

Waking In Oak Creek

A guide for community screenings

by Paul Sheridan, Michelle Gahee Kloss, and Libby McInerny

Partners in stopping hate

NOT IN OUR TOWN
STOP HATE. TOGETHER.

COPS
Community Oriented Policing Services
U.S. Department of Justice



Photo credit: Not In Our Town

Oak Creek Officer Sam Lenda and Lt. Brian Murphy at the Chardi Kala 6K Memorial Run.



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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.

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Acknowledgments

The film *Waking in Oak Creek* was inspired and informed by the actions of thousands of Wisconsin residents who stood up for their neighbors in the face of hate.

Not In Our Town (NIOT) and the Office of Community Oriented Policing Services (COPS Office) would like to thank the members of the Sikh Temple of Wisconsin, who opened their gurdwara and their lives to NIOT's film team. In the wake of tragedy, they taught us about forgiveness and relentless optimism (Chardi Kala).

Oak Creek Police Lieutenant Brian Murphy and Officer Sam Lenda's bravery in the field was matched by their ongoing engagement with the community. Mayor Steve Scaffidi and Police Chief John Edwards helped lead the Oak Creek response and positive actions to move the community forward, and their commitment continues. U.S. Attorney James Santelle provided unwavering leadership and support to the Sikh community. Oak Creek City Clerk Catherine Roeske is appreciated for her community connections during filming.

We are especially grateful to members of the Kaleka family, Satpal, Pardeep, Amardeep, and Kanwardeep; to the Saini family, Kamal and Harpreet Singh; and to Lieutenant Brian Murphy for courageously sharing their stories as they worked to heal physically, emotionally, and spiritually. Together, their ongoing actions showed profound strength, taught us about the unique trauma experienced by hate crime victims, and made a story that can inspire people in communities everywhere to stand together against hate and violence.

In addition to receiving support from the COPS Office, this film was made possible by the Einhorn Family Charitable Trust, Reva and David Logan Foundation, Crosscurrents Foundation, Athena Fund, and Werner-Kohnstamm Family Fund.

Introduction

Waking in Oak Creek is a 35-minute film that profiles a suburban town rocked by hate after a white supremacist kills six worshippers at the Sikh Temple of Wisconsin. In the year following the attack, the mayor and police chief lead the community as they forge new bonds with their Sikh neighbors. Young temple members and a police lieutenant shot 15 times during the attack inspire thousands to gather for events and honor the victims. After one of the deadliest hate crime attacks in recent U.S. history, the film highlights the community and law enforcement working together to overcome tragedy, stand up to hate, and create a safe town for all.

Communities are invited to host screenings of *Waking in Oak Creek* to

- initiate conversations to address intolerance and hate in their towns;
- build bridges between different groups in the community;
- develop or enhance community partnerships with local law enforcement agencies;
- show support for hate crime victims and targeted groups;
- promote inclusive communities where everyone is safe.

To request a free DVD copy of Waking in Oak Creek and to download supplemental resources, please visit http://www.niot.org/cops/wakinginoakcreek.

The film and guide for *Waking in Oak Creek* were produced as part of the *Not In Our Town: Working Together for Safe, Inclusive Communities* collaboration between Not In Our Town and the U.S. Department of Justice's (DOJ) Office of Community Oriented Policing Services (COPS Office).[1]

1. All project resources and tools are available through the online project hub at http://www.niot.org/COPS.



Photo credit: Russell Brammer

Amardeep Singh Kaleka, Harpreet Saini, Kamal Saini, and Amardeep Kaleka in Washington, D.C., at the Senate hearing on hate crimes, September 20, 2012.

How to Host a Screening and Discussion

Creating dialogue among the diverse organizations, agencies, and community members in your city is an important tool in combating hate. Event organizers should allot at least 30 to 60 minutes for discussion after the film screening. This brief guide is designed as a tool to help address key issues in the film and facilitate meaningful dialogue. It contains sample discussion questions for event leaders and important background information about hate crimes.

For any audience, consider organizing attendees into breakout groups for part of the discussion. Especially in a large group, difficult or open-ended questions might make some people feel uncomfortable or shy about speaking out; these individuals might share more openly in a smaller group. One person from each group can be responsible for reporting to the larger audience about the experiences, perceived challenges, proposed strategies, or other issues raised in the breakout session.

