A Guide to Temple Safety and Security

HAF
Hindu American Foundation
hinduamerican.org

About HAF

The Hindu American Foundation (HAF) is a non-profit advocacy organization for the Hindu American community. Founded in 2003, HAF's work impacts a range of issues—from the portrayal of Hinduism in K-12 textbooks to civil and human rights to addressing contemporary problems, such as environmental protection and inter-religious conflict, by applying Hindu philosophy.

Why Do We Need This Guide

At more than three million strong, the Hindu American community is one of the fastest growing American religious communities. While most Hindus are of South Asian origin, the Hindu American community includes individuals of Caribbean, African, South American, Southeast Asian, and Caucasian descent. To maintain a connection to their faith, the Hindu American community relies on a network of nearly 1000 temples spread out over 45 states. These temples, varied and diverse in their practices, serve as spiritual centers, community nexuses, and cultural hubs. The growth and resilience of Hindu temples mirrors that of the community itself.

However, as they grow more visible, Hindu temples face unique challenges, ranging from hostility of surrounding communities and government bureaucracy to hate crimes and violence. This guide was created by the Hindu American Foundation to serve as a resource for temple leaders, enabling them to navigate these challenges, and maintain a vibrant, active, and secure temple community.

Hate Crimes

The Hindu American community has a long history of being targeted for hate crimes. From the “dotbuster gangs” that attacked Hindu men and women wearing tilak during the 1980s to the recent attack on a Kentucky Hindu temple, the community has sought to combat hate crimes effectively. Due to their visibility and prominence, Hindu temples are particularly attractive targets for hate crimes.

Defining Hate Crimes

Hate crimes or "bias" crimes are crimes motivated by the perpetrator's bias against a particular group of people on the basis of race, religion, national origin, sex, sexual orientation, age, or disability. Hate crimes are simultaneously impersonal and fundamentally personal. They are impersonal because the perpetrator usually does not know the victim and commits the crime against him/her because he/she was simply the first African American, Muslim, Hindu, etc. person the perpetrator came across. And yet, these crimes are fundamentally personal because the victim was attacked because of a foundational part of his or her identity. Therefore, both because hate crimes are more difficult to deter and because they inflict greater harm on the victim, nearly every State punishes hate crimes more harshly.

Identifying Hate Crimes

Hate crimes can be directed against individuals, groups, and both real and personal property. Hate crimes can take many forms including:

- Anti-Individual/Group
  - Physical assault/battery
  - Verbal harassment/threats
- Anti-Property
  - Vandalism
  - Arson
  - Graffiti
  - Trespassing

Making threats against a religious institution is also a federal crime and if that threat results in damage or destruction to religious property, criminal penalties will be imposed.

The key factor in identifying a hate crime is the fact that the perpetrator was motivated, in part or in whole, by the victim's actual or perceived characteristic. In identifying hate crimes, investigators can look to many factors including:

- Identifying characteristics of victim or property
- Perpetrator's statements
- Perpetrator's actions
- Perpetrator's previous history

A key point is that the perpetrator's perception controls the designation of a hate crime. If an individual or property is targeted by a perpetrator with an anti-Hindu bias, the individual's or property's actual religious affiliation is irrelevant.

Additionally, not all crimes targeting Hindu temples are hate crimes. If a temple is targeted for theft and vandalism, and there is no evidence suggesting that the crime was motivated by an

anti-Hindu bias, then the crimes are not treated as hate crimes. For example, the 2014 vandalism of the Vishwa Bhavan Hindu Mandir in Monroe, Georgia was not prosecuted as a hate crime because the perpetrators had also targeted a nearby church and parking lot, and as such, there was no evidence that they were motivated by anti-Hindu animus.

