Maryland General Assembly
House Judiciary Committee
February 11, 2020

<u>Testimony of Doron F. Ezickson and Meredith R. Weisel</u>
ADL Vice President, Mid-Atlantic/Midwest Division
ADL Washington D.C. Senior Associate Regional Director

ADL (the Anti-Defamation League) is pleased to submit this testimony in support of *Maryland Police Training and Standards Commission – Training Requirements – Hate Crimes*, H.B. 541 (Del. Lopez). This legislation highlights the critical role that law enforcement plays in combatting hatred and bigotry by establishing new training requirements for Maryland police on how to recognize, respond to and report hate crimes in our state.

ADL (the Anti-Defamation League)

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment for all." Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations for more than a decade in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA).[1]

As one of the nation's top non-governmental law enforcement training organizations, ADL also works directly with police at the federal, state, and local levels, providing resources and expertise to address the challenges of 21st century policing. In 2018, for example, our Washington, D.C. Regional Office partnered with the Maryland Coordination and Analysis Center to bring together dozens of law enforcement agencies to discuss best practices for addressing and responding to hate crimes and bias incidents when they occur.

Impact of Hate Violence

---

[1] ADL continues to coordinate with a broad array of civil rights, education, and community organizations across the country to advocate for more comprehensive approaches to addressing the threat and impact of hate crimes. https://www.adl.org/sites/default/files/documents/final-post-Charlottesville-DoJ-hate-crime-summit-coalition-recommendations.docx.pdf?_ga=2.235037057.1865847360.1551104355-388726761.1533317285.

All Maryland residents have a stake in effective responses to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are intended to intimidate not only the individual victim, but also the victim's entire community, leaving members feeling fearful, isolated, and vulnerable. Failure to address this unique type of crime can therefore cause an isolated incident to explode into widespread community tension. By making targeted communities fearful, angry, and suspicious of other groups (and of the power structure that is supposed to protect them) these incidents can damage the fabric of our society and fragment communities.

Unfortunately, we know that hate crimes are on the rise in Maryland. In 2018, 50 hate crimes were reported to the FBI, a 35% increase relative to 2016. More than half of these crimes were motivated by race or ethnicity bias (27), 28% were motivated by sexual orientation or gender identity bias, and 14% were motivated by religion bias.[2]

Underreporting of Hate Crimes

The FBI has been tracking and documenting hate crimes since 1991 under the Hate Crime Statistics Act of 1990 (HCSA). While the FBI's annual HCSA Reports provide the single best national snapshot of bias-motivated criminal activity in the United States, we know that this data still significantly understates the true number of hate crimes committed in our nation.[3]

While participation in the FBI's reporting program has increased over the years – in 2018, 16,039 federal, state, and local law enforcement agencies voluntarily reported hate crime data to the FBI – only a very small number, just 2,028 of these participating agencies (less than 13 percent) reported even a single hate crime to the FBI. That means that 87 percent of all "participating" police agencies affirmatively reported zero (0) hate crimes to the FBI.

Maryland is no exception. Of the 155 agencies that participated in reporting in 2018, only 20 (approximately 13%) reported even a single hate crime to the FBI. There are also concerns about underreporting from those agencies that are providing some data to the FBI. The city of Baltimore, for example, with a population of over 600,000, only reported one (1) hate crime incident in 2018.

Led by the International Association of Chiefs of Police (IACP) and the National Organization of Black Law Enforcement Executives (NOBLE), police have come to recognize the significant benefits of effectively tracking hate crimes. By compiling statistics and charting their geographic

---

[2] The Maryland Department of State Police is also required to collect and analyze information about criminal incidents that appear to have been directed against an individual or group because of race, religion, ethnicity or sexual orientation. That data is compiled and reported out by a partnership between the Maryland State Police and the Maryland Coordination and Analysis Center – expanding the scope beyond just crimes, to include incident-based data as well. http://www.mcac.maryland.gov/resources/2018%20Hate%20Bias%20Report.pdf.

[3] The HCSA has also proven to be a powerful mechanism to confront violent bigotry, increasing public awareness of the problem and sparking improvements in the local response of the criminal justice system to hate violence.

distribution, officials may be in a better position to discern specific patterns and anticipate an increase in intergroup tensions.

Hate Crime Training for Law Enforcement

Law enforcement agencies play a critical role and carry significant responsibility when it comes to identifying and responding to hate crimes and bias incidents. Comprehensive, mandatory hate crime training for state and local police officers is therefore of paramount importance.

First and foremost, it is imperative that law enforcement receive training regarding how to identify hate crimes and how to respond appropriately – i.e., in a manner that is sensitive not only to the victims, but also to the community at large. Unfortunately, some of the most likely targets of hate violence are often the least likely to report these crimes to the police. For example, many immigrant victims, who already face cultural and language barriers in reporting, fear reprisals or deportation if incidents are reported, especially in our current political climate. Additionally, many immigrants to America come from countries in which residents would never call the police – especially if they were in trouble. LGBTQ victims, facing hostility, discrimination, and, possibly, family pressures, may also be reluctant to come forward to report these crimes. Training with respect to why victims fail to report, coupled with how to identify such crimes and how best to respond in light of these sensitivities, is vital to preventing hate crimes from going unreported.

It is also imperative that law enforcement receive training regarding hate crime reporting and the relevant procedures for collecting and analyzing hate crime information. Accurate and comprehensive data collection and reporting will only enhance the effectiveness of law enforcement in responding to hate crimes, as well as strengthen community trust. Indeed, it is well documented that victims of hate crimes are far more likely to report a crime if they know a special reporting system is in place and if they believe the police are ready and able to respond effectively.

Effective hate crime policies and procedures can help reduce crime while building public trust and collaborative relationships between law enforcement and the communities they serve and protect. Training and outreach initiatives are especially important today in light of the increase in reported hate crimes, including the deeply disturbing number of homicides and violent crimes directed against transgender and gender non-conforming people.

***

Hate crime laws are only effective when law enforcement has the knowledge, resources, and tools to enforce them. Comprehensive hate crime training, like the training proposed in *An Act Concerning Maryland Police Training and Standards Commission – Training Requirements – Hate Crimes* (H.B. 541), will only enhance the capacity of law enforcement in Maryland to respond to and report hate crimes when they occur, preserving critical trust between law enforcement and members of the community. We urge the House Judiciary Committee to report out H.B. 541

favorably, and we look forward to continuing to work with members of the General Assembly to combat hate in the state of Maryland.