



THE HATE CRIMES ADVISORY COUNCIL OF THE STATE OF CONNECTICUT

2022 ANNUAL REPORT

Submitted pursuant to Subsection d of Section 51-279f of the Connecticut General Statutes

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EXECUTIVE SUMMARY

Hate crimes are on the increase across the country and according to the U.S. Department of Justice, the number of hate crimes reported to law enforcement in 2020 rose to their highest level in twelve years. The majority (60%) of victims of hate crimes were targeted because of their race, ethnicity, or ancestry, a 30% increase over the prior year. There was an increase of over 50% in attacks against members of the Asian-American and Pacific Islander community and the Black community. Hate crimes based on religious bias constituted 15% of all hate crimes and crimes motivated by animus towards people based on their sexual orientation made up 13% of all hate crimes. Law enforcement experts expect these trends to continue.

Hate crimes cause trauma to the individual victim and can spread fear, feelings of isolation, and insecurity throughout the wider targeted community. Social exclusion deepens the mistrust between communities and law enforcement and deprives targeted communities of the resources they need to address individual and collective trauma and to prevent future harm. Recognizing the adverse impact hate crimes and bias incidents have on target communities and the State of Connecticut (“Connecticut”) as a whole, the General Assembly created the Hate Crimes Advisory Council (the “Council” or “HCAC”).

Pursuant to Connecticut General Statutes §51-279f, the aim of the Council is “to encourage and coordinate programs to increase community awareness and reporting of hate crimes and to combat such crimes and make recommendations for any legislation concerning such crimes.” Governor Ned Lamont announced the establishment of the Council on June 1, 2021, naming Judge Douglas S. Lavine and Attorney Amy Lin Meyerson as co-chairs and appointing 31 members representing a variety of Connecticut agencies, communities, and organizations. The Council formed five subcommittees (each, a “Subcommittee”), each tasked with investigating and making recommendations about specific issues related to hate crimes. Subcommittee recommendations approved by the full Council appear in detail in this Annual Report (the “Report”).

During the first year of the Council’s work, the Connecticut legislature (the “Legislature”) passed Public Act 22-9 (2022) establishing a Hate Crimes Investigative Unit in the Office of the Connecticut State Police and requiring a uniform hate crimes policy, training program, and reporting protocol across all police departments in the state. The Legislature has pursued a comprehensive statutory response to law enforcement reporting and investigating of hate crimes and has much to be proud of in that regard. That said, the Council’s investigations highlight the need for significant improvements in the response of a range of Connecticut agencies to hate crimes and bias incidents, as well as improving community awareness and prevention strategies. The Council’s main recommendations and findings are:

First, the Council found that one of the main impediments to law enforcement reporting and charging hate crimes is the ambiguous intent standard in the Connecticut General Statutes. We therefore recommend that the Legislature, with advice from the Chief State’s Attorney’s Office, undertake a thorough review of the statutes on hate crimes to simplify and clarify the intent standard.

Currently, there is no statewide hate crimes policy that defines the elements of hate crimes and sets out standard reporting and investigating procedures for all law enforcement agencies in Connecticut, leading to variation and inconsistencies in agency approaches and responses. The Council recommends the creation of a Model Policy for Hate Crimes through the Connecticut Police Officer Standards and Training Council (“POST-C”) to provide all members of Connecticut Law Enforcement, state and local, with guidelines for identifying, responding to, and investigating

incidents and crimes that may be motivated by hatred or other biases. POST-C will then train basic recruits in the statewide hate crimes policy, including the challenges to reporting and investigating hate crimes and cultural competency. A statewide program of In-Service Police Officer Training will also include a standardized lesson plan on hate crimes policing.

Hate crimes are massively and systematically underreported, thus limiting law enforcement agency responses. Currently, law enforcement agencies in Connecticut use different reporting protocols and do not gather sufficient contextual information to assist the prosecution of crimes motivated by bias or bigotry. We recommend that POST-C create a standardized reporting template for use throughout Connecticut that distinguishes between and records information on “Hate Crimes,” “Hate Incidents,” and “Crimes with Bias Elements.” This data must be regularly analyzed by law enforcement to identify trends or patterns that can inform resource allocation or community outreach and shared with a university-based research and data analysis unit.

The public as a whole is not aware of how hate crimes are defined or reported, and this is exacerbated when there is community or individual mistrust of law enforcement or where there is a widely held belief that hate crimes will not be properly investigated or appropriately addressed. We recommend that police departments in Connecticut adopt a community policing model with respect to hate crimes that includes engaging with at-risk communities, identifying points of contact in the community, holding meetings with community leaders, requesting guidance on their preferred responses to hate crimes, and listening actively to the concerns of the community. A community policing approach could improve relationships with targeted groups and provide important education and public awareness of hate crimes.

Sentencing for hate crimes presents unique considerations and may be enhanced by including restorative justice efforts, which can address the underlying prejudice and fear that often drive hate crimes and bias incidents. When used in appropriate cases, a restorative justice approach can provide a more effective way to hold offenders accountable by focusing on the harm done and having the offender repair and take responsibility for that harm, while also addressing the underlying reasons for their actions. Restorative justice approaches may reduce the likelihood of repeating the offense.

Finally, increasing public awareness of hate crimes and bias-related incidents can provide measurable benefits to targeted communities by ensuring the targeted communities know that they are visible; improving community-based reporting of hate crimes and bias incidents; and improving law enforcement reporting practices. We therefore recommend the establishment and funding of regional and local community action teams charged with developing public mural projects designed to celebrate and improve the visibility of communities that are often targeted by hate crimes and facilitating community dialogue about effective hate crimes responses.

The Council’s complete set of recommendations are detailed in the Report that follows and are organized into five common themes: Community Awareness, Hate Crimes Reporting and Analysis, Restitution Programs and Sentencing, Law Enforcement Training and Best Practices, and Funding Resources. They provide a comprehensive and rigorous guide to the measures that Connecticut can take to become a national leader in combating and preventing hate crimes and building a more inclusive society in which every resident is equally protected and secure.

INTRODUCTION

No one is born hating another person...People must learn to hate and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.

-Nelson Mandela

Hate crimes are committed at an alarming rate across the country and they have a particularly destructive impact, unraveling the bonds that link together the many communities that make up the American mosaic. Unfortunately, available statistics show that hate crimes have been increasing in recent years. The majority of victims are people of color. In recent years, members of the Asian-American and Pacific Islander community have been frequent targets. Experts in law enforcement and academia agree that this trend is likely to continue and perhaps accelerate nationwide and in Connecticut. Anticipating and preventing a potential upsurge in hate crimes is of critical importance to the well-being of our state. The citizens of Connecticut have a right to expect that responsible state and federal actors will protect their basic physical security and take the threat posed by hate crimes seriously. In our view, improving the responses of Connecticut agencies to hate crimes and building strong partnerships of trust and cooperation with communities is a matter of great urgency.

