheila (CRT) (b) (6) >

Subject: RE: 4/24 Hate Crimes Initiative Meeting

Happy to provide an update and agenda looks good!

From: Foran, Sheila (CRT) (b) (6)

Sent: Wednesday, April 12, 2023 5:16 PM

To: Mody, Saeed (OASG) (b) (6)
Subject: 4/24 Hate Crimes Initiative Meeting

Hi Saeed,

Hope that your travels were both fantastic and relaxing. (b) (6)

Wondering if we can have you provide a "leadership update" at the next Hate Crimes Enforcement and Prevention Initiative meeting on April 24. This might include your briefing of legislators and of the Commission; the DAG's oversight hearing; etc.

Please see attached proposed agenda (in progress). Ideas welcome!

Best, Sheila

Sheila M. Foran
Special Legal Counsel
Policy and Strategy Section

Civil Rights Division, U.S. Department of Justice

(b) (6)

Ryan K. Higginbotham
Counsel
Office of Legal Policy
U.S. Department of Justice
(b) (6)

(b) (6)

From: ICCPR 2023 <ICCPR2023@state.gov>
Sent: Friday, April 14, 2023 4:10 PM
To: ICCPR 2023 <ICCPR2023@state.gov>
Cc: (b)(6) per State Dep't @state.gov; (b)(6) per State Dep't @state.gov; (b)(6) per State Dep't @state.gov; (b)(6) per State Dep't @state.gov; (b)(6) per State Dep't @state.gov; (b)(6) per State Dep't @state.gov; (b)(6) per State Dep't @state.gov
Subject: [EXTERNAL] ICCPR 2023 CSO Consultation

Good afternoon Colleagues,

The U.S. Department of State is hosting a series of Civil Society Consultations in preparation for the United States' upcoming presentation to the UN Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR). We would like to convene a wide range of interagency experts, *especially contacts from HUD, HHS, IRS, DOD, NSC, and Treasury*, to participate and address questions presented by civil society on the following topics:

- Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)
- Freedom of expression (Art. 19)
- Hate crimes
- Freedom of assembly and association (Arts. 21 and 22)
- Freedom of Religion or Belief
- Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)
- LGBTQI+ Persons

This consultation will be on Wednesday, **April 19, 2023, 1:30PM to 3:00PM EST, hosted on Webex (meeting link [here](#))**.

We would greatly appreciate your participation in addressing questions listed in the chart below. Flagging for your review the third column where we have assigned agencies best suited to answer the question. We will host a pre brief on **Monday, April 17th 1-2pm on Webex (meeting link [here](#))**, where we will run through the questions and hear from interagency representatives their thoughts on whether they are able to address their assigned questions or if they would prefer to speak on additional questions.

Thank you to those who have already RSVP'd. If you are able to participate and have not done so already, please RSVP to iccpr2023@state.gov to receive the necessary invites.

Best,
US ICCPR 2023 Team

Advanced Questions
U.S. ICCPR Consultation with CSO, April 19th, 2023

Theme	CSO	Question	Agency
Right to be Free from Arbitrary or Unlawful	Physicians for Human Rights,	1. How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their	(b)(5) per State Dep't

Interference with Privacy (Art. 17)	<i>Michael Payne</i>	prosecution, disbarment, loss of license, or other retribution or reprimanding measures?	(b)(5) per State Dep't
	Global Justice Center, Elena Sarver	----- 1. The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? (a) related: Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes? -----	
	Justice Clinic at University of California, Irvine School of Law, Eric Nguyen	----- 1. As illustrated in the Center's 2022 Report "American Dragnet: Data-Driven Deportation in the 21st Century," ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S and used that data to subject people to detention and deportation. Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights? (a) Related: On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. When is ICE planning to publicly respond to this letter? 2. The Department of Homeland Security ("DHS"), of which ICE and CBP are part, has stated publicly that it will "continue to implement safeguards for privacy, transparency, civil rights, and civil liberties." What steps is DHS taking to address the issues raised through the Center's report and Senator's oversight letter to make ICE and CBP's immigration enforcement operations comply with the ICCPR and its commitment to privacy protection?	