Preventing Hate Crimes and Active Shooter Incidents

In 2013, thanks to the efforts of the Hindu American Foundation and other activists, the FBI agreed to begin federal tracking of anti-Hindu hate crimes. The goal of such tracking, which began in 2015, is to prevent and be better prepared for future incidents of bias-motivated violence. The unfortunate reality is that such attacks may not be completely preventable or predictable, but temples can implement protocols to better prepare and protect its members in the event a hate crime or active shooter incident does occur by following basic steps:

1. **Evaluate Vulnerabilities of Temple Premises**
   - Conduct a thorough check of doors, windows, and locks, to ensure that they all work
   - If possible, install security cameras and a monitored alarm system
2. **Develop a Proactive Relationship with Law Enforcement**
   - Connect with your local law enforcement agency BEFORE an incident occurs (see Engaging the Community below for details)
   - Invite Law Enforcement representatives to temple events
3. **Create a Contingency Plan for Incidents**
   - Develop the contingency plan in conjunction with law enforcement
   - Ensure that the plan has clearly delineated tasks, and responsibilities
   - Train temple staff and volunteers on the contingency plan
   - Print out and visibly post the Active Shooter - How to Respond Poster on the temple premises: *https://www.dhs.gov/sites/default/files/publications/active-shooter-poster-2017-508.pdf*
4. **Work with Other Religious Bodies**
   - Reach out to other temples, churches, mosques, and synagogues to learn from their security protocols. Create a relationship with these entities to share information and helpful tips

Responding to Hate Crimes

If your temple is targeted for a hate crime or a hate incident, it is important to report the incident immediately. While the temptation to ignore minor vandalism is significant, it is essential that all incidents, no matter how minor, are reported. Law enforcement cannot respond to crimes unless they have a full record of all the incidents that have occurred.

When reporting the incident, be sure to give a full and complete description of the incident, the damage, and any information about the perpetrators, if available.

After making a report, please ask for the officer's information, and follow up with the appropriate officer regularly on the progress of the case.

We also request that you help us in tracking incidents of identity-based or bias-motivated intimidation, threats, harassment, and violence being experienced in our communities. The more data we have about such incidents, the better we will be able to work with the appropriate authorities, agencies, civil rights advocates, and other stakeholders to identify areas of particular concern and ensure the safety and security of the community.

After reporting incidents to law enforcement, please help us by filling out HAF's Anti-Hindu Hate and Hinduphobia Incident Reporting Form: *https://www.hinduamerican.org/report-bias-motivated-crimes/*

Resources

The Hindu American Foundation's "Know Your Rights" Guide: *https://www.hinduamerican.org/wp-content/uploads/2019/12/HAF_KnowYour-Rights_Expanded.pdf*

The Hindu American Foundation's "Countering Hate: Guide for Hate Crime Victims" *https://www.hinduamerican.org/wp-content/uploads/2020/03/HAFN_17_013-HAF-Guide-to-Countering-Hate-2020web.pdf*

The Hindu American Foundation's Hate Crimes and Domestic Terror Strike Preparedness Resources: *https://www.hafsite.org/media/pr/hate-crimes-and-domestic-terror-strike-preparedness*

Federal Emergency Management Agency (FEMA): *https://www.fema.gov/faith-resources*

Federal Bureau of Investigation: *https://www.fbi.gov/investigate/civil-rights/hate-crimes*

Department of Justice, Community Relations Service: *https://www.justice.gov/hatecrimes*

Immigration

For a Hindu temple to function effectively, it needs qualified religious workers. Most Hindu temples meet their staff needs by hiring religious workers trained in India, who enter the United States under an R-1 Temporary Nonimmigrant Religious Worker Visa or the EB-4 Special Immigrant Non-Minister provision in the Religious Worker Visa Program. As Hindu Americans do not have the facilities to train religious workers domestically, virtually all Hindu religious workers come in under one of these provisions of the Religious Worker Visa program. Such dependence makes it essential for temples to understand how to navigate the American immigration system.