Hate crimes have a particularly damaging effect on communities and wider society. Hate crimes target individuals, but they also spread fear throughout entire communities. Unlike other types of crimes, victims of hate crimes are targeted because of who they are, because of their personal characteristics. An attack on one member of a particular community thus becomes an attack on every member of the victim's community. And an attack on any of the communities that comprise Connecticut must be seen as an attack on all of us.

The Council has approached its assigned task with a sense of urgency in light of the fluid environment in Connecticut and our country. In the recommendations contained in this Report, we seek to anticipate possible scenarios and prepare to meet them. Our recommendations stem from a long period of study and consultation. Some are general, while others are quite specific. Some suggest minor alterations to existing structures and approaches, while some urge significant structural reforms. Collectively, these recommendations contain new ideas for change, informed by the thoughtful input of an engaged group of stakeholders, towards an improved hate crimes response in Connecticut.

There are a number of areas where there is significant room for improving and enhancing the response of Connecticut agencies to hate crimes. Hate crimes and bias incidents are systematically underreported, resulting in wide gaps in enforcement and only a partial understanding of their true frequency. We endorse SB217's requirement that there be a uniform hate crimes policy, training program, and reporting protocol across all police departments in Connecticut. Community policing and adopting a service-based approach would improve relationships with targeted groups. A statewide police task force and an annual law enforcement summit would underscore a new commitment to hate crimes policing. Because prosecutors may be reluctant to bring hate crimes charges for various reasons, we also recommend enhanced training for prosecutors and judges. Restorative justice measures and youth diversionary programs may be more appropriate in many instances than criminal penalties.

Over the long-term, education is a key to minimizing the hateful attitudes which lead to hate crimes. One of our goals is to make Connecticut a state where people who express and spread hateful ideas do not have a receptive audience or climate. If hateful thoughts cannot be extinguished from hearts and minds, at least we can limit the impact that hate has in the Connecticut. One of our principal recommendations is a vigorous public interest campaign—similar to the anti-terrorist “If You See Something, Say Something” model—making it clear that Connecticut is “No Place For Hate.”

An effective response to hate crimes will require a coordinated, multi-faceted approach engaging law enforcement, the education establishment, state and federal government, and the active participation of the citizenry. We request that the Legislature closely study our recommendations and deliberate them. Council members welcome the opportunity to explain in further detail the basis for our recommendations, which advance pragmatic, cost-effective, creative, and robust approaches to the problems posed by hate crimes. If implemented, these recommendations will put Connecticut on the cutting edge of nationwide efforts to respond to the destructive effects of hate crimes on our country. Our shared goal is, and will remain, to make Connecticut a safer, more peaceful, and more humane place for all its members. We call on Connecticut, and its proud residents, to work together to advance our national motto *E Pluribus Unum*, that we are, “Out of Many, One.”

GENERAL PRINCIPLES

The Council's recommendations address specific issues related to community awareness, reporting and data analysis, sentencing and restitution, and law enforcement training. However, the Council identified certain overarching principles that cut across one or more of these sub-issues. These principles include prevention; institutional intolerance of hate; training and education at multiple levels; the need to prioritize – and fund – new initiatives; and accessibility for all. This section discusses the underlying principles that have motivated this Council and its Report.

As a first-order issue, the ability of Connecticut agencies to understand how hate crimes affect its citizens is directly influenced by the quality of its data. Unfortunately, hate crimes and bias incidents are overwhelmingly underreported. There are many reasons for this under-reporting, both internal and external to the targets of hate crimes and bias incidents. On an internal level, targeted communities might have internalized feelings of invisibility, self-deprecation, and even anger, believing that since nothing has happened before when they report, there is no point to bother reporting again. There may also be cultural norms that oblige individuals to handle problems on their own rather than involve others. And there may be a simple lack of awareness of what constitutes a hate crime or bias incident or that there is a channel to report it.

Targeted communities may also fear the consequences of reporting. For example, they may fear that their legal status will be in jeopardy if they call the attention of authorities by making a hate crime report. They may also fear retaliation by the perpetrators of the hate crime or fear the effects of their reporting on familial and filial relationships. There may also be accessibility issues, such as language or technological barriers that could limit their ability to report. And there may be a lack of trust in Connecticut agencies with targeted communities fearing police discrimination or retaliation or expecting not to be taken seriously.

The multifaceted obstacles to reporting demand a coordinated response. Raising community awareness of what constitutes a hate crime or bias incident and how to report them will provide one dimension of the response. Institutional leadership within Connecticut government on both the law enforcement and civilian side to communicate an institutional intolerance of hate may provide another facet. Training and education within law enforcement, Connecticut agencies, community organizations, and schools can also serve to address the internal and external factors that prevent communities from reporting hate crimes and hate incidents and also allow an environment that tolerates such activities to fester. And finally, Connecticut must prioritize and fund recommendations to tackle hate crimes and bias incidents.

Ultimately, Connecticut's goal must be to prevent hate crimes and bias incidents before they occur. The citizens of Connecticut deserve the opportunity to live their lives without fear of hate simply because of who they are. With these principles in mind, we turn to our general recommendations that span one or more sub-committees.

- *Recommendation 1-1: Greater priority should be given to the reporting, investigation, and prosecution of hate crimes in appropriate cases.*

Discussion

It has become clear that there are two major bottlenecks in the pipeline which must be cleared out in order to improve Connecticut's response to hate crimes, both of which occur at the beginning of the process. The first relates to the significant underreporting of hate crimes by victims, compounded by the failure to collect and analyze relevant data. The second relates to the disinclination of prosecutors to investigate crimes to determine if they are prosecutable as a hate crime, and then, in appropriate circumstances, to actually charge a hate crime. The first issue is dealt with elsewhere in this submission. We will now discuss our recommendation relating to the second problem. Before we discuss this issue, we wish to make it clear that we are not urging prosecutors to go out of their way to investigate or charge hate crimes where a strong basis for a charge does not exist. The charging function rests with our prosecutors. Everyone in Connecticut and our country is presumed not guilty of any charge against them. Every element of every charge must be proven beyond a reasonable doubt to convict. These are sacrosanct principles at the heart of our system which we honor.

