

Hate Crimes Training Program

Wednesday, February 28th – Thursday, March 1st

Flagstaff Police Department

911 East Sawmill Road

Flagstaff, AZ 86001

Please join the Lawyers' Committee for Civil Rights Under Law, Civil Rights Enforcement Associates, and the Navajo Nation Human Rights Commission for a two-day training workshop for prosecutors and law enforcement officers on hate crimes investigation and prosecution best practices at no cost to participants.

****Please Note:** Prosecutors, investigators, and law enforcement officers who attend will be eligible to claim credit hours with the State Bar of Arizona (11.75 General and 1.75 Professionalism/Ethics), State Bar of New Mexico (pending), Navajo Nation Bar Association (pending), AZPOST (14 Hours), or NMLEA (14 Hours).

When: Wednesday, February 28 – Thursday, March 1 (Two Days)

Where: Flagstaff Police Department
911 East Sawmill Road, Flagstaff, AZ 86001

What: Learn from trainers with over a combined 100 years of experience investigating and prosecuting hate crimes to develop further skills and techniques to recognize, investigate, and prove hate crimes.

Who: Prosecutors, investigators and law enforcement officials are encouraged to attend.

Cost: Free

Please RSVP by emailing NoHate@lawyerscommittee.org. When you RSVP, please indicate (1) your position, (2) the agency you work with, and (3) whether you are available to attend both days of the workshop. Priority will be given to attendees who can attend both days of the training workshop.



Hate Crimes Training Program Overview:

Join the Lawyers' Committee for Civil Rights Under Law, Civil Rights Enforcement Associates, and the Navajo Nation Human Rights Commission for a two-day training presentation designed for detectives, officers, and prosecutors. This training will focus on key areas of knowledge and practice essential for investigators and prosecutors confronted with hate crimes cases. Delivery of this training program will utilize case studies, group work, role-play exercises, and facilitator led discussions, with the goal of encouraging learning by actively engaging participants in realistic exercises to practice skills and consider new approaches

Wednesday, February 28th

9:00 AM – 12:30 PM

Morning Sessions

- Introduction
- Defining Hate Crimes
- Discussion and Case Examples: Why do we need hate crime laws?
- Discussion of applicable hate crimes laws

11:30 AM – 12:30 PM

Community Perspectives on Hate Crimes

- Navajo Nation Responsibility of Speech (pinned by the Navajo Nation Supreme Courts on October 12, 2005) vs. United States Freedom of Speech (pinned by the United States Supreme Court decision on *Snyder v. Phelps et al.*)

12:30 - 1:30 PM

Lunch

1:30 – 3:15 PM

Early Afternoon Sessions

- Applying the Law to Case Studies
- Advantages of Charging Hate Crimes vs. Other Offenses

3:15 - 3:30 PM

Break

3:30 – 5:00 PM

Late Afternoon Panel Discussion

- Indicia of Bias from Case Examples
- Questions to Uncover Bias during Investigations

Thursday, March 1st

9:00 AM – 12:00 PM

Morning Sessions

- Working groups review case studies to identify evidence of bias
- Interactive interviews based on case scenarios
- Investigative strategies for developing identity, and motive evidence

12:00 - 1:00 PM

Lunch

1:00 – 3:15 PM

Early Afternoon Sessions

- Discussion of key steps to identify and flip cooperators in hate crimes cases
- Group work reviewing case scenarios to identify evidence relevant to elements of hate crime, deciding approach to secure cooperation
- Demonstration and role play on taking a proffer in hate crimes case

3:15 - 3:30 PM

Break

3:30 - 5:30 PM

Late Afternoon Sessions and Closing

- What to do when witnesses flip
- Review of detailed hate crime case study
- Review of “pitch” to District/County Attorney

Background on Lawyers' Committee for Civil Rights Under Law, Stop Hate Project and Trainers from Civil Rights Enforcement Associates (CREA)

The Lawyers' Committee for Civil Rights Under Law

The Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 54th year, the Lawyers' Committee for Civil Rights Under Law is continuing its quest "Move America Toward Justice." The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of criminal justice, fair housing and community development, economic justice, educational opportunities, and voting rights.