	Asian American Advancing Justice - Asian Law Caucus, <i>Hammad Alam, Caroline Marks</i> Main Street Legal Service, CUNY School of Law, <i>Cynthia Soohoo</i>	3. Is the Department of Justice planning to impose restrictions on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people's right to privacy (under ICCPR art. 17)? 4. As raised by Representative Eshoo (D-CA) last September, will the Federal Trade Commission investigate the problem of large-scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy? 1. What steps are the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that Countering Violent Extremism (CVE) programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made? 1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal penalties for abortions and from prosecuting people who have abortions or suffer pregnancy losses?	(b)(5) per State Dep't
Freedom of expression (Art. 19), Hate crimes	Southern Poverty Law Center, <i>Lisa Borden</i>	1. What steps will the administration take to ensure complete and accurate reporting for data provided by the FBI's annual report under the Hate Crime Statistics Reporting Act to the greatest extent possible in future years? (a) Related: Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? (b) Related: Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?	(b)(5) per State Dep't
Freedom of assembly and	International Center for	1. Given the scale of past violations and current threats to protest rights in the U.S., what	(b)(5) per State Dep't

association (Arts. 21 and 22)	Not-for-Profit Law, <i>Nick Robinson</i> International Justice Clinic at UC Irvine School of Law, <i>Hinako Sugiyama</i> New Jersey Red Umbrella Alliance and Best Practices Policy Project, <i>N'Jai la Rhee</i> Robert F Kennedy Human Rights Org, <i>Delia Addo-Yobo</i>	coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? Specifically, what is the federal government's short-, mid-, and long-term strategy for protecting protest rights in the country? ----- 1. Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020? 2. As seen in the recent arrest of a journalist covering the East Palestine train derailment, journalists are often the target of arbitrary arrest when covering protests or politically charged events. What steps has the US taken to ensure police officers responding to these events are aware of the rights of journalists and protect and promote the rights to freedom of expression, assembly, and association? (a) Related: When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly? --- 1. Laws like FOSTA\SESTA and others are preventing civil society groups from congregating in person and online. How will this be addressed? ----- 1. Would the DOJ consider investigating abuse of domestic terrorism statutes or anti-protest laws and/or the practice of coercive plea bargaining?	(b)(5) per State Dept
Freedom of Religion or Belief	Southern Poverty Law Center, <i>Lisa Borden</i>	1. Given the obvious incentive for some political and advocacy groups to be designated as churches for IRS purposes, what is the review process for organizations that seek this status? (a) Related: Will the Biden administration identify the political advocacy organizations that have sought church	(b)(5) per State Dept

		status – and those that have been granted church status – over the past five years? (b) Related: What steps will be taken to address improper designations of church status?	
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Southern Border Communities Coalition (SBCC), <i>Ricky Garza</i> International Association for Official Human Rights Agencies (IAOHRA), <i>Alisa Warren</i> Physicians for Human Rights, <i>Michael Payne</i> Global Justice Center, <i>Elena Sarver</i>	1. How are the DOJ and DHS addressing their lack of compliance with the ICCPR's arbitrary enforcement (Art. 9) and nondiscrimination (Art. 26) provisions with respect to profiling by US Customs and Border Protection? (a) Related: How is Congress addressing this issue? ----- 1. What steps have been taken to date to consider the formation of an NHRI, and what, if any, determinations have been made, and on what basis? 2. How does the federal government intend to coordinate with state and local governments to support and encourage state and local human rights implementation and ensure compliance with our obligations under the ICCPR, especially in light of recent actions taken by states such as Tennessee and Florida which directly deprive LGBTQI+ persons of their rights under Article 19 and Article 26? 3. What actions has the United States taken, and what action will be taken, to make information on the U.S. obligations under the ICCPR and other international human rights treaties easily accessible and understandable for state and local officials? ----- 1. What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination? ----- 1. Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and	(b)(5) per State Dep't