However, there are certain instances in which there may be a reasonable basis to believe a hate crime has occurred, but for reasons to be discussed, an investigation is never undertaken. We believe that a shift in policy that enhances the importance of vigorous hate crimes prosecutions is advisable. Police departments and prosecutors must recognize that victims of hate crimes, and their communities, view hate crimes differently than other crimes. Hate crimes tear at the very fabric of society and corrode our ability to live and work together for the common good. Hate crimes undermine our belief, as a nation, in many of the principles espoused in the Declaration of Independence, the Constitution of the United States of America and the Constitution of Connecticut. And hate crimes not only result in harm and trauma to individual victims, destroying their sense of safety and wellbeing, but they also terrorize whole target communities.

We recognize that the natural inclination of police investigating, and prosecutors prosecuting, crimes may be to avoid spending time and resources on investigations that may not bear fruit. But due to the seriousness of hate crimes, and their deleterious impact on communities as well as individuals, the community has a right to expect that a reasonable amount of extra time and effort will be spent investigating them. We believe that all parts of the criminal justice system should recognize that hate crimes have a particularly corrosive impact on our ability to live together peacefully in our communities and Connecticut.

- *Recommendation 1-2: Create a position in the Office of the Governor of Connecticut (the "Office of the Governor") to monitor, oversee, and coordinate hate crimes initiatives and to serve as a point of connection between law enforcement, the Legislature, and federal officers.*

Discussion

Numerous factors influence a targeted community's response to hate crimes. Throughout this report, the Council has made numerous recommendations that cut across law enforcement, Connecticut agencies, and the Connecticut Judicial Branch ("Judicial Branch"). The Office of the Governor is best positioned to provide the degree of coordination necessary to track and prevent hate crimes and bias incidents in Connecticut for the following reasons:

First, the Council recognizes and applauds the efforts of law enforcement in tackling hate crimes and recognizes the leadership that law enforcement can provide through the newly enacted SB217. Nevertheless, it is widely understood that at this time, there can be a perception of mistrust and suspicion of law enforcement by the targeted communities. Having a civilian-side coordinator through the Office of the Governor communicates to the targeted communities that law enforcement is not confronting hate in Connecticut alone.

Second, the Office of the Governor is best positioned to provide leadership over this initiative. The Office of the Governor can reinforce the importance of tracking and preventing hate crimes and bias incidents, sending a strong signal to the community that hate crimes and bias incidents will not be tolerated in Connecticut.

Third, tracking and prevention of hate crimes requires a multi-faceted response that cuts across multiple agencies. While law enforcement has a process in place to investigate and track hate crimes and already has plans to refine and improve that process, the Council identified the importance of civilian-side channels to provide an outlet for reporting of potential hate crimes and bias incidents and to increase public awareness of these issues. No single agency is empowered to handle all of the actions that are necessary to track and prevent hate crimes and bias incidents. Accordingly, the Office of the Governor, which has authority over multiple agencies, is best positioned to coordinate the entire effort.

- *Recommendation 1-3: That all additional initiatives and mandates for government agencies and non-governmental organizations that address hate crimes must be fully funded by the Legislature.*

Discussion

All additional mandates should be fully funded. The recommendations of the Council could impose a fiscal impact on the POST-C, Basic Training Division, the Connecticut State Police (“CSP”), municipal police departments as well as other state and local governmental agencies and on nonprofits, community groups and other groups working in the community. Such impacts can come in the form of personnel, wages, program costs, and technology.

- *Recommendation 1-4: Title II of the Americans with Disabilities Act (“ADA”) requires government agencies to make all services available to people with disabilities; therefore, all hate crimes police mechanisms should be fully accessible for people with disabilities, and reasonable accommodations should be offered and provided to meet the needs of hate crime victims with disabilities. Some disabilities may not be visible, so law enforcement should ask all individuals reporting a hate crime if they require accommodation.*

Discussion

All the statutory and policy measures proposed in this Report should be ADA compliant and law enforcement should take active measures to ensure accessibility for people with disabilities in reporting hate crimes, including the capacity to provide public-facing materials in Braille, large print, or audio formats. The Department of Justice writes, “Research shows that individuals with a disability are more than twice as likely to be a victim of violent crime as those without a disability.¹ Yet, many victim assistance agencies report that they rarely serve crime

victims from this population because acts of physical aggression, domestic violence, sexual assault, and other crimes against people with disabilities often go unreported.”²

- *Recommendation 1-5: Over the long-term, proactive prevention of hate crime must be integrated with law enforcement strategies.*

Discussion

Robust education, public art representative of marginalized communities, and sponsoring inclusive economic, cultural, and political institutions are the most popular, effective, and long-lasting strategies of strengthening marginalized voices and making vulnerable communities safer. Without work in these areas, sentencing enhancements and increased law enforcement will simply deal with the symptoms of a divided society in which prejudice thrives. Public dollars spent on hate crimes prevention should be equal to that of after-the-fact law enforcement over the long term.

COMMUNITY AWARENESS

I. Introduction

As hate crimes surge across the country, we must begin with the fact that enforcing hate crime laws *after* bias-motivated violence occurs does not in itself reduce the frequency of the harm to targeted communities.³ Prevention must be prioritized in any strategy to combat hate crimes. It is crucial that Connecticut address the causes of hate crimes and the climate of hatred and extremism; bigotry, stereotyping, and the scapegoating of those with less power.⁴ Community awareness implies proactive initiatives in education, public culture, and government to prevent hate-based violence *before* it happens by challenging the underlying prejudices that fuel hate crimes. Building public trust and confidence are necessary to increase the prevalence of reporting bias incidents and hate crimes.⁵ By addressing these root causes—biases and prejudices—through a comprehensive school curriculum, collaboration, communication among communities, and lifting marginalized voices, some hate crimes can hopefully be stopped before they happen. Creating a more just and peaceful Connecticut is everyone’s responsibility. Clear and public support for such measures can help address the surge in targeted attacks on vulnerable communities that many are forecasting with a major election cycle on the horizon.⁶

Education, arts, and cultural transformation initiatives are the most desirable, effective, and enduring means of curbing violence, strengthening marginalized voices, and making vulnerable communities safer. The Council has focused on identifying the means of confronting hateful ideologies such as antisemitism and transphobia and addressing oppressive systems such as white supremacy. We also recognize that long-term solutions must go beyond enforcement and require our society to create 21st-century democratic cultural norms rooted in the concepts of dignity, inclusion, and accountability. Our recommendations consist of long-term investments that can be mobilized now, some of which are already being initiated. We have identified three types of recommendations: school-based, community-based, and government-based initiatives.