In a theater setting where breakout sessions are logistically difficult, pose a discussion question and encourage attendees to hold a five-minute conversation with the person in the next seat. You could conclude the segment by asking three or four pairs to share their findings with the larger audience. Taking about 10–15 minutes on this exercise may serve as a useful warm up for those who are reluctant to speak in groups.

In public discussions, questions should focus on the experience of the community members as much as possible. Honest criticism can be a very important and constructive part of the discussion; however, verbal attacks should be discouraged. An experienced facilitator, particularly someone who has credibility with the community at large, can be a great benefit, especially with larger groups, or in groups where there are known tensions. Keep in mind that the goal is participatory conversation, and the opportunity for people to engage can be as important as anything in particular that might be said.

The film and accompanying guide are provided free of charge for local screenings. To help us understand and better serve our audience, Not In Our Town requests that you copy and distribute the evaluation survey for this film provided at the end of this guide. Completed surveys can be returned to our office address, included on the survey. Thank you!

Screening and workshop steps

- Host the discussion in a neutral location where all attendees feel comfortable.
- Break the audience into small groups at tables before the screening.
- After the screening, present groups with a set of questions and a set time limit to discuss and answer questions.
- Have one member from each group report back their findings to the larger group, then facilitate a discussion about the different ideas that emerged.

Suggested workshop questions

- Why is this a hate crime?
- How did the law enforcement response to this crime strengthen the community?
- What kinds of actions could you take if an incident like this occurred in your community?
- Who is vulnerable to hate crimes in your community? (what groups, cultures, races, ages, etc.…)
- What are the organizations or groups in your community that can be a bridge between law enforcement and hate crime victims? What are some ways to build stronger relationships before a serious crime happens?

Hate Crimes: Talking Points for Moderators and Event Leaders

Definition of a hate crime

The Federal Bureau of Investigation (FBI) defines hate crimes as "criminal offenses motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."[2] This is the definition used nationwide for the purpose of recognizing, reporting, and tracking hate crimes.

The importance of recognizing hate crimes

While all crimes by their very nature are harmful, hate crimes tend to have an especially devastating effect. When a victim is attacked because of race, ethnicity, religion, sexual orientation, disability, gender, or gender identity, the attack is not just upon the specific person but also upon everyone who belongs to that demographic group. Hate crimes spread fear to all who recognize they could have been a target. For this reason it makes sense that hate crimes receive distinct attention from law enforcement.

Hate crimes are message crimes

The message of a hate crime is that "people like you" are not welcome here and are not safe here. Even acts of vandalism or crimes against a person that involve only threats or minimal violence can send powerful shockwaves of fear through the targeted community.

Communities cannot thrive when some members of the community are afraid

Fear caused by hate crimes degrades the quality of life for people in the targeted group and drives decisions about where to live and work and how much to participate in the community. It is also important to understand the potential for hate crimes to increase community tensions. Vulnerable groups that look to law enforcement officials to protect them and to provide a sense of security can become distrustful and even hostile to law enforcement when groups do not feel safe.

2. *Hate Crime Data Collection Guidelines and Training Manual, Version 2.0* (Washington, DC: Federal Bureau of Investigation, 2015), 10, http://www.fbi.gov/about-us/cjis/ucr/hate-crime-data-collection-guidelines-and-training-manual.pdf.

Recognizing hate crimes in your community

Every criminal statute that addresses hate crimes includes a central element of bias motivation. As a result, law enforcement officers need to look for "sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias."[3]

A law enforcement officer should look for and note "bias indicators," facts that suggest the possibility of a bias motive. It may be the strength of one or more particular indicators, or the particular combination of indicators, that ultimately leads to the determination that an event is likely a hate crime.

Bias indicators include

- whether the perpetrator and the victim were members of different racial or ethnic groups. This alone would probably never be enough to support a conclusion that an event was a hate crime; however, under the right circumstances and coupled with other indicators, such as a complete and surprising absence of any other apparent or likely motive for a crime, this factor may become weighty;
- historical animosity between the two groups;
- comments, statements, or gestures made by the perpetrator before, during, or after the crime;
- particular drawings, markings, symbols, or graffiti associated with the crime; these various forms of expression can be direct evidence of a bias motive on the part of the perpetrator, particularly when they are present in the commission of the crime itself.

Particular objects can also be bias indicators. Few would mistake the significance of a cross burned in a yard (bias indicator 1) and in the yard of an African-American family (bias indicator 2). These indictors "lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias." But other objects, less universally associated with hate, might also be keys to recognizing the bias motive in a particular crime.