	Haitian Bridge Alliance, <i>Daniel Tse</i> -----	pregnancy outcomes in order to ensure the equal rights of women and girls are protected 1. Black migrants, refugees, asylum seekers, and immigrants with legal status are subject to discriminatory treatment and profiling by law enforcement agencies, leading to their over-representation in the criminal justice system and in deportations related to criminal convictions. What measures is the United States taking to address racial profiling and bias in the criminal justice and immigration systems to ensure that Black people are not unfairly targeted? 2. Black migrants, refugees, asylum seekers, and immigrants with legal status face unique challenges in navigating the immigration system due to language barriers and lack of legal representation, amongst other obstacles. How is the United States working to ensure that Black immigrants have access to legal representation and language and other support services to help them navigate the immigration process? 3. The intersectionality of race, gender, and immigration status puts Black immigrant women at heightened risk of discrimination and violence. What steps is the United States taking to protect and promote the rights of Black immigrant women? 4. Black immigrants face significant challenges in accessing basic services like healthcare, education, and housing. How does the United States plan to address racial disparities between Black and other immigration populations? How does the United States plan to ensure that Black immigrants have equal access to these services?	(b)(5) per State Dep't
LGBTQI+ Persons	Southern Poverty Law Center, <i>Lisa Borden</i> ----- New Jersey Red Umbrella Alliance and Best Practices	1. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future? 1. We are concerned about anti-trans legislations being proposed all across the United States and the impact that these policy positions may be having in African nations such as Uganda and Ghana. What measures will the US be taken to	(b)(5) per State Dep't

	Policy Project, N'Jai la Rhee ----- Haitian Bridge Alliance, Daniel Tse	defend trans lives in the US and globally given these factors? 1. How does the U.S. plan to address the recent intersections (both nationally and internationally) of race, gender identity, and sexual orientation in combating discrimination and promoting equality before the law? 2. As states such as Florida continues to expand anti-LGBTQ+ laws, how does the U.S. plan to protect and address the discriminatory impact of these laws and policies on Black LGBTQIA+ immigrants? 3. What specific efforts is the U.S. government taking to ensure that Black immigrants, including those who identify as LGBTQI+, are not discriminated against in access to employment, housing, education, and other areas? Or can the U.S. provide examples of policies or programs that have been successful in promoting equality for Black immigrants who identify as LGBTQI+? 4. Are there any plans to collect and analyze data on the experiences of Black immigrants who identify as LGBTQI+ with regards to discrimination and unequal treatment in the U.S.?	(b)(5) per State Dep't
--	--	---	-------------------------------

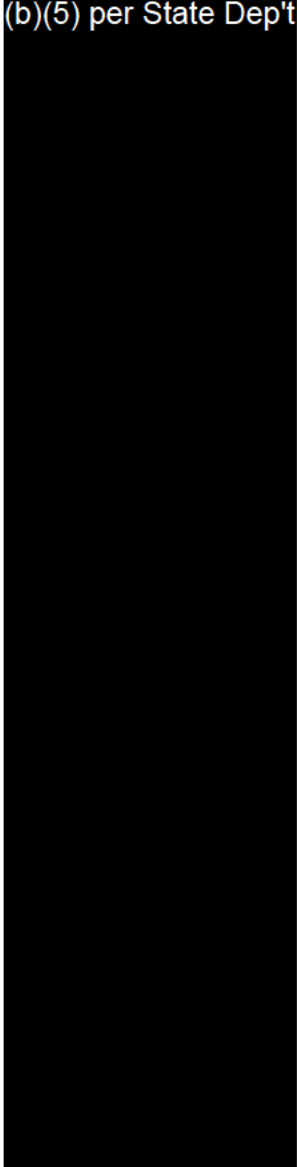
Advanced Questions
U.S. ICCPR Consultation with CSO, April 19th, 2023

Theme	CSO	Question	Agency
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Physicians for Human Rights, <i>Michael Payne</i>	1. How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?	(b)(5) per State Dep't
	Global Justice Center, <i>Elena Sarver</i>	----- 1. The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? (a) related: Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes? -----	