Stop Hate Project

Hate incidents across the nation are surging, devastating individuals and entire communities. Hundreds of organizations in communities across the country work to combat hate every day. To help support those organizations, community, and law enforcement leaders, the Lawyers' Committee for Civil Rights Under Law launched the Stop Hate Project to connect groups with legal and social services resources and to create new ones in response to identified needs. Examples of resources we have provided include, but are not limited to:

- Legal Resources
 - Federal and State Hate crime overviews, including information about civil actions.
 - Know your rights guides for peaceful protest and counter protests.
- Community Resources
 - A Community Response Toolkit: When Hate Groups Come to Town to assist targeted communities in responding to the increase in hate group rallies across the country.
- School Resources
 - A guide for how individuals can report hate on college campuses.
 - Pamphlet on how k-12 schools can stand up to bullying and intolerance.

844-9-NO-HATE Hotline and www.8449NOHATE.org

As part of this initiative, the Lawyers' Committee launched a national resource and reporting hotline for hate incidents: 844-9-NO-HATE (844-966-4283). Individuals affected by hate incidents or fighting hate in their community are encouraged to call the hotline to report incidents or request resources. For a map of community organizations and a list of our digital resources, people can also visit our website at www.8449NOHATE.org.

Trainers: Civil Rights Enforcement Associates

The prosecutor trainers have a combined 100 plus years of experience at the Criminal Section of DOJ's Civil Rights Division where they investigated and prosecuted scores of hate crime cases, most often working with the FBI and with local law enforcement using the investigative grand jury to gather evidence necessary to prove both the underlying substantive offense(s) and the requisite bias motivation.

Gerard Hogan

Gerard "Gerry" Hogan, a career prosecutor, is the CREA's Principal Associate. He recently retired from government service after three decades as a federal prosecutor and earlier as a state prosecutor in Maryland. For the last 20 years, Hogan handled hundreds of federal criminal civil rights matters, 30 of which resulted in jury trials. He mentored dozens of new prosecutors and conducted training, both in the United States and abroad, on the law and practice related to police and correctional brutality and misconduct, hate crimes, and human trafficking.

Hogan's many successful prosecutions include infamous fatal beatings by Nashville, Tennessee, Sheriff's deputies of a detainee; Scranton, Pennsylvania White youths of a Mexican immigrant; Puerto Rico police officers of an arrestee; and Memphis, Tennessee, state hospital workers of a mentally disabled patient.

In addition to his numerous trials, Hogan has handled scores of grand jury investigations and secured over fifty federal guilty pleas. Hogan has brought criminal civil rights cases in most of the fifty states, prosecuting police officers, correctional officers, and federal agents for the excessive use of force and other official misconduct and private individuals for threats and violence targeting persons because of race, ethnicity and religion, houses of worship and reproductive health care providers. Additionally, Hogan has successfully prosecuted human traffickers in Minneapolis, Los Angeles, and Newark.

Hogan has designed and conducted numerous training sessions for federal prosecutors and law enforcement agents and also trained foreign investigators and prosecutors in Nairobi, Kenya. In 2015, Hogan was certified as a hate crimes trainer in Warsaw, Poland, sponsored by the European Office for Democratic Institutions and Human Rights (ODHIR).

Hogan is a graduate of Princeton University and the American University's Washington College of Law.

Barry Kowalski

Barry Kowalski served as a Special Counsel with the Department of Justice for 34 years, until 2014. Kowalski was one of the lead prosecutors in the successful 1993 federal criminal trial of the Los Angeles police officers convicted for beating Rodney King. He investigated, prosecuted, and supervised the investigation and prosecution of numerous other nationally prominent and locally significant criminal police excessive force and misconduct matters. He served for ten years on the FBI's Shooting Inquiry Review Group.