II. School-Based Recommendations

- *Recommendation 2-1: Create Regional District Cohorts. Neighboring districts require opportunities to work collaboratively across rural/urban, majority white/majority BIPOC, and rich/poor divides and hold regular regional summits to support professional development and sponsor student-led initiatives across these districts.*
- *Recommendation 2-2: Develop and Implement Broad and Regular Anti-Bias Curricula. Building on the Connecticut’s recent reforms for more inclusive education, Connecticut should develop an anti-bias curriculum for K-12 schools. Funds should be made available to individual school districts to administer Equity and Diversity audits of existing school curricula to identify and address weak points.*
- *Recommendation 2-3: Provide Robust Support for Teachers and Recruit Diverse Teachers. Transforming education requires resources and leadership to address anti-bias curricula and build confidence and capacity in administering an anti-bias curricula. School districts should prioritize the recruitment and retention of diverse teachers.*
- *Recommendation 2-4: Establish Consistent, High, and Actionable Standards for Board of Education Policies and Superintend Practices. The Board of Education and*

Superintendents should establish consistent, high, and actionable standards that guide schools' responses to hate incidents and should encourage student-led groups in proactive improvements of school climate.

- *Recommendation 2-5: The Connecticut State Department of Education, working with the Secretary of Connecticut, will develop curricula for elementary, middle, and high school students focusing on diversity and inclusion, on fact-based advocacy and negotiation, on the value and social norms of a civil society.*

Discussion

Our school-based recommendations address the presence of hate and bias among school students, teachers, staff, and administrators. Education can steer our culture away from fear, ignorance, and hatred towards humanity, mutual understanding, and the pursuit of justice.⁷ As most implicit biases and prejudices are developed during childhood, school-aged children may be the most receptive audience to anti-bias training.⁸ School-based programs in Connecticut have a strong foundation in current laws. Thanks to bi-partisan support and political leadership over recent years, Connecticut is the only state with mandated public-school curricula on African American, Latino, Native American, LGBTQIA and, most recently, Asian American and Pacific Islander Studies.⁹ For these curricula to have an impact, schools and teachers need more investments in addressing their local communities. Despite the fledgling mandated curriculum, bias incidents, attacks, and hostility continue to affect every school community. Current laws and practices support Social and Emotional Learning which offer lessons on inclusion, equity, mutual respect, dignity, and acceptance. However, we urge more explicitly stated learning objectives on religious literacy, dignity for transgender students, anti-racism, and gender equity. Schools and communities can work together to “create and maintain conditions in which *prejudice gives way to tolerance and bias-motivated violence is replaced with peaceful problem-solving.*”¹⁰

The implementation of new curricula and policies faces a number of challenges including shortages of teaching staff and fatigue from years of pandemic education. Districts need to support teachers to address new curricula and policies and to build confidence and capacity.¹¹ Teachers, staff, and administrators should be the targets of training and support efforts, because they will typically be responsible for implementing anti-bias curricula and policies. Additionally, stronger incentives for developing and recruiting more diverse teachers also have a positive effect on student outcomes, yet retention of these teachers depends upon the existence of support for them. Support and retention efforts should be redoubled in order to ensure that teachers are able and willing to return in subsequent years. In short, the recommended anti-bias curricula updates, existing reforms in inclusive curriculum and policy changes will only be as effective as the teachers, staff, and administrators tasked with implementing them. Sustained funding and support are imperative.

Similarly, Connecticut schools lack a consistent policy for addressing bias incidents that occur within their halls. Connecticut would benefit from developing statewide standards for school district policies on bullying, bias, and bias incidents. Such Board of Education (“BOE”) policies could establish consistent, high standards for responding to bias incidents. Consistent standards would ensure that every school in Connecticut is operating under a similar policy that fosters an environment of “peaceful conflict resolution and clearly delineate[d] consequences for engaging

in bias-motivated behavior.¹² Encouraging the formation of student-led groups and councils with dedicated staff support would help ensure that BOE policies are understood and enforced.

Involving parents in the enforcement process may help reinforce the importance of adhering to these policies and internalizing their goal of addressing prejudice.¹³ Broader parent education through programs like the Parent Leadership Training Institute can generate stronger and more constructive parent involvement.¹⁴ Building a better-informed community of parent leaders will help support long-term stability and a commitment to equity and anti-bias in Connecticut's 172 school districts.

School-based interventions should support the explicit teaching that acceptance, inclusion, and listening to others are critical skills of any successful adult in a democracy and should demand that students demonstrate those skills and attitudes.¹⁵ Since Connecticut is a "home-rule" state with administrative power over schools held at the district level, we recommend interventions at both district and regional levels.

III. Community-Based Recommendations

- *Recommendation 2-5: Coordinate Efforts Aimed at Developing Community Murals to Promote Community Dialog. Coordinated through Connecticut's regional arts councils, broad and regular investment in community-directed murals. Public art has served as the centerpiece for continuous programming that replenishes community dialog.*
- *Recommendation 2-6: Support Community Archiving that Prioritizes Building New Archival Collections of Traditionally Marginalized Communities. Connecticut's historical societies, museums, libraries, archives, and arts and humanities organizations are important cultural institutions which should be encouraged to address the vulnerability of traditionally marginalized communities through grants to build new archival collections of communities in transition.*

Discussion

The existence of hate crimes is a symptom of a failed public culture. Our community-based recommendations identify proven areas of work in public spaces and with cultural institutions that offer mechanisms to produce meaningful local outcomes. These recommendations are meaningful because of the substantive methods of engagement they produce as well as their unique ability to generate new narratives of belonging, dignity, respect, and belief in a democratic society.¹⁶ Efforts to promote acceptance and address prejudice before bias incidents can occur should focus on "bring[ing] tog[e]ther people from different backgrounds and belief systems and *provide[ing] them with a safe space to share thoughts and get to know each other.*"¹⁷ Archival efforts and community murals geared towards collecting and uplifting minority narratives can help provide those safe spaces and learning opportunities. The Connecticut State Historian and the Connecticut Office of the Arts can be charged with carrying out these recommendations. Changing the story that Connecticut tells about itself will help to create feelings of belonging that protect vulnerable communities from attack and delegitimize xenophobia and fear of cultural differences. Connecticut's regional identity as a small pastoral New England state rooted in colonial history is only one side of Connecticut's history.¹⁸ Taking pride in a one-sided narrative has hurt Connecticut and its minority residents and leaves many to feel like permanent outsiders.¹⁹

The creation of public mural art becomes a continuous reminder of the community’s dialog and can help change the overall narrative of a community.²⁰ Public art of this nature replenishes community dialog.²¹ Through murals, targeted communities can turn their experiences of marginalization into a visual reminder of their presence and history.²² This form of visibility challenges the perception of vulnerability and generates preventative pressure on the expression of hatred, discrimination, and harassment.²³ Investment in community-directed murals is highly recommended and could be channeled through Connecticut’s regional arts councils.²⁴ Further, the work of RiseUp for Arts, which has coordinated support for 40+ local Connecticut artists through donations and grants, can serve as an effective model for community mural programs.²⁵ In addition to spotlighting vulnerable communities, murals and poster or billboard campaigns disseminate important messages such as “What does justice look like in your community?” or “Who’s missing in your community’s story?”