SENSITIVE BUT UNCLASSIFIED

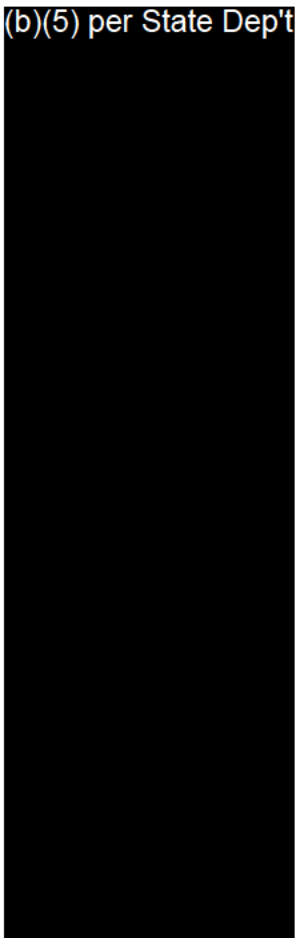
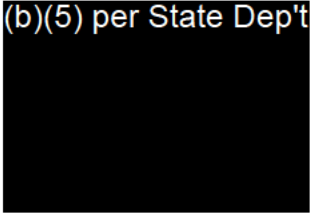
	Justice Clinic at University of California, Irvine School of Law, <i>Eric Nguyen</i>	1. As illustrated in the Center’s 2022 Report “American Dragnet: Data-Driven Deportation in the 21st Century,” ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S and used that data to subject people to detention and deportation. Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights? (a) Related: On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration investigations. When is ICE planning to publicly respond to this letter? 2. The Department of Homeland Security (“DHS”), of which ICE and CBP are part, has stated publicly that it will “continue to implement safeguards for privacy, transparency, civil rights, and civil liberties.” What steps is DHS taking to address the issues raised through the Center’s report and Senator’s oversight letter to make ICE and CBP’s immigration enforcement operations comply with the ICCPR and its commitment to privacy protection? 3. Is the Department of Justice planning to impose restrictions on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people’s right to privacy (under ICCPR art. 17)?	(b)(5) per State Dep’t
--	--	--	------------------------

SENSITIVE BUT UNCLASSIFIED

		4. As raised by Representative Eshoo (D-CA) last September, will the Federal Trade Commission investigate the problem of large-scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers' privacy? ----- 1. What steps are the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that Countering Violent Extremism (CVE) programs and frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made? ----- 1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal penalties for abortions and from prosecuting people who have abortions or suffer pregnancy losses?	(b)(5) per State Dep't 
	Asian American Advancing Justice - Asian Law Caucus, <i>Hammad Alam, Caroline Marks</i> Main Street Legal Service, CUNY School of Law, <i>Cynthia Soohoo</i>		

Freedom of expression (Art. 19), Hate crimes	Southern Poverty Law Center, Lisa Borden	1. What steps will the administration take to ensure complete and accurate reporting for data provided by the FBI's annual report under the Hate Crime Statistics Reporting Act to the greatest extent possible in future years? (a) Related: Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? (b) Related: Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?	(b)(5) per State Dep't
Freedom of assembly and association (Arts. 21 and 22)	International Center for Not-for-Profit Law, Nick Robinson International Justice Clinic at UC Irvine School of Law, Hinako Sugiyama	1. Given the scale of past violations and current threats to protest rights in the U.S., what coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? Specifically, what is the federal government's short-, mid-, and long-term strategy for protecting protest rights in the country? ----- 1. Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020? 2. As seen in the recent arrest of a journalist covering the East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically charged events. What steps has the US taken to ensure police officers responding to these events are	(b)(5) per State Dep't