One must be careful not to draw conclusions about bias motives too quickly or too simply. The analysis should always be done on a case-by-case basis. Statements made by a perpetrator before, during, or after the incident are sometimes the clearest evidence of the existence of a bias motive. But a bias motive can sometimes be discerned from the evidence even in the absence of such statements or other clear symbolic evidence.

3. Ibid.

The importance of hate crime reporting

Hate crimes in the United States are seriously underreported and underdocumented, hindering accurate assessment of the problem. A recent BJS report found that nearly two-thirds of hate crimes go unreported to law enforcement.[4] This is because of the unfortunate belief by many victims that law enforcement will be unable or unwilling to address the problem. Such a breakdown in trust completely undermines the ability of law enforcement agents to perform their jobs.

It is imperative that law enforcement, prosecutors, and victim advocates do everything they can to build bridges of trust in the community to facilitate victim reporting and cooperation. First, it is essential that leadership make it clear that accurate reporting is a priority for the agency. Training is an effective means for accomplishing comprehensive hate crime recognition. Reaching out to victims and to witnesses and encouraging them to report is very important. In addition, intra-agency review of reports can enhance the accuracy of reporting.

One of the most important features of hate crimes is the heightened vulnerability of the victims, both the individual victim and the class of victims who belong to the same demographic group. Victims of hate crimes are often members of diverse groups already coping with a degree of discrimination and separation to which a hate crime can add further fear and insecurity. FBI statistics indicate that hate crimes are most often motivated by race, with religion and sexual orientation being the second and third most common motivations.[5] Sometimes the targeted groups are in the center of social controversy and conflict, sometimes with political or religious implications. This is certainly the case for some victims featured in the documentary. These people are naturally going to have a more difficult time reaching out to law enforcement, and they may be distrustful and have low expectations of prosecutors.

Law enforcement, victim advocates, and prosecutors should make special efforts to reach out to hate crime victims. Their vulnerability is related to the unique trauma they suffer, beyond any physical, mental, or economic injury; it is related to the shockwaves of fear that tend to permeate the targeted community in the aftermath. Recognizing oneself as a member of a targeted group with particular viciousness breeds a heightened sense of vulnerability.

4. Megan Meuchel Wilson, *Hate Crime Victimization, 2004–2012 - Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2014), 5, http://www.bjs.gov/content/pub/pdf/hcv0412st.pdf.

5. Ibid.

Successful Community Engagement

In a recent article in *Police Chief* magazine,* Chief John Edwards summarized the Oak Creek Police Department's guiding principles for engaging the community:

- Prioritize education and training for officers.
- Be proactive about reaching out to and establishing positive working relationships with different cultural groups in the community.
- Maintain a strong, visible leadership role in the aftermath of a hate crime or any public safety crisis.
- Be transparent and share as much information about an incident as the department can without jeopardizing an investigation.
- Maintain a strong relationship with the media; "no comment" does not get you anywhere.
- Be approachable—agree to meet with anyone in the community.
- Establish a standard of meaningful community engagement that encourages residents to bring new ideas.
- Thoroughly investigate and accurately report every incident that might be a hate crime.
- Recognize that the police department is a community itself, and prioritize officer wellness.

* John Edwards and Libby McInerny, "Oak Creek: Leading a Community in the Aftermath of a Tragedy," *The Police Chief* 80 (October 2013): 98–106, http://www.niot.org/cops/casestudies/oak-creek-leading-community-aftermath-tragedy.

Another characteristic of many hate crime is the extra degree of violence and cruelty not as common in, for instance, economic crimes. Even though a bias-motivated crime does not require extreme violence to cause fear within a vulnerable community, research has shown that attacks motivated by bias tend to be more violent than attacks that arise out of other circumstances. A 2013 BJS report revealed that while violent non-hate crime victimizations decreased between 2007 and 2011, the percentage of hate crimes that were violent victimizations increased.[6] For all of these reasons, the special vulnerability of hate crime victims is a feature to which law enforcement must be especially attentive.

It is important to note that understanding and good community relations do not involve "taking sides" on political controversies that may surround some groups. The focus for law enforcement should be on protecting members of the community, regardless of who they are, and the task is to pursue a positive working relationship that will make it possible to do this effectively.

6. Nathan Sandholtz, Lynn Langston, and Michael Planty, *Hate Crime Victimization, 2003–2011* (Washington, DC: Bureau of Justice Statistics, 2013), 3, http://www.bjs.gov/content/pub/pdf/hcv0311.pdf.