Kowalski also worked on numerous cases involving threats and violence targeting persons because of race, ethnicity and religion, houses of worship and reproductive health care providers, and human trafficking. He directed the Department's 1998-2000 investigation into (then) new allegations related to the Martin Luther King assassination. After 9/11, he coordinated the federal enforcement response to crimes targeting Arabs, Muslims, and South Asians. His hate crime prosecutions include the shooting of civil rights leader Vernon Jordan by a white supremacist; the last Ku Klux Klan lynching of an African American; the Neo-Nazi Assassination of Jewish talk show host Alan Berg; and terrorist acts by Dallas Skinheads. Kowalski conducted a federal re-investigation of the infamous 1964 "Mississippi Burning" murder of three civil rights workers. These matters involved lengthy, complex investigative grand jury work, which became the model employed by the Department of Justice for all federal criminal civil rights investigations.

Kowalski taught for seven years on the faculty of the Antioch School of Law and was a visiting professor at the University Of Wyoming School Of Law. He participated in human trafficking training in Kazakhstan, trained advocates helping Dalit caste victims of violence in India, trained Japanese prosecutors in jury trial practice, and conducted numerous training sessions for prosecutors and law enforcement officers throughout the United States.

Kowalski is a graduate of Brown University and of the Catholic University School of Law and a veteran of combat as an infantry platoon leader with the United States Marine Corps in Vietnam.

Albert Moskowitz

Albert "Al" Moskowitz served as a trial lawyer and then led the Civil Rights Division's Criminal Section, as its Chief. He investigated, prosecuted, and supervised the investigation and prosecution of numerous nationally significant and locally prominent matters involving police misconduct, threats and violence targeting persons because of race, ethnicity and religion, houses of worship and reproductive health care providers, and human trafficking.

Moskowitz won convictions in some of the most complex, novel, and sensitive criminal civil rights cases, including a state court judge in rural Tennessee for sexually assaulting female litigants and courthouse employees; Alabama Ku Klux Klansmen for attacking peaceful African American protestors; a Memphis, Tennessee police officer for punching an arrestee to death; and a white supremacist gang member for brutally beating African Americans on an Illinois public street. As Criminal Section Chief for seven years, Moskowitz oversaw a dramatic increase in the prosecution of human trafficking cases.

While on leave from the Department of Justice in 1998-99, Moskowitz served as a war crimes prosecutor at the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands. Upon retirement in 2006, he was appointed the Minister of Justice for the United Nations Mission in Kosovo, with responsibility over all judges, prosecutors, and prison officials. Moskowitz next worked on rule of law issues with prosecutors and judges in Southeast Asia. He was appointed the Regional Prosecution Advisor and Acting Team Leader for the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP). He developed basic and advanced skills-based training materials, endorsed by the Association of Southeast Asian Nations (ASEAN), and trained hundreds of prosecutors and judges in the region on those materials. Moskowitz also served as the prosecution expert for the International Organization for

Migration (IOM) in Moldova, where he was embedded in a specialist anti-trafficking unit and collaborated with investigators and prosecutors on specific cases.

Prior to his federal prosecution and international rule of law work, Moskowitz served as a federal public defender and a high school English teacher. Moskowitz is a graduate of the City College of New York, has a Masters in English Literature from the University of Michigan, and a law degree from the University of Missouri.

Roy Austin

Roy currently serves as a partner with the law firm of Harris, Wiltshire & Grannis LLP, where he practices trial litigation.