SENSITIVE BUT UNCLASSIFIED

	New Jersey Red Umbrella Alliance and Best Practices Policy Project, N'Jaila Rhee Robert F Kennedy Human Rights Org, Delia Addo-Yobo	aware of the rights of journalists and protect and promote the rights to freedom of expression, assembly, and association? (a) Related: When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly? --- 1. Laws like FOSTA\SESTA and others are preventing civil society groups from congregating in person and online. How will this be addressed? ----- 1. Would the DOJ consider investigating abuse of domestic terrorism statutes or anti-protest laws and/or the practice of coercive plea bargaining?	(b)(5) per State Dep't 
Freedom of Religion or Belief	Southern Poverty Law Center, Lisa Borden	1. Given the obvious incentive for some political and advocacy groups to be designated as churches for IRS purposes, what is the review process for organizations that seek this status? (a) Related: Will the Biden administration identify the political advocacy organizations that have sought church status – and	(b)(5) per State Dep't 

	Physicians for Human Rights, <i>Michael Payne</i> ----- 1. What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination? ----- Global Justice Center, <i>Elena Sarver</i> 1. Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected ---- Haitian Bridge Alliance, <i>Daniel Tse</i> 1. Black migrants, refugees, asylum seekers, and immigrants with legal status are subject to discriminatory treatment and profiling by law enforcement agencies, leading to their over-representation in the criminal justice system and in deportations related to criminal convictions. What measures is the United States taking to address racial profiling and bias in the criminal justice and immigration systems to ensure that Black people are not unfairly targeted?	(b)(5) per State Dep't 
--	--	--

SENSITIVE BUT UNCLASSIFIED

		2. Black migrants, refugees, asylum seekers, and immigrants with legal status face unique challenges in navigating the immigration system due to language barriers and lack of legal representation, amongst other obstacles. How is the United States working to ensure that Black immigrants have access to legal representation and language and other support services to help them navigate the immigration process? 3. The intersectionality of race, gender, and immigration status puts Black immigrant women at heightened risk of discrimination and violence. What steps is the United States taking to protect and promote the rights of Black immigrant women? 4. Black immigrants face significant challenges in accessing basic services like healthcare, education, and housing. How does the United States plan to address racial disparities between Black and other immigration populations? How does the United States plan to ensure that Black immigrants have equal access to these services?	(b)(5) per State Dep't
LGBTQI+ Persons	Southern Poverty Law Center, Lisa Borden New Jersey Red Umbrella	1. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future? ---- 1. We are concerned about anti-trans legislations being proposed all across the United States and the	(b)(5) per State Dep't

SENSITIVE BUT UNCLASSIFIED

	Alliance and Best Practices Policy Project, <i>N'Jaila Rhee</i>	impact that these policy positions may be having in African nations such as Uganda and Ghana. What measures will the US be taken to defend trans lives in the US and globally given these factors? -----	(b)(5) per State Dep't
	Haitian Bridge Alliance, <i>Daniel Tse</i>	1. How does the U.S. plan to address the recent intersections (both nationally and internationally) of race, gender identity, and sexual orientation in combating discrimination and promoting equality before the law? 2. As states such as Florida continues to expand anti-LGBTQ+ laws, how does the U.S. plan to protect and address the discriminatory impact of these laws and policies on Black LGBTQIA+ immigrants? 3. What specific efforts is the U.S. government taking to ensure that Black immigrants, including those who identify as LGBTQI+, are not discriminated against in access to employment, housing, education, and other areas? Or can the U.S. provide examples of policies or programs that have been successful in promoting equality for Black immigrants who identify as LGBTQI+? 4. Are there any plans to collect and analyze data on the experiences of Black immigrants who identify as LGBTQI+ with regards to discrimination and unequal treatment in the U.S.?	

