



**Statement of Chief David Rausch
Chief of Police Knoxville Police
Department (TN)
General Chair Midsize Agencies
International Association of Chiefs of
Police**

World Wide Threats: Keeping America
Secure in the New Age of Terror
Homeland Security Committee
United States House of Representatives

November 30, 2017



Good Afternoon Chairman McCaul, Ranking Member Thompson, and Members of the Committee.

Thank you for the opportunity to speak with you today about worldwide threats – specifically domestic terrorism and the threat posed by extremist groups.

My name is Chief David Rausch am currently the Chief of Police of the Knoxville, Tennessee Police Department. I am also a member of the Executive Board of Directors for the International Association of Chiefs of Police (IACP) and currently the General Chair of the IACP Midsize Agencies Division, which represents agencies with 50 to 999 sworn officers. The IACP is the world's largest association of law enforcement leaders, with more than 30,000 members in 150 different countries.

I have been fortunate to have been trained by the FBI in Domestic and International Terrorism, as well as participate in training at the U.S. Army War College in addition to my over 28 years of experience in law enforcement.

Today's law enforcement officers face an incredible set of challenges. One of the many myriad of challenges we confront is how to best respond to planned rallies, spontaneous crowds, and civil disturbances by extremist groups while balancing First Amendment rights.

All too often, what may have been started as a peaceful demonstration can spawn protests and counter protests that can lead to civil disorder. Groups with varying social or political agendas that wish to express their concerns over war, abortion, environmental issues, policy decisions, and numerous other issues can and have sparked violent – even deadly – actions and reactions. Most recently, we witnessed this occur in Charlottesville, Virginia.

A few short weeks after that incident, on August 26th we had a protest over a monument in Knoxville and we used what we learned from Charlottesville, Boston, Durham, North Carolina to assure a safe peaceful gathering. Each of these cities were faced with rallies addressing civil war statues or monuments and “free speech” by groups known for hate. I will share what we learned from those events and I will discuss some of the challenges law enforcement faces when it comes to policing extremist groups, and where we could benefit from assistance from the federal government.

Recruitment and Organization

Civil disturbances and demonstrations have changed over the years, as have the tactics and techniques of the extremist groups that organize these protests and gatherings. Demonstrations and public protests have taken on a more systemic, organized nature and have invoked tools that were not available in past decades. Social media is now commonly used to rapidly mobilize and manage participants prior to and during demonstrations and civil disturbances.

Social media and the internet provide extremists with an unprecedented ability to spread hate and recruit followers, similar to what we have witnessed with terrorist organizations. Individual racists and organized hate groups now have the power to reach a global audience of millions and to communicate among like-minded individuals easily, inexpensively, and anonymously. Equally troubling, internet users, particularly young people, have never been more exposed and vulnerable to the efforts of these extremists to influence, recruit, and intimidate. Moreover, there is significant evidence that the Internet is playing an increasing role in facilitating self-radicalization.

Combating Violent Extremism is an effort led by the CVE Task Force which is made up of the Department of Homeland Security in collaboration with the Department of Justice, the Department of State, Department of Defense, Department of Education, Department of Health and Human Services, Department of Labor, as well as the Federal Bureau of Investigation, U.S. Agency for International Development, and the National Counterterrorism Center. Model efforts for how to engage communities to prevent radicalization and recruitment are collected and shared by this group. Partnering with state and local law enforcement is a key to the effort, specifically those utilizing community policing strategies. Successful prevention efforts have included a mix of positive community engagement and early identification of potential recruiters and recruits.

Communities rely on education through classrooms, faith organizations, and the media. Educating parents and youth on the efforts and dangers of these hate organizations and ideologies is a core prevention effort. Expressing the dangers of these groups and their bullying behaviors is key. There needs to be an understanding that radicalization is not just about religion, it's about beliefs. Relationships between the community and law enforcement must continue to be built and managed. Currently, hate has the stage. It is getting all the attention. It has a megaphone and is being allowed to spew in many forms taking advantage of divisions that have been created. This does not have to be the case. The vast majority of Americans believe and know that we are all more alike than we are different and that we accomplish things in this country working together.

Law enforcement needs the assistance and cooperation of those who manage the social media mediums to monitor their sites and not allow them to be used for this purpose. These companies need protection from frivolous law suits that prevent them from taking needed action to do this. We need the ability to have those who are pushing a violent hate agenda to be held accountable for violence that results from their efforts. Law enforcement also needs the assistance of those in our community who learn of or know individuals who are engaged in these violent hate agendas to report them to us, so that we can do our jobs to protect our neighbors.