Our historical and cultural institutions signal what is worth remembering in Connecticut. By white-washing and only telling half of the story, the conventional narrative puts forth the message that only one type of story is worth remembering, which is far from the truth. A narrow and incomplete picture of Connecticut erases important aspects of Connecticut’s history and reinforces experiences of alienation in traditionally marginalized communities.²⁶ Teaching the reality of slavery in public schools can extend beyond the school setting and have an impact in how communities address lessons learned from their own history. These arguments are underscored by the notion that “[h]istory is not the past. It is the present. We carry our history with us. We are our history.”²⁷ In order for this history and these narratives to paint the whole picture and have a positive impact on combating prejudice, they must be accurate and elevate underrepresented voices.

Connecticut’s historical societies, museums, libraries, and archives as well as the arts and humanities organizations are important cultural institutions that can address the vulnerability of traditionally marginalized communities through grants to build new archival collections. When marginalized communities tell their story with dignity and see their stories legitimized by their inclusion in the archives of cultural institutions, they experience feelings of pride and belonging that can foster increased visibility and public participation.²⁸ The process of building a new archive will allow communities an opportunity to tell their story on their own terms. Historical societies can facilitate the dissemination of community stories to schools through local history curriculum.

IV. Government-Based Recommendations

- *Recommendation 2-7: Establish Regional and State-Level Community Action Teams. Regional and state-level community response teams, composed of community leaders, can build regular and substantive dialog about their communities and the contours of effective local implementation of different policies and programs.*

Discussion

The ongoing work of the Council underscores the importance of the rich, diverse, and solution-oriented dialog. In their meetings, Council members experienced community-building across cultural and political differences. Building a shared understanding of each other’s

communities created a culture of collective inquiry and understanding of the specificities of different communities. Through this dialog, we came to appreciate the unique features of our recommendations that would impact African Americans differently than the deaf or blind community or the Jewish community versus trans- and genderqueer communities. What might be effective at combating anti-Asian racism against women and seniors may not be appropriate for addressing antisemitic harassment at a temple and places of worship.²⁹

We recommend the Governor of Connecticut (the “Governor”) constitute regional and state-level community response comprising community leaders to build regular and substantive dialog about their communities and the contours of effective local implementation of impactful policies and programs. When bias incidents occur, these response teams will have the trust and experience to respond with a diverse community of stakeholders who understand the challenge of healing and are committed to a future that is just, peaceful, and prosperous.³⁰ Building community across differences must occur in times of peace as well as during times of trauma and crisis.³¹ These community response teams would primarily build trust across communities. Models of this work exist in interfaith coalitions but need to be broader and extend beyond faith communities.³² The United Nations recommends promoting intercultural, interfaith, and intrareligious dialogue and mutual understanding as an effective means of “[f]ostering peaceful inclusive, and just societies to address the root causes and drivers of hate speech.”³³ As noted by the Southern Poverty Law Center, the success of diverse coalitions in increasing the impact of efforts to combat hate validates the maxim that, “[t]here is power in numbers.”³⁴

HATE CRIMES REPORTING AND ANALYSIS

I. Introduction

According to the Federal Bureau of Investigation, hate crimes have recently surged to their highest level in over a decade.³⁵ At the same time, it is widely accepted that hate crimes are massively and systematically underreported nationwide, thus hampering effective countermeasures by law enforcement efforts and policymakers.³⁶

Hate crimes are reported by police departments via the FBI's Uniform Crime Reporting Program ("UCR"), and a comparison between the UCR and the Bureau of Justice Statistics' National Crime Victimization Survey ("NCVS") reveals that approximately 60% of hate crimes go unreported.³⁷ According to experts, there are two primary reasons for underreporting: (1) underreporting of incidents by victims to law enforcement agencies, and (2) underreporting of incidents by law enforcement agencies to the UCR.³⁸ Communities may not report hate crimes due to distrust of the police, and the belief that reporting may not result in serious investigation and prosecution.³⁹ Underreporting by law enforcement usually results from ambiguities in the statutory definitions of hate crimes, misidentification of bias crimes by reporting officers, a lack of training on how to interview victims of hate crimes, and a lack of uniform policies for data collection and dissemination.⁴⁰ A successful anti-hate crime strategy will therefore require both increasing victims' willingness to report hate crimes and improving reporting officers' ability to identify bias motivations.

The first step in combating hate crimes is to ensure comprehensive and accurate reporting, and there are a number of reporting and data analysis challenges in Connecticut. The public is largely unaware of how hate crimes are defined by statute, or how to report them. There is no statewide hate crimes policy or standard reporting template (or form) for law enforcement. There are few preventative measures such as bias incident reporting. Data analysis to identify patterns and inform resource allocation is still rudimentary. There is a pressing need to build greater trust and cooperation through community policing methods and outreach by law enforcement and other state agencies.

In recent years, the Governor, Legislature, and Connecticut agencies such as DESPP have shown a commitment to protecting all communities and addressing the recent upsurge in hate crimes and bias incidents. However, it is difficult to develop appropriate policies in the absence of reliable data on the scope of the problem. The practical recommendations in this Report are the result of extensive research on best practices in reporting and data analysis of hate crimes from law enforcement agencies and policymakers across the United States.

II. Definitions and Statutory Language

- *Recommendation 3-1: POST-C should consider developing standardized and state-wide definitions of "Hate Crimes," "Crimes with Bias Elements" and "Non-Criminal Bias Incidents," and training basic recruits and serving police officers on the terms. The recommended definitions are as follows:*
 - i) "Hate Crimes:" as defined by Connecticut General Statutes ("CGS").

- ii) *Crimes with Bias Elements: Involves the commission of any crime that is not bias-based and during the incident, the suspect uses a derogatory comment directed at the victim's protected status or group.*
- iii) *Non-Criminal Bias Incidents: Most often offensive derogatory comments directed at a person's protected status. While not criminal in nature because they are protected speech, discriminatory speech may cause fear and concern in the targeted community.*
- *Recommendation 3-2: That the Legislature, with advice from the Chief State's Attorney's Office, undertake a thorough review of the criminal statutes on hate crimes, with a view to simplifying the intent standard.*

Discussion

The Subcommittee heard evidence from Connecticut law enforcement about ambiguities in the statutes that hinder reporting and investigation of hate crimes. The boundary between three particular adjacent categories is unclear: hate crimes as defined in statutes, crimes that have bias elements, but these are insufficient to classify them as hate crimes, and bias incidents that do not rise to the level of crimes. The public is usually not aware of the distinction between hate crimes and hate speech, nor informed of the fact that not all slurs, even when committed in the course of an offense, constitute hate crimes. Both law enforcement and public awareness would benefit from clearly distinguishing between statutory hate crimes, crimes with bias elements and bias incidents that may be serious and are worthy of monitoring, but that do not constitute actual crimes.