The Religious Worker Visa Program

The EB-4 Special Immigrant provision in the Religious Worker Visa Program, enacted by Congress in 1990, is the primary avenue by which many foreign religious workers coming to the U.S. can apply for permanent resident status, while the R-1 Temporary Nonimmigrant Religious Worker Visa allows temples to sponsor religious workers to work in the U.S. on a temporary basis.

The EB-4 Special Immigrant visa program for Non-Ministers is continuously at risk of being discontinued, if it is not extended by Congress. The law allows these workers to immigrate or adjust to permanent resident by a certain date. Non-Minister special immigrant religious workers include those within a religious vocation or occupation engaged in either a professional or non- professional capacity. If the program ends, it applies to accompanying spouses and children of these Non-Minister Special Immigrant religious workers as well. Special Immigrants entering the U.S. solely for the purpose of carrying on the vocation of a Minister, and their accompanying spouses and children, are not affected by this program. The R-1 Temporary Religious Worker visa would also not be impacted by an end to the EB-4 Special Immigrant visa program for Non-Ministers.

The Religious Worker Visa program, as currently construed, is divided into two provisions: the Minister and Non-Minister provision. Each provision allows temples to sponsor different categories of workers.

The Minister provision provides visas to persons authorized by a recognized religious denomination to conduct religious services. A minister must have a license, certificate, or other formal recognition from a qualified religion, which qualifies them to conduct religious services. For temples, this provision may cover:

- Acharyas (religious teachers)
- Brahmachari/Brahmachirini (student monks)
- Swami/Swamini (monks)

The Non-Minister provision covers all religious workers that do not qualify as ministers. For temples, this provision may cover:

- Pandit/Pujari (Hindu priest)
- Paricharakara (religious food preparer)
- Sthapati (religious architect)
- Shilpi (religious artisan)
- Religious Artists
- Religious Jewelers

Immigration Enforcement Raids

Places of worship, including temples are considered "sensitive locations" and Immigration Customs and Enforcement (ICE) agents will not conduct immigration raids/ enforcement actions at these locations unless:

- Exigent (emergency) circumstances exist
- Other law enforcement actions have led officers to the temple, or
- Prior approval is obtained from a designated supervisory official at the temple

A temple can file a complaint about a particular ICE enforcement action that may have taken place in violation of the sensitive locations policy by contacting ICE Enforcement and Removal Operations (ERO) through the Detention Reporting and Information Line at (888) 351-4024 or through the ERO information email address at *ERO.INFO@ice.dhs.gov*, also available at *https://www.ice.gov/webform/ero-contact-form*.

The Civil Liberties Division of the ICE Office of Diversity and Civil Rights may be contacted at (202) 732-0092 or *ICE.Civil.Liberties@ice.dhs.gov*.

Resources

Descriptions of Hindu Religious Workers: *http://hafsite.org/media/pr/religious-worker-definitions*

U.S. Citizenship and Immigration Services R-1 Temporary Nonimmigrant Religious Workers: *https://www.uscis.gov/working-united-states/temporary-workers/r-1-temporary-religious-workers/r-1-temporary-nonimmigrant-religious-workers*

U.S. Citizenship and Immigration Services EB-4 Special Immigrant Religious Workers: *https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4/special-immigrant-religious-workers*

U.S. Immigration and Customs Enforcement FAQ on Sensitive Locations: *https://www.ice.gov/ero/enforcement/sensitive-loc*

Right to Public Access

The U.S. Constitution guarantees all American citizens the right to free exercise of their religion. This same provision protects Hindu temples against arbitrary and hostile government action, while enabling devotees to continue to maintain a spiritual connection to their faith.

In addition to the right to worship, temples, like all other organizations, retain a right to associate in conjunction with their message. This means that temples can develop a community around a message it intends to convey. This right includes the right to exclude those who do not share the message. For example, a temple is not obligated to provide booth/table space to Indian Christian missionaries and can ask them to leave.