Additionally, continued resources through the Department of Homeland Security and the Department of Justice in the form of Community Policing Grants, Safe Streets funding, and other resources are vital for the continuation of being able to address these efforts to prevent and intervene violent extremists.

Pre-Event Intelligence Gathering and Management

It is vital that all levels of government and the private sector work together to identify and address individuals and organizations that are involved in violence and hate. This information needs to be provided immediately in real time to all who may be impacted, especially those who are responsible for the safety of our communities. There should be no barriers to the sharing of this information. Fusion Centers have been effective at providing this information, but they are only as good as the information that they are provided or they learn through their efforts.

The ability to gather intelligence information must not be hindered. We certainly understand the concerns of too much government intrusion, but we can't allow this distrust of government to allow those who seek to harm us to thrive. There can be appropriate intelligence gathering that is properly monitored to protect all of us. We must assure that we are watching and not allow the tools that law enforcement uses to be taken away.

The ability of a local community to control events in their jurisdiction is vital. The power to require notice of an event to assess the level of concern for a community is paramount. Permitting is a process that allows this to be done effectively. The process gives the local government that opportunity to appropriately protect all who wish to participate or to make a decision to decline a permit based on factual concerns for the overall safety of a community. A failure to obtain a permit should be reason to declare a gathering illegal and assure that everyone is made aware and given an opportunity to disperse before any other course of action. Permitting allows for clear communication between the jurisdiction and the event organizers. Contact with leaders of a demonstration is important to gather information and establish ground rules for the event. In particular, non-negotiable matters, with the intention that a common understanding be reached by both parties on the ground rules.

A new challenge to this process is that groups are organizing on social media sites and have no real leaders and are just gathering to express their concerns. Many having the same ideology of hate. These should be addressed as an illegal gathering.

In our protest in Knoxville, it was advertised on social media. A local white supremacists group announced that they would be holding a “support the monument” rally at a Civil War Memorial Monument that was placed to remember 813 Confederate soldiers who were killed in the Battle of Fort Sanders that has been vandalized after the Charlottesville protest. We were familiar with the group planning this, as they had conducted gatherings in the past. Then three groups began organizing a counter protest against the white supremacist hate group. We were familiar with some of these groups. The support for the counter protestors was substantially larger than the white supremacist hate group. We monitored the online activities of these groups, as well as hate groups on both sides that were planning to attend. Our Intelligence Unit began monitoring all of the known problem groups in our area as well. They were inciting each other by posing as members of the opposite group and making statements about the need for violence.

One of the counter protest groups contacted us to request approval to conduct a march to the site on a State Route that is a main route through the University of Tennessee. They advised that they would have 2000 participants. Because of the concerns of what we had seen from recent events in other jurisdictions and the fact that this is a major route in our City, we denied the request and advised the organizer that if they marched that they would have to do so on the sidewalks and follow all laws. The “support the monument” group never sought a permit. They advised that they were just going to gather around the monument on the sidewalk. We decided that we would take control of the area and set the rules to avoid any possible violence.

Balancing Freedom of Speech with Public Safety

All persons in the United States have the right to march, demonstrate, protest, or undertake similar activities protected under the First Amendment to the United States Constitution. Freedom of speech, association, assembly, and the right to petition the government are subject only to reasonable restrictions on the time, place, and manner of their expression. The content of the speech or message does not provide the basis for imposing limitations on these rights. Law enforcement has the difficult task of maintaining the peace during incidents, while also protecting the rights of assembly and free speech guaranteed by the U.S. Constitution.

The challenging part for law enforcement is we must protect groups that we may not agree with. We must protect groups that oppose us and have ideas that are counter to ours. But, our oath requires us to protect the rights of everyone.

Too many of these groups who gather to spew hate and violence now hide under the cloak of the First Amendment. We need to be able to delineate between exercising freedom of speech and violent behavior. Having the ability to put reasonable rules in place to control these gatherings is important. Not allowing individuals to bring items that can be used as weapons, including sticks, bats, bottles of urine, frozen water bottles, bricks, rocks, helmets, shields, face coverings and masks, provides the ability to prevent violence from happening. These are all tools of intimidation and attack. Protests are emotionally charged events with people who are passionate about their cause. They are events that extremists take advantage of to push their violent agendas. Jurisdictions need the ability to control these events and set reasonable rules to avoid dangerous conditions. Even in the jurisdictions where firearms are allowed to be carried openly or with a permit, the ability to ban them at these events is necessary. Again, the emotional aspect of these gatherings calls for the ability to regulate them to assure the safety of all involved, including law enforcement.