SENSITIVE BUT UNCLASSIFIED

--	--	--	--

Haitian Bridge Alliance, *Daniel Tse* (requests **DHS** follow up in writing on below questions from last session: **(b) (6)**)

1. Regarding access to legal process and remedy for non-citizens, what steps are being taken by the Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL) to respond to the multiple complaints filed in the last three years that allege disparate treatment and abuse against Black asylum seekers in Immigration and Customs Enforcement (ICE) immigration detention centers, ranging from torture to extract informed consent to deportation, to cruel and disproportionate solitary confinement, to medical neglect of mothers and pregnant women?
5. Does the U.S. plan to address the migrant detention center at Guantánamo Bay naval base, also known as the Migrant Operations Center (MOC)? Will the U.S. address its operations and rights implicated under the Covenant, such as violations of due process and international refugee law? Does the U.S. plan on expanding the use of the MOC for Haitian migrants seeking asylum, as [reported in September](#) and [October](#) of 2022?

Advanced Questions
U.S. ICCPR Consultation with CSO, April 19th, 2023

Theme	CSO	Question	Agency
Right to be Free from Arbitrary or Unlawful Interference with Privacy (Art. 17)	Physicians for Human Rights, <i>Michael Payne</i>	1. How is the United States protecting medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures?	(b)(5) per State Dep't
	Global Justice Center, <i>Elena Sarver</i>	----- 1. The proliferation of abortion bans in the US following the Dobbs decision has decimated reproductive autonomy, which is closely interlinked with the rights to equality and privacy protected under the ICCPR. Given this context, what are the steps this administration is taking to protect the right to privacy of individuals and medical professionals threatened by the use of digital surveillance to track those who seek or provide reproductive healthcare? (a) related: Additionally, what are the steps this administration is taking to protect the right to privacy of pregnant people threatened by healthcare professionals reporting them to law enforcement in cases of abortion and other pregnancy outcomes? -----	
	Main Street Legal Service,	1. Given General Recommendation 36's guidance that states should not apply criminal sanctions to people	

SENSITIVE BUT UNCLASSIFIED

	CUNY School of Law, <i>Cynthia Soohoo</i> Global Justice Center, <i>Elena Sarver</i> Justice Clinic at University of California, Irvine School of Law, <i>Eric Nguyen</i>	who undergo abortions or people who assist them in doing so, what steps is the U.S. taking to discourage or prevent states from adopting criminal penalties for abortions and from prosecuting people who have abortions or suffer pregnancy losses? ----- 1. Considering restricting access to abortion discriminates against women and girls, violating the right to equality and freedom from discrimination on the basis of sex under the ICCPR, what are the steps this administration is taking to counter the criminalization of abortion and pregnancy outcomes in order to ensure the equal rights of women and girls are protected ----- 1. As illustrated in the Center's 2022 Report "American Dragnet: Data-Driven Deportation in the 21st Century," ICE has covertly gained access to and used datasets containing personal information about the vast majority of people living in the U.S and used that data to subject people to detention and deportation. Have ICE, Customs Border Protection stopped accessing and using these data? If not, how are ICE and CBP justifying this interference with these rights? (a) Related: On October 3, 2023, Senators Markey and Wyden sent an oversight letter to ICE, which urges them to end this surveillance practice and disclose the scope of data they have access to and how they utilize this data in immigration	(b)(5) per State Dep't 
--	--	--	--

SENSITIVE BUT UNCLASSIFIED

		investigations. When is ICE planning to publicly respond to this letter? 2. The Department of Homeland Security (“DHS”), of which ICE and CBP are part, has stated publicly that it will “continue to implement safeguards for privacy, transparency, civil rights, and civil liberties.” What steps is DHS taking to address the issues raised through the Center’s report and Senator’s oversight letter to make ICE and CBP’s immigration enforcement operations comply with the ICCPR and its commitment to privacy protection? 3. Is the Department of Justice planning to impose restrictions on geofence warrants, beyond the general warrant requirements of particularity and probable cause under the Fourth Amendment, in order to safeguard people’s right to privacy (under ICCPR art. 17)? 4. As raised by Representative Eshoo (D-CA) last September, will the Federal Trade Commission investigate the problem of large-scale location data collection by corporations, which risks the possibility of police to conduct warrantless mass surveillance, in order to protect consumers’ privacy? ----- 1. What steps are the U.S. Government taking, and will it take, between now and the ICCPR Review, to ensure that Countering Violent Extremism (CVE) programs and	(b)(5) per State Dep’t 
--	--	--	--

