



Office of the Attorney General
Washington, D. C. 20530

May 27, 2021

MEMORANDUM FOR DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Merrick Garland".

SUBJECT: IMPROVING THE DEPARTMENT'S EFFORTS TO COMBAT HATE
CRIMES AND HATE INCIDENTS

Hate crimes and other bias-related incidents instill fear across entire communities and undermine the principles upon which our democracy stands. All people in this country should be able to live without fear of being attacked or harassed because of where they are from, what they look like, whom they love, or how they worship. Since its founding, the Department of Justice has sought to combat unlawful acts of hate. As members of the Department, we must continue and build upon that work to the greatest extent possible.

On March 30, 2021, I directed an expedited review to determine how the Department can better use its resources to counter hate crimes and hate incidents. Led by the Office of the Deputy Attorney General, with the support of the Office of the Associate Attorney General, a review team comprised of leaders from across the Department conducted this assessment and provided a set of recommendations for my consideration.

While the Department was completing its internal review, Congress passed legislation to enhance our nation's ability to confront hate crimes. On May 20, 2021, the President signed the COVID-19 Hate Crimes Act and Jabara-Heyer NO HATE Act (collectively, "the Act") into law. The Department looks forward to implementing the Act's provisions, many of which overlap with key aspects of the Department's review.

Today, I am announcing the steps the Department of Justice is taking immediately to give full effect to the Act and to advance the review team's recommendations.

These actions will enhance our current efforts to combat unlawful acts of hate by improving incident reporting, increasing law enforcement training and coordination at all levels of government, prioritizing community outreach, and making better use of civil enforcement mechanisms. All of these steps share common objectives: deterring hate crimes and bias-related incidents, addressing them when they occur, supporting those victimized by them, and reducing the pernicious effects these incidents have on our society. To be successful, our actions must build on existing efforts and expertise while creatively maximizing the reach of the entire Department's resources.

- ***Increase resources and coordination to combat hate crimes and incidents.***

The Act directs the Department to provide guidance and grants to State, local, and Tribal partners to, among other things, increase the ability of those partners to identify, track, and address unlawful acts of hate.

To give immediate and full effect to these important mandates, and to further the review team's recommendations, the Associate Attorney General will assign a Deputy Associate Attorney General to lead the creation and coordination of the Department's anti-hate crime and incident resources. This coordinator will help focus, streamline, and maximize the effectiveness of the Department's relevant resources, including by ensuring that U.S. Attorney's Offices (USAOs) and local partners have ready access to relevant training and outreach materials. The coordinator will serve as the central hub for Department attorneys, law enforcement partners, community organizations, and other stakeholders interested in accessing relevant Department resources.

In addition, the coordinator will oversee and be responsible for the Department's implementation of the Act's provisions concerning law enforcement agency guidance, hate crime reporting, grant-making, information collection, and Congressional reporting. *See* Pub. L. No. 117-13, §§ 4 and 5. Among other things, these provisions include efforts to: establish online reporting of hate crimes or incidents and create state-run hate crime hotlines; increase identification and classification of hate crimes in the National Incident-Based Reporting System (NIBRS); provide financial support for local programs that will prevent, address, or otherwise respond to hate crimes; coordinate with the Secretary of Health and Human Services and others to issue guidance aimed at raising awareness of hate crimes during the COVID-19 pandemic; and improve the accuracy of hate crime data. *Id.*

The coordinator's duties will also include reviewing future recommendations from the Department's Hate Crimes Enforcement and Prevention Initiative.

Finally, the coordinator will work with the Civil Rights Division and the Executive Office for U.S. Attorneys to compile an online toolkit that provides USAO Civil Rights Coordinators with customizable community outreach materials, information about the Department's grant opportunities and technical assistance programs, and other materials that may improve local reporting of potential hate crimes and incidents.

- ***Facilitate the expedited review of hate crimes.***

The Act requires the Attorney General to designate a Department officer or employee "whose responsibility . . . shall be to facilitate the expedited review of hate crimes." Pub. L. No. 117-13, § 3.

I am designating the chief of the Criminal Section of the Department's Civil Rights Division to serve in this role. Although the Act only requires the designated official to facilitate the expedited review of hate crimes as defined under 18 U.S.C. § 249, I am directing the

Subject: Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents

Criminal Section chief to facilitate the expedited review of hate crimes under 18 U.S.C. §§ 245, 247, and 42 U.S.C. § 3631 as well.

This facilitation responsibility focuses on effectively assessing whether acts of hate violate federal criminal laws. In carrying out the above duties, however, the Criminal Section chief will notify the coordinating Deputy Associate Attorney General when a law enforcement partner or other such stakeholder would benefit from accessing any of the Department's broader anti-hate resources.

- ***Designate both civil and criminal AUSAs as local Civil Rights Coordinators.***

Acts of hate do not always rise to the level of federal hate crimes, but such hate incidents still have a destructive effect on our communities. Federal civil statutes sometimes provide remedies when federal hate crime statutes do not. For that reason, USAOs should seek to increase their civil-side civil rights enforcement efforts whenever practicable.

To ensure that the Department is fully utilizing all of its tools, authorities, and expertise – across civil and criminal law – each USAO should consider designating both a civil and criminal AUSA to serve as Civil Rights Coordinators. To further this effort, the Executive Office for U.S. Attorneys will lead a nationwide survey of each USAO's resources dedicated to handling both civil and criminal enforcement of civil rights. Identifiable gaps in civil enforcement efforts will be addressed by the Executive Office, in consultation with the Civil Rights Division.

- ***Create district alliances against hate.***

To be successful, USAOs must proactively engage with the communities they serve. Such proactive engagement helps build trust and increases the likelihood that community members will report acts of hate when they occur. USAOs must also commit to ongoing coordination efforts between Federal, State, local, and Tribal law enforcement agencies so that collaborative relationships exist between agencies before they are called upon to address tragic acts of hate. Such relationships will help agencies work together to better share resources, identify potential unlawful acts of hate, and coordinate law enforcement's response to such incidents.

At the direction of the Deputy Attorney General, USAOs will examine the feasibility of creating district-wide alliances against hate, which could serve as focal points within communities to deepen partnerships between law enforcement agencies and the communities they serve. Such alliances could include district Civil Rights Coordinators and representatives from various law enforcement agencies, including personnel from local FBI field offices. These alliances would promote community engagement by serving as points of contact for community representatives and local civil rights groups, convening regular community forums to build relationships of trust, and providing education about civil rights statutes and incident reporting mechanisms.

If a USAO determines that it is not feasible to institute and maintain such district-wide efforts, the Civil Rights Coordinators in the district should still meet with State, local, and Tribal

Subject: Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents

law enforcement agencies to discuss federal hate crime laws and other tools for responding to acts of violence that may be motivated by bias.

- ***Increase the Department's language access capabilities.***

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

- ***Restore the role and priority of the Community Relations Service.***

The work of the Department's Community Relations Service (CRS) is integral to deepening the Department's engagement with communities across the nation. The Department's leadership offices will prioritize reinvigorating CRS and filling longstanding vacancies in the Service.

* * *

The Deputy and Associate Attorneys General will provide further direction to Department components regarding implementation of the above steps and further actions the Department will take to combat unlawful acts of hate.