After watching video from the protests in Charlottesville, Boston, and Durham we decided that we would put reasonable rules in place for the area of the protest. These included prohibiting all items that could be used as weapons, no face coverings, and no masks. Because we decided to control the area we were also able to prohibit firearms, even by those who had carry permits, as a new State law set the rules for this and we set up the area to meet the requirements. This set the stage to prevent potentially violent situations from happening. We also communicated this information in advance of the event to assure that those who would gather knew the rules as well as those in the community who lived and worked in the area knew what steps were being taken to keep the area safe.

Tools and Procedures for Success

Some of the key elements that proved successful for our event was to take control of the area early to prevent either side from taking control of the area before law enforcement. Because of the new threat of vehicle borne attacks we utilized heavy equipment trucks from our Public Service Department to cut access to the area from all streets. We set up physical barriers, "cattle racks", to separate the areas where the two sides would be allowed and the center of the street to be controlled by law enforcement. We set up the entrances on each side of the area for a search of all who entered. We had law enforcement on the outside of the controlled area watching over both sides as well as law enforcement inside both areas. Riot Control teams in full gear were on the inside between the two sides.

The planning and preparation consisted of utilizing all available resources on the local, state, and federal levels. Additional resources were necessary and were obtained from several agencies including other local and state law enforcement and emergency services. In our event we utilized the city law department, communications department, service department, fire department, emergency management, sheriff's office, a nearby local police department, Tennessee Highway Patrol, Tennessee Emergency Management Agency, Tennessee Bureau of Investigation, and worked with the Federal Bureau of Investigation on intelligence gathering.

Current laws mostly provide what is needed to conduct these events and hold persons accountable. Laws addressing domestic terrorism and hate crimes exist. Some thought should be put into making hate crimes as an enhancement to the original crimes as there are challenges with proving hate in some situations as the primary offense. Most prosecutors will tell you that they will charge the primary crime of assault, vandalism, etc. as they find it difficult to prove the motivation for the crime at times. If they could get the verdict for the crime and then use the motivation of hate to enhance the punishment it may be more effective. Consideration should be made for passing laws regulating protests and the costs

associated with them. These events are very expensive to communities. I realize that there are challenges with determining who pays when most of these events are not organized by a specific group or person. California recently passed a state law to limit what can be carried during a protest and should be considered as an example of what other states may want to accomplish.

Legislative, Policy, and Action Recommendations

Provide Federal Program and Funding Assistance

- **Training:** Law enforcement officers need training to mitigate and to de-escalate these events.
- **Equipment:** Law enforcement needs funding for equipment to help respond and manage these events. Equipment such as protective gear, cameras, and radios not only help to keep officers safe but also allow them the ability to keep the public safe.
- **Specialized Units and Task Forces:** Funding to create specialized units or to help agencies team up to develop multi-agency task forces.
- **Fusion Centers and Information Sharing:** Fusion centers play a unique role in protecting their communities, informing decision making, and enhancing information sharing activities among law enforcement and homeland security partners. Federal support is needed to fund these fusion centers.
- **Intelligence Gathering:** Those of us who are charged with protecting the public aren't always able to access the evidence needed to prosecute crimes and prevent acts of terror. Social media is a particularly difficult challenge for law enforcement. Law enforcement needs, wherever possible, assistance from Congress in ensuring that social media providers are both willing and able to share necessary information that would help protect our communities and citizens. Law enforcement simply needs to be able to lawfully access information that has been duly authorized by a court in the limited circumstances prescribed in specific court orders.

Speak Out Against Hate

The President, Members of Congress, state and local elected officials all need to condemn acts of bigotry every chance they can. As elected officials, you hold important roles, and the nation and your communities want to hear from you. Use your role to speak out against the hateful incidents that are plaguing our communities and send a message that these acts will not be tolerated. All of us, law enforcement included, must work together to put an end to hate and tensions are brewing.

Conclusion

On behalf of the IACP, I conclude by thanking you again for the opportunity to appear before you today. I would be happy to answer any questions you may have.