Asian
American
Advancing
Justice -
Asian Law
Caucus,
Hammad

	<i>Alam, Caroline Marks</i>	frameworks are abandoned, the harms to impacted communities addressed, and acknowledgments of such harms made?	
Freedom of expression (Art. 19), Hate crimes	Southern Poverty Law Center, Lisa Borden	1. What steps will the administration take to ensure complete and accurate reporting for data provided by the FBI's annual report under the Hate Crime Statistics Reporting Act to the greatest extent possible in future years? (a) Related: Will the administration support making participation in the reporting process mandatory for all law enforcement agencies? (b) Related: Will the government consider conditioning relevant funding streams on credible participation, especially so long as it remains voluntary?	(b)(5) per State Dep't
Freedom of assembly and association (Arts. 21 and 22)	International Center for Not-for-Profit Law, Nick Robinson International Justice Clinic at UC Irvine School of	1. Given the scale of past violations and current threats to protest rights in the U.S., what coordinated activity is the Biden administration currently undertaking to proactively protect the freedom of assembly? Specifically, what is the federal government's short-, mid-, and long-term strategy for protecting protest rights in the country? ----- 1. Have the U.S. taken any steps after the public hearing of the Inter-American Commission on Human Rights on this	(b)(5) per State Dep't

SENSITIVE BUT UNCLASSIFIED

	Law, Hinako Sugiyama	issue ("Freedom of expression and journalism in the United States) during its 177 Virtual Period of Sessions, which was held on October 7, 2020? 2. As seen in the recent arrest of a journalist covering the East Palestine rail derailment, journalists are often the target of arbitrary arrest when covering protests or politically charged events. What steps has the US taken to ensure police officers responding to these events are aware of the rights of journalists and protect and promote the rights to freedom of expression, assembly, and association? (a) Related: When a journalist is arrested during a protest, how does the US respond to ensure that they are quickly released from custody and the arrest is investigated properly?	(b)(5) per State Dep't
	New Jersey Red Umbrella Alliance and Best Practices Policy Project, N'Jaila Rhee	--- 1. Laws like FOSTA\SESTA and others are preventing civil society groups from congregating in person and online. How will this be addressed?	
	Robert F Kennedy Human Rights Org, Delia Addo-Yobo	----- 1. Would the DOJ consider investigating abuse of domestic terrorism statutes or anti-protest laws and/or the practice of coercive plea bargaining?	

SENSITIVE BUT UNCLASSIFIED

Freedom of Religion or Belief	Southern Poverty Law Center, Lisa Borden	1. Given the obvious incentive for some political and advocacy groups to be designated as churches for IRS purposes, what is the review process for organizations that seek this status? (a) Related: Will the Biden administration identify the political advocacy organizations that have sought church status – and those that have been granted church status – over the past five years? (b) Related: What steps will be taken to address improper designations of church status?	(b)(5) per State Dep't
Non-discrimination/Equality before the law (including as it relates to LGBTQI+ persons and women)	Southern Border Communities Coalition (SBCC), Ricky Garza International Association for Official Human Rights Agencies (IAOHRA), Alisa Warren	1. How are the DOJ and DHS addressing their lack of compliance with the ICCPR's arbitrary enforcement (Art. 9) and nondiscrimination (Art. 26) provisions with respect to profiling by US Customs and Border Protection? (a) Related: How is Congress addressing this issue? ----- 1. What steps have been taken to date to consider the formation of an NHRI, and what, if any, determinations have been made, and on what basis? 2. How does the federal government intend to coordinate with state and local governments to support and encourage state and local human rights implementation and ensure compliance with our obligations under the ICCPR, especially in light of recent actions taken by states such as Tennessee and Florida which directly deprive	(b)(5) per State Dep't