Mr. Austin began his career as an Honors Trial Attorney with the Criminal Section of the Civil Rights Division investigating and prosecuting hate crime and police brutality cases around the country. In 2000, he joined Kecker & Van Nest LLP in San Francisco as an associate working on complex civil and white-collar criminal cases, including a successful pro-bono civil lawsuit aimed at preventing racial profiling by the California Highway Patrol. In 2002, he joined the U.S. Attorney's Office for the District of Columbia where he prosecuted domestic violence, adult and child sexual assault, human trafficking, homicide, and fraud and public corruption cases. He left in 2007 to become a partner at McDermott, Will & Emery, working primarily on white collar criminal cases. In 2009, Mr. Austin returned to the D.C. U.S. Attorney's Office as a Senior Assistant United States Attorney and Coordinator of the D.C. Human Trafficking Task Force.

In January 2010, Mr. Austin was appointed Deputy Assistant Attorney General (DAAG), Civil Rights Division, U.S. Department of Justice. As a DAAG, Mr. Austin supervised the Criminal Section, and the Special Litigation Section's law enforcement (police departments, corrections and juvenile justice) portfolio. In addition, he supervised work under the Religious Land Use and Institutionalized Person Act (RLUIPA) and Freedom of Access to Clinic Entrances (FACE) Act. Among numerous other matters, Mr. Austin worked on cases involving the New Orleans (LA) Police Department, Missoula (MT) law enforcement, and the Maricopa County (AZ) Sheriff's Office.

In March 2014, Mr. Austin joined the White House Domestic Policy Council as Deputy Assistant to the President for the Office of Urban Affairs, Justice and Opportunity. In this position, Mr. Austin co-authored a report on Big Data and Civil Rights, worked with the President's Task Force on 21st Century Policing, helped develop the Police Data Initiative, worked on the expansion of reentry assistance, and was a member of President Obama's My Brother's Keeper Task Force. Mr. Austin's team also played a significant leadership role in policymaking on labor, housing, and human services issues.

Mr. Austin received his B.A. from Yale University and his J.D. from The University of Chicago.

Cynthia Deitle

Cynthia currently serves as the Programs and Operations Director for the Matthew Shepard Foundation. Prior to joining the Matthew Shepard Foundation in 2017, Cynthia was a Special Agent with the Federal



Bureau of Investigation for over 22 years specializing in the fields of civil rights, community outreach, and victims' assistance.

After entering on duty with the FBI in 1995, she spent ten years in the New York Division. While there, Deitle served as the lead investigative agent for many high-profile police brutality investigations. Deitle also investigated a significant number of sensitive hate crimes cases.

In 2007, Deitle assumed a Supervisory Special Agent position in the Civil Rights Unit in FBI Headquarters. She was promoted to Civil Rights Unit Chief in 2008, where she was responsible for managing the FBI's Hate Crimes, Color of Law, Human Trafficking and Abortion Extremism Programs on a national level. Serving as Unit Chief, she devoted considerable resources to address the FBI's Cold Case Initiative which seeks to reexamine unsolved racially-motivated homicides from the Civil Rights Era. Following passage of the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act of 2009, Deitle collaborated with Dennis and Judy Shepard, The Department of Justice, the Anti-Defamation League, NAACP and other non-governmental agency stakeholders, to train state, local, and federal law enforcement officials to enforce this law. In 2011, Deitle transferred to the Boston Division to supervise the Public Corruption and Civil Rights Programs in Massachusetts, Maine, Rhode Island and New Hampshire. During her tenure in the FBI, Deitle provided meaningful assistance to the victims of the 9/11 tragedy and the Boston Marathon bombing to ensure that they were offered the services to which they were entitled.

Deitle received her Bachelor of Arts degree from The Ohio State University and her Juris Doctor degree from New England Law Boston. She earned a Master of Laws degree in Criminal Law from New York University School of Law and a Master of Laws degree in Constitutional Law from the George Washington University National Law Center. She has also published several law review articles dealing with the right to bear arms in the Second Amendment, and police officers' use of excessive force. Deitle frequently lectures on all aspects of the FBI's Civil Rights Program to audiences including law enforcement officials, non-governmental organizations, academia, and community service groups.