Effective law enforcement response

All hate crimes deserve focused attention and good law enforcement work. The ultimate objectives are preventing crime and enhancing public safety. Keep in mind these objectives can be furthered even if catching and prosecuting every offender proves impossible. Vigorous response to hate crimes by law enforcement

- will be noticed and appreciated in the community;
- sends a message to the perpetrators and would-be perpetrators that hate crimes will not be tolerated;
- enhances security for the public and helps prevent future hate crimes.

Some jurisdictions have specialized hate crime investigation and prosecution units, but most do not. This does not mean hate crimes should not be taken seriously; they should be successfully investigated and prosecuted wherever they occur. Where specialized resources are lacking, it may take extra diligence on the part of officers and investigators, and experts from outside of the agency may need to be consulted.

The importance of prosecuting hate crimes as hate crimes

When hate crimes occur, it is important that they be recognized for what they are. This is why crimes motivated by bias should always be reported as hate crimes and why prosecution for hate crimes should be pursued wherever possible. When law enforcement and public officials recognize such an act for what it is, and when they name it and treat it as what it is, they acknowledge and validate the experience of the victim and affirm the status of the victim as a full member of the community.

From a legal point of view, the essential feature of a hate crime is the bias element. When this element is written into a criminal statute, it can make the crime more complicated to prove, and for this reason some prosecutors are reluctant to charge hate crimes. However, a conviction under such statutes typically comes with harsher penalties. Convictions under these statutes have the added benefit of giving the jury the opportunity to name the crime for what it is. For this reason, prosecutors should bring hate crime charges where the evidence and the available statutes make this possible.[7]

7. To understand the details of the criminal statutes related to hate crimes that are applicable in your state, consult your local prosecuting attorney or your state attorney general. Summary material on the hate crime laws of the various states may be found at "Anti-Defamation League State Hate Crime Statutory Provisions," Anti-Defamation League, last modified January 2010, http://www.adl.org/assets/pdf/combating-hate/state_hate_crime_laws.pdf; and "State Hate Crimes Statutory Provisions," Anti-Defamation League, accessed July 13, 2015, http://archive.adl.org/learn/hate_crimes_laws/map_frameset.html.

Effective law enforcement-community partnerships

Law enforcement-community relations are especially important when it comes to hate crimes. Because victims of hate crimes are often the more vulnerable members of society, they are sometimes reluctant to contact law enforcement and report that they have been the victim of a crime. However, because law enforcement officials need community cooperation to effectively carry out their responsibilities, encouraging and achieving this cooperation is an important part of their work. Good community relations

- increase the likelihood that hate crimes will be reported by victims to law enforcement;
- increase cooperation by witnesses;
- increase the support for law enforcement officials as they perform their jobs.

Law enforcement agencies should be working to establish good community relations well before they need to rely on them in a particular criminal investigation. It is important to consistently maintain and strengthen law enforcement-community relations.

Because hate crimes grow out of a social climate that breeds or abides intolerance, the real key to preventing hate crime lies not only with law enforcement but also with the larger community. Members of the community, including educators, faith leaders, civic leaders, labor groups, media, and citizens of every age, are in a position to contribute much more to the prevention of hate crimes than mere cooperation with law enforcement. Communities that actively work to include all groups in community issues and activities and work to build social bridges to otherwise isolated groups are less vulnerable to those who would sow fear and division through committing hate crimes. Law enforcement can play an important role in calling forth this positive involvement from the community.



Photo credit: Not In Our Town

One year after the hate attack, the Oak Creek, Wisconsin, community comes together at The Sikh Temple of Wisconsin to remember the victims and support their families.

Additional Not In Our Town Resources

Not In Our Town (NIOT) is a national campaign that guides, supports, and inspires individuals and communities to work together to stop hate and build safe, inclusive environments for all. For more information or for assistance organizing a screening in your area, please contact info@niot.org or 510-268-9675.

Additional film and print resources are available on the Not In Our Town website at: www.niot.org. Selected highlights include the following:

Guides

Building Stronger, Safer Communities: A Guide for Law Enforcement and Community Partners to Prevent and Respond to Hate Crimes

http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P270

This guide produced by the COPS Office and Not In Our Town offers leadership strategies and actionable tactics to help law enforcement agencies work with community partners. Real-life examples, documented by the Not In Our Town movement against hate and intolerance, illustrate how agencies can work with community stakeholders to create an atmosphere where hate is not tolerated and take positive steps in the aftermath of a hate crime. The guide also provides multiples lists of resources to promote action, engagement, and empowerment for the community and law enforcement.