SENSITIVE BUT UNCLASSIFIED

		LGBTQI+ persons of their rights under Article 19 and Article 26? 3. What actions has the United States taken, and what action will be taken, to make information on the U.S. obligations under the ICCPR and other international human rights treaties easily accessible and understandable for state and local officials? ----- 1. What steps is the United States taking to support and protect pregnant people's access to reproductive health, including abortion care, in every jurisdiction across the country and without discrimination? ----- 1. Black immigrants face significant challenges in accessing basic services like healthcare, education, and housing. How does the United States plan to address racial disparities between Black and other immigration populations? How does the United States plan to ensure that Black immigrants have equal access to these services? 2. Black migrants, refugees, asylum seekers, and immigrants with legal status are subject to discriminatory treatment and profiling by law enforcement agencies, leading to their over-representation in the criminal justice system and in deportations related to criminal convictions. What	(b)(5) per State Dep't 
	Physicians for Human Rights, <i>Michael Payne</i> Haitian Bridge Alliance, <i>Daniel Tse</i>		

SENSITIVE BUT UNCLASSIFIED

		measures is the United States taking to address racial profiling and bias in the criminal justice and immigration systems to ensure that Black people are not unfairly targeted? 3. Black migrants, refugees, asylum seekers, and immigrants with legal status face unique challenges in navigating the immigration system due to language barriers and lack of legal representation, amongst other obstacles. How is the United States working to ensure that Black immigrants have access to legal representation and language and other support services to help them navigate the immigration process? 4. The intersectionality of race, gender, and immigration status puts Black immigrant women at heightened risk of discrimination and violence. What steps is the United States taking to protect and promote the rights of Black immigrant women?	(b)(5) per State Dep't
LGBTQI+ Persons	Southern Poverty Law Center, Lisa Borden New Jersey Red Umbrella Alliance and	1. How will the administration ensure that it does not contribute to the legitimization and normalization of anti-LGBTQ hate in the future? ---- 1. We are concerned about anti-trans legislations being proposed all across the United States and the	(b)(5) per State Dep't

SENSITIVE BUT UNCLASSIFIED

	Best Practices Policy Project, <i>N'Jaila Rhee</i>	impact that these policy positions may be having in African nations such as Uganda and Ghana. What measures will the US be taken to defend trans lives in the US and globally given these factors? -----	(b)(5) per State Dep't
	Haitian Bridge Alliance, <i>Daniel Tse</i>	1. How does the U.S. plan to address the recent intersections (both nationally and internationally) of race, gender identity, and sexual orientation in combating discrimination and promoting equality before the law? 2. As states such as Florida continues to expand anti-LGBTQ+ laws, how does the U.S. plan to protect and address the discriminatory impact of these laws and policies on Black LGBTQIA+ immigrants? 3. What specific efforts is the U.S. government taking to ensure that Black immigrants, including those who identify as LGBTQI+, are not discriminated against in access to employment, housing, education, and other areas? Or can the U.S. provide examples of policies or programs that have been successful in promoting equality for Black immigrants who identify as LGBTQI+? 4. Are there any plans to collect and analyze data on the experiences of Black immigrants who identify as LGBTQI+ with regards to discrimination and unequal treatment in the U.S.?	

--	--	--	--

Haitian Bridge Alliance, *Daniel Tse* (requests **DHS** follow up in writing on below questions from last session: **(b) (6)**) (will be answered orally, include in questions matrix)

1. Regarding access to legal process and remedy for non-citizens, what steps are being taken by the Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL) to respond to the multiple complaints filed in the last three years that allege disparate treatment and abuse against Black asylum seekers in Immigration and Customs Enforcement (ICE) immigration detention centers, ranging from torture to extract informed consent to deportation, to cruel and disproportionate solitary confinement, to medical neglect of mothers and pregnant women?
5. Does the U.S. plan to address the migrant detention center at Guantánamo Bay naval base, also known as the Migrant Operations Center (MOC)? Will the U.S. address its operations and rights implicated under the Covenant, such as violations of due process and international refugee law? Does the U.S. plan on expanding the use of the MOC for Haitian migrants seeking asylum, as [reported in September](#) and [October](#) of 2022?