Thus, at temple events and assemblies, they can exclude individuals and groups whose presence affects the temple's ability to represent its views. This can include:

- Disruptive individuals
- Individuals engaged in harassment of temple patrons
- Individuals engaged in religious conversion
- Groups seeking a goal that is contrary to the temple mission
- Groups seeking to undermine temple interests

Public Engagement

A temple primarily serves a religious function, but also exists as a community entity. As such, one of the most vital roles of a temple leader is to maintain strong relations with the local community.

Engaging the Community

Community engagement and outreach are critical for all temples. Temples must seek to maintain a connection with the communities that they stand in, including with local residents, and interfaith leaders. Temples can maintain such connections through:

- Keeping all temple events open to individuals of all faiths and traditions
- Encouraging local community members and interfaith leaders to attend temple events
- Creating and/or providing visitors with a guide on what to expect when visiting a temple
- Being respectful of local noise and nuisance ordinances
- Maintaining a tradition of seva or service in the local community

Engaging Law Enforcement

Maintaining a secure temple environment involves developing a strong relationship with law enforcement. To engage with your local law enforcement, temples should engage in the following steps:

- Identify your local law enforcement agency: If the

temple is located inside the limits of a municipality, then the local police force has jurisdiction over the temple. If it is not in a municipality, then the county sheriff has jurisdiction

- Contact your law enforcement agency's community relations office
- Ask the agency to conduct a visit of the temple to evaluate the overall security
- Ask law enforcement officials to give on-site presentations on how to deal with emergencies and hate crimes
- Invite law enforcement to temple events and functions
- Attend any seminars, webinars, and trainings on preventing hate crimes offered by the agency and/or the Department of Home Security.
  Download free sources from https://www.fema.gov./faith-resources#
- Temple administrators should contact law enforcement ahead of major festivals to request additional security

Additionally, temples can also engage with their local U.S. Attorney's office regarding hate crime issues. U.S. Attorneys are federal prosecutors appointed by the President. Their offices prosecute all federal hate crimes. Most U.S. Attorney offices have community relations offices in charge of engaging the local community.

Engaging Elected Officials

All temples are represented by a wide variety of elected public figures. Most temples will fall under the constituency of the following elected officials:

- Governor: chief executive of the state in which the temple is located
- Senator: representative of the state in which the temple is located in the U.S. Senate
- Congressman/woman: representative of the district in which the temple is located in the U.S. House of Representatives
- State Senator: representative of the district in which the temple is located in the state Senate
- State Representative: representative of the district in which the temple is located in the state House of Representatives
- Mayor: chief executive of the city, town, or municipality in which the temple is located
- City Councilman: legislator of the city, town, or municipality in which the temple is located

In all engagement with elected officials, temples must remain in compliance with the restriction on political activity by 501(c)(3) nonprofit organizations. As such, temples must refrain from:

- Endorsing political candidates
- Spending money on political campaigns
- Lobbying in state or federal initiatives

Nevertheless, temples can permissibly engage elected officials by:

- Inviting them and/or their representatives to temple functions and events in their capacity as an elected official
- If an elected official/political candidate is invited to speak at an organization event in his or her capacity as a political candidate for elected office, the temple must take steps to ensure that:
  - It provides an equal opportunity to participate to all political candidates seeking the same office
  - It does not indicate any support for or opposition to any candidate (including candidate introductions and in communications concerning any candidate's attendance); and
  - No political fundraising occurs.
- Participating among faith-based advisory councils set up by the officials

Resources

IRS Tax Guide for Churches & Religious Organizations: *http://www.irs.gov/pub/irs-pdf/p1828.pdf*

Find Your Congressman: *http://www.house.gov/representatives/find/*

Find Your US Attorney: *https://www.justice.gov/usao/find-your-united-states-attorney*

For more information please visit
hinduamerican.org

HAF is a 501(c)(3) nonprofit organization.