Not In Our Town Quick Start Guide

https://www.niot.org/guide/quickstart

The ideas in this guide came from people in communities who wanted to do something about hate and intolerance. Their successful efforts have been a shining light for the Not In Our Town movement.

Ten Ideas for Sparking Action in Your Town

https://www.niot.org/guide/10actionideas

Whether responding to a hate incident or working to prevent divisions, community leaders can use this guide to inspire their towns to stand up to intolerance and create a diverse environment where everyone is safe, accepted, and included.

Videos

A Bowling Green Legacy

https://www.niot.org/cops/bowlinggreenlegacy

Presented in conjunction with the COPS Office, this 13-minute film follows the actions of students working with administrators, law enforcement, and community members to forge new bonds after racially charged actions shake their community. When racist tweets and "white power" graffiti leave students feeling threatened and unsafe, the campus and community of Bowling Green unite to take a stand against hate and join the national Not In Our Town movement.

A Prosecutor's Stand

https://www.niot.org/cops/aprosecutorsstand

Presented in conjunction with the COPS Office, this 24-minute film examines three hate crime cases in San Francisco, California, exploring the nature of these crimes; the unique trauma faced by hate crime victims; and common challenges in reporting, investigating, and prosecuting the crimes.

A Hate Crime Detective's Message to High School Students

https://www.niot.org/cops/media/hate-crime-detectives-message-high-school-students

Monmouth County, New Jersey, Prosecutor's Office bias crimes investigator Detective David D'Amico regularly visits schools to talk frankly and powerfully to the group responsible for the majority of these crimes—young people. His presentation includes cautionary advice not only about how derogatory words used online are hurtful but also about how they can make the user a target for recruitment by hate groups.

Community Responses to Hate Groups

https://www.niot.org/niot-video/responsestohategroups

This collection of short videos highlights communities around the country taking a stand against hate and intolerance.



Photo credit: Not In Our Town

The Sikh Temple of Wisconsin in Oak Creek

Film Evaluation Survey

Note: *To download a printer-friendly version of this two-page survey, please visit http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0760*

Surveys should be returned to:
The Working Group / Not In Our Town
PO Box 70232
Oakland, CA 94612

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Film Evaluation of *Waking in Oak Creek*

Instructions: Please answer the following questions based on your recent viewing of *Waking in Oak Creek*. Surveys should be returned to **The Working Group / Not In Our Town, PO Box 70232, Oakland, CA 94612**. Thank you for your participation.

1. Screening location: _____

2. How would you rate the following in reference to this film?

Item	Excellent	Good	Okay	Fair	Poor
a. Handling of topic presented	○	○	○	○	○
b. Overall impact of film	○	○	○	○	○
c. Effectiveness of group discussion (if applicable)	○	○	○	○	○

3. Please check the response that is most accurate for you.

Results of viewing this film	Yes, very much	Yes, somewhat	No, didn't make a difference	Not applicable
a. I have more information or tools I can use in my work.	○	○	○	○
b. I better understand the need to support hate crime victims.	○	○	○	○
c. I have better ideas for building relationships between diverse groups and faiths in my community.	○	○	○	○
d. I will seek ways to improve relationships between community leaders, interfaith groups, and law enforcement.	○	○	○	○
e. I am more likely to take action to address hate and intolerance in my community.	○	○	○	○

4. What opportunities or challenges do you anticipate in showing this film to your community or law enforcement agency?

About the COPS Office

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

This guide is designed to help community groups facilitate discussions and training sessions in conjunction with screenings of the 35-minute Not In Our Town film *Waking in Oak Creek*. Produced in collaboration with the COPS Office, the film profiles a suburban community and local law enforcement attempting to heal after their town is rocked by deadly hate crime shootings at a Sikh temple in Wisconsin, killing six Sikh worshippers. In the following year, community leaders, family members, and police–including an officer shot 15 times by the assailant–join forces to address underlying issues of hate and intolerance. This guide provides discussion questions for use in community screenings. Used together, the film and guide can help agencies and communities work to prevent hate crimes, improve law enforcement-community relations, improve hate crime reporting, enhance investigations and prosecutions, and support victims.

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
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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 **www.cops.usdoj.gov.**

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