Codifying the definitions of “Crimes with Bias Elements” and “Non-Criminal Bias Incidents” in POST-C policy provides agility in subsequent modification as circumstances evolve. This agility would not be present were the definitions to be codified in statute. In formulating these definitions, the Subcommittee draws from the experience of the Bias Crime Unit of the Seattle Police Department which has developed a sophisticated model of hate crimes reporting, investigation, and data analysis.⁴¹

Best practices in hate crimes reporting recommend “establishing a common, simple and comprehensive definition of hate crime.”⁴² Currently, the opaque intent language of the CGS hinders police identification of hate crimes and may discourage a prosecutor from pursuing hate crimes charges. The subjective elements of bias crimes such as Intimidation in the First, Second, and Third Degree in CGS § 53a-181j-1 are not fully consistent with federal hate crimes statutes.⁴³ This difference between Connecticut and federal hate crime statutes may potentially obstruct the reporting and prosecution of hate crimes. For instance, CGS § 53a-181j-k requires three subjective elements: malicious intent, “specific intent,” and that the crime is motivated “in whole or in substantial part” by bias or bigotry. This is confusing and also creates an unduly high evidentiary threshold of intent. Therefore, the removal of the words “maliciously,” “specific” and “substantial” in § 53a-181j-k, and “substantial” in § 53a-181l would establish a more reasonable general intent burden and bring Connecticut statutes into line with the federal intent standard of “motivated in whole or in part” by bias or bigotry. Clarifying the intent language is necessary to achieve consistency with and across federal and Connecticut hate crime laws.

III. Fulfilling SB 217/PA 22-9, An Act to Establish a Hate Crimes Investigative Unit

- *Recommendation 3-3: That POST-C develops a statewide hate crimes policy consistent with best practices in U.S. cities and states.*
- *Recommendation 3-4: That POST-C, as it writes a statewide hate crimes policy, develop a standardized reporting template (or checklist), either electronic or written, to be used by all police officers in reporting hate crimes. The template should allow two layers of review (investigating officer and supervisor) and with categories consistent with those at the federal level. If either box is checked, the incident will be reported as a potential hate crime.*
- *Recommendation 3-5: That POST-C develops a standardized lesson plan and trains basic recruits in Connecticut’s statewide hate crimes policy, the standardized reporting form, and cultural competency in the policing of hate crimes. In-Service Police Officer Training will also include a standardized lesson plan.*

Discussion

Significant progress was made in combating of hate crimes in Connecticut during the 2022 legislative session, and in particular with the passing of SB 217/PA 22-9, “An Act Establishing a Hate Crimes Investigative Unit Within the Division of State Police and Requiring Development of a Reporting System, Best Practices, and a Model Investigation Policy for Law Enforcement Units Regarding Hate Crimes.” While part of PA 22-9 has been fulfilled with the establishment of the Hate Crimes Investigative Unit (“HCIU-CSP”), other features of the bill—such as requiring the development of a reporting system and time limits for reporting hate crimes to the Hate Crimes Investigative Unit—have remained unfulfilled.⁴⁴

PA 22-9 enhances reporting of bias crimes by requiring a uniform hate crimes policy for all law enforcement agencies in Connecticut.⁴⁵ At present, there is no standard hate crimes policy for police departments to reference that clearly defines the elements of bias crimes and sets out clear reporting and investigating procedures for all law enforcement agencies, including the 92 municipal police departments.⁴⁶ Hate crimes policies such as those adopted by the cities of Arlington, Texas,⁴⁷ Seattle, Washington,⁴⁸ or the International Association of Chiefs of Police may serve as exemplars for Connecticut.⁴⁹

Stakeholders agree that there should be uniform data collection of hate crimes across Connecticut, but currently, hate crimes are not reported according to the same criteria by all Connecticut police departments. Enacting a standardized form (or checklist) as required by PA 22-9 will ensure that reporting officers ask the essential questions, reduce variation in bias crime reporting, and ensure uniform comparisons between police departments across Connecticut.⁵⁰ As required by legislation, POST-C must create the uniform hate crime reporting form in consultation with the Council.⁵¹ The hate crimes policy and reporting form used by the Santa Ana California Police Department may serve as a model as POST-C conducts its review of best practices nationwide.⁵² The Santa Ana checklist focuses on the victim and offender’s actual and/or perceived characteristics, the type of crime, the victim’s perception of the incident, the relationship between the victim and offender, and the reporting officer’s observations of the context in which the alleged offense occurred.⁵³

A statewide policy and reporting protocol on hate crimes will unify policing in a common approach and ensure uniformity in the training of recruits and in-service officers on identifying and reporting bias crimes. In addition, police recruits and in-service officers should be trained in cultural competency to assist them in responding professionally to each community in Connecticut.

IV. Hate Incident Reporting

- *Recommendation 3-6: Law enforcement shall be required to report “Hate Crimes,” “Bias Incidents,” and “Crimes with Bias Elements,” as defined above using a standard template, either electronic or written, created by POST-C.*
- *Recommendation 3-7: Data on “bias incidents” and “Crimes with Bias Elements” should be collected by state law enforcement agencies and analyzed by both DESPP and a non-law enforcement data analysis unit to inform a data-driven approach to patterns of bias crimes and incidents and effective resource allocation.*
- *Recommendation 3-8: POST-C should ensure that Recommendations 6-7 are codified into a standardized POST-C policy and training curriculum.*
- *Recommendation 3-9: The Legislature should establish a third-party reporting mechanism (i.e., that is non-law enforcement) housed in a state agency that collects and refers information on hate crimes, bias incidents, and crimes with bias elements. This community-oriented reporting system should be developed in cooperation with existing community organizations that collect or respond to hate crime and incident information. To the greatest extent possible, the form used by the third-party agency should mirror the law enforcement reporting form created by POST-C. This agency should establish a mechanism to share all information collected with law enforcement.*
- *Recommendation 3-10: Potential civil liberties issues regarding law enforcement collecting non-criminal data on what may be considered protected speech or acts should be considered further by experts in Connecticut’s university system, including UCONN Law, and UCONN-IMRP.*

Discussion

During the course of the Subcommittee’s review of nationwide hate crimes policies, we found widespread support for the collection of bias *incidents* as well as hate crimes.⁵⁴ Whereas hate crimes only refer to situations where an underlying criminal offense has occurred, bias incidents can include non-criminal events of verbal or physical harassment and/or use of slurs, hate propaganda distribution, and hate propaganda events.⁵⁵

Experts recommend collecting data on bias incidents. Reporting both hate crimes and bias incidents assists law enforcement and state agencies to create policies based on complete and accurate data and track biased behavior before it develops into fully-fledged criminal activity.⁵⁶ Bias incidents can serve as a barometer of potential hate crimes “hotspots,” guide the allocation of community policing resources and assist preventative policing strategies. Collecting bias incident data may reengage groups feeling disenfranchised and create a virtuous cycle in which increased cooperation leads to improved police reporting and data collection. Data analysis of bias incidents and hate crimes may reveal trends that inform those creating educational programs and policies.⁵⁷

The DESSP Hate Crimes Investigative Unit should integrate bias incident reporting into their hate crime data system. To ensure consistency of data collection and facilitate analysis, POST-C should be tasked with coordinating the development of a single law enforcement template to capture hate crimes, bias incidents, and crimes with bias elements. The electronic template should be developed in conjunction with the Institute for Municipal and Regional Policy (“IMRP”) at UCONN to ensure that the data captured is complete and valid for analysis.⁵⁸

Third-party reporting schemes have a record of success in increasing the level of participation from target groups and individuals.⁵⁹ The third-party reporting agencies collecting data on hate crimes, bias incidents, and crimes with bias elements should develop a uniform reporting template that mirrors to the greatest extent possible the form developed by POST-C. As recommended by PA 22-9, the use of a web portal or 211 as a “hate crimes hotline” should be explored,⁶⁰ and a potentially useful reference model may be found in the state-mandated police complaint policy.⁶¹ The third-party reporting agency may enter into reporting partnerships with external organizations (*e.g.*, ADL, NAACP, etc.), and coordinate an information flow with HCIU-CSP to ensure appropriate referrals to law enforcement.

Regarding potential privacy and civil liberties concerns, the Subcommittee consulted with Attorney Matt Reed of DESPP, formerly staff attorney for the Freedom of Information Commission, who does not foresee any drawbacks to the approach advocated above. Neither the Arlington Police Department nor the Seattle Police Department reported any challenges with collecting, storing, or analyzing this data. Data retention on bias incidents requires appropriate safeguards to ensure data integrity and would have to comply with State Retention Schedules. Safeguards will also have to be developed to protect personal identifying information of the reporter.

V. Prevention and Response to Hate Crimes: Community Policing

- *Recommendation 3-11: That police departments in Connecticut adopt a community policing model with respect to hate crimes that could include; engaging with at-risk communities, identifying points of contact in the community, holding meetings with community leaders to convey the message that hate crimes are a policing priority, requesting guidance from community advisory groups on the most effective way to report and investigate hate crimes, and listening actively to the concerns of the community. Where there are smaller departments, these functions may be regionalized or shared.*
- *Recommendation 3-12: That police departments in Connecticut take active measures to educate communities that are commonly the targets of hate crimes, including; Public Service Announcements, in-person information sessions, posting the hate crimes policy and reporting mechanism on police department websites, providing information on hate crimes policies and incidents on social media platforms, and engaging in a public education campaign in schools, religious institutions, and community associations.*
- *Recommendation 3-13: That police departments adopt a service-based approach and partner with public and private social service agencies, health agencies and educational institutions in order to assemble a holistic response to hate crimes.*

Discussion

One of the main obstacles to the reporting and investigation of hate crimes is a lack of trust in the police.⁶² Trust may be built by strengthening relationships with communities and their leaders and by reinforcing the message that hate crimes will be investigated thoroughly and in a timely manner. Experts recommend that “law enforcement agencies implement proactive, visible and transparent hate crimes enforcement policies and practices.”⁶³ Some police departments have civilians who work at the department who may be better suited to the task and gain more acceptance from the community. Victims must feel heard, respected, and fully consulted about the type of engagement they wish from law enforcement. If this process of consultation and trust-building is successful, communities will see police departments as partners in public safety.

Accurate reporting of hate crimes is hindered by an information gap in which the public is not fully aware of how hate crimes are defined, or how to report them. Police departments in Connecticut could bridge this gap by actively providing communities with the necessary information in an easily accessible and digestible form. Simply posting information on a website, while valuable, is insufficient. Personal connections and outreach are key. We recommend that law enforcement education of the public on bias crimes be closely coordinated with other state agencies and enlist prominent personalities such as sports stars and others.

Furthermore, community policing involves a holistic response that integrates law enforcement with social service agencies. Hate crimes have long-term harmful emotional and psychological effects that social workers, educators, and public health officials are trained to address. This in turn can assist in the policing of hate crimes by releasing police officers to investigate the hate crime in a context where victims’ emotional and psychological needs are being addressed by trained health professionals and social services. Communities may be more responsive to law enforcement officers if they are accompanied by care professionals.⁶⁴

VI. Data Analysis

- *Recommendation 3-14: That all hate crime and incident data collected by law enforcement and a community-oriented state agency should be reported to a centralized data analysis unit managed by a civilian state agency, such as UCONN-IMRP. That data analysis unit should also integrate data from the Judicial Branch to enable analyses of data from reporting to charging to conviction.*
- *Recommendation 3-15: The civilian data analysis unit should produce a publicly available report annually to answer key questions about hate crimes and bias incidents in Connecticut and inform the public about, inter alia; how many incidents or crimes occurred, the targets of the bias incidents or crimes, the type of offense or incident, and the locations and dates of events.*
- *Recommendation 3-16: The civilian data analysis unit and law enforcement (including the HCIU-CSP) should seek out community groups to discuss its annual report and determine whether the report accurately reflects what community representatives are seeing, whether there is underreporting, and if so, how to address it.*
- *Recommendation 3-17: The Connecticut State Police should maintain an online dashboard of hate crimes, bias incidents, and crimes with bias elements to provide the public with information on developments in Connecticut. The dashboard should be labeled as*

preliminary, as the data may change when the annual analysis and reconciliation takes place.

Discussion

A system of data analysis can assist resource allocation and ongoing policy improvements, enable accountability to determine whether reported hate crimes and incidents have resulted in investigations and appropriate charging, and allow comparisons of reporting with community demographics to determine whether underreporting is occurring. More concretely, the data analysis should answer the following questions: are there trends or patterns in the data; are hate crimes or incidents rising in Connecticut or not; does the data correlate to demographics, and could such an analysis indicate underreporting; does an increase in bias incidents predict an increase in hate crimes; and how can policing and social service resources be allocated in accordance with the trends or patterns in the data?

To meet these needs, the Subcommittee determined that a two-pronged reporting system is needed. The first, elements of which are already in existence and will be improved in accordance with new legislation, is a database created and maintained through law enforcement channels on hate crimes, bias incidents, and crimes with bias elements. The second is a third-party community-oriented database on these three same categories, which should collect similar information as the model hate crime template developed by law enforcement. Both of these data streams should be sent for data analysis biannually to law enforcement (such as the HCUI-CSP) and a central non-law enforcement repository, and we recommend the UCONN-IRMP which already has experience in analyzing law enforcement data on racial profiling and use of force.⁶⁵

We also recommend that the central non-law enforcement repository should explore importing data from the Judicial Branch on the prosecution and resolution of hate crimes. Currently, there is no way to measure the effectiveness of law enforcement in reporting, investigating and prosecuting hate crimes. One of the driving forces of underreporting is a sense that no meaningful change will occur by reporting hate crimes. The ability to demonstrate the prosecution and resolution of hate crimes from reporting through resolution would help demonstrate to the public that Connecticut takes seriously the issue of hate crimes and bias incidents.

Simple, accessible, and comprehensive hate crimes statistics must be made regularly available to the public. Many law enforcement reporting systems are already capable of tracking data on crimes and incidents and providing regular information to the public about the extent of hate crimes and bias incidents in their jurisdiction. For example, the Seattle Police Department's Bias Crimes Dashboard tracks hate crime and hate incident data and makes the data publicly accessible on a monthly basis.⁶⁶ These data can be broken down into categories based on bias type, category (crime, incident, or both), location, and reporting precinct.⁶⁷ We recommend that the Connecticut State Police maintain an online dashboard of hate crimes to provide the public with regular updates on hate crimes and bias incidents.

VII. Social Media Monitoring

Recommendation 3-18: That the Legislature, in collaboration with federal authorities, augment the resources of DESPP-CTIC⁶⁸ as it monitors online hate advocacy by organized groups.

Discussion:

In the aftermath of the racially motivated mass shooting of African Americans in Buffalo, New York on May 15th, 2022, and many similar events before it, it is clear that many perpetrators of hate crimes are radicalized online.⁶⁹ They often post their hate manifestoes before committing their atrocities, and livestream atrocities as they commit them. Social media is currently a breeding ground for unfettered bias, bigotry, and hate. Because of this, monitoring social media allows law enforcement to identify dangerous individuals and online threats before they escalate into fully-fledged hate crimes.

While social media monitoring may be useful in identifying potential hate crimes, the practice raises a number of practical and constitutional questions that should be addressed in a monitoring policy.⁷⁰ Watchdog organizations such as the American Civil Liberties Union and Brennan Center for Justice, strongly oppose social media monitoring,⁷¹ arguing that it can lead to the curtailing of protected speech.⁷² The Brennan Center for Justice proposes measures that include; each department that engages in social media monitoring should make its monitoring policy publicly available; law enforcement use of covert or undercover accounts should be limited through supervisory oversight and time limits; law enforcement officers should never “connect” with minors on social media; and all monitoring should be subject to ongoing reporting and audit requirements that indicate the impact of monitoring on protected classes of people.⁷³ With these concerns in mind, Connecticut law enforcement in conjunction with relevant federal agencies should develop a transparent policy that regulates narrowly tailored social media monitoring and that is governed by recognized oversight principles that protect against misuse.

RESTITUTION PROGRAMS AND SENTENCING

I. Introduction

Hate crime laws have two primary societal goals: first, through enhanced punishments, they seek to deter crimes motivated by bias; second, they look to emphatically express society's contempt towards crimes targeting specific identity groups.⁷⁴ Connecticut possesses relatively strong hate crime laws, which were recently revised to broaden the protected classes encompassed by the laws, to enhance penalties and to allow civil suits for damages to be brought against offenders.⁷⁵

Discussing sentencing and restitution in this context requires striking a complicated balance between differing philosophies of criminal justice. Advocates of stronger penalty enhancements for hate crimes offenders point to the severe, lasting effects that hate crimes have upon the victims and their communities as justification for intensifying punishments.⁷⁶ But on the opposite side, it has been argued that principles of restorative justice, in which an offender is held accountable to the community by engaging with the victim, taking responsibility for his actions, and attempting to repair the harm done, deserve to be incorporated into the hate crimes sentencing system, because the current system does not meaningfully advance the goals of repairing harms caused or potentially rehabilitating the offender.⁷⁷

This Report's recommendations are informed by a careful review of existing state law, and of best practices regarding the sentencing of hate crime offenders and the use of restitution programs in hate crimes sentencing. The Report includes substantive recommendations on penalty enhancement, on improving the effectiveness of hate crime sentencing, and on the incorporation of restorative justice principles into Connecticut's hate crimes sentencing scheme.

II. Enhanced Penalties

- *Recommendation 4-1: The present penalty structure for hate crimes provides for substantial penalties, but the Legislature should evaluate whether the existing penalty structure offers the judiciary sufficient discretion to address the effects that hate crimes have upon their victims and communities or whether new, enhanced penalties should be enacted for hate crimes.*

Discussion

The present penalty regime provides a wide range of penalties for hate crimes and related crimes, including harsh penalties for offenders convicted of the most serious hate crimes.⁷⁸ Moreover, under Connecticut law, the seriousness of the offense can go up one level for repeat offenders.⁷⁹ This makes a repeat offender who commits a Class B felony, eligible to be sentenced as a Class A offender, for example.⁸⁰ Therefore, increasing penalties may not be necessary to give judges the sentencing tools they need to appropriately address hate crimes and bias incidents. However, there are arguments that enhancing penalties might: (a) provide increased incentive for prosecutors to bring hate crimes charges in applicable cases; and (b) demonstrate society's enhanced recognition of the importance of sending a clear message that hate crimes are taken very seriously. Thus, because we recognize reasonable arguments on both sides, we do not make any

recommendation but believe this issue deserves substantial debate, study and discussion by the Legislature.

III. Improving the Effectiveness of Hate Crime Sentencing

- *Recommendation 4-2: Increase training for prosecutors, on the use of charging tools which are not generally used, in appropriate cases. This would include consideration of more frequent use of conspiracy charges, aiding and abetting charges, and CORA; further, the CORA statute should be amended to include the hate crimes statutes as among the specific crimes to which CORA can be applied.*⁸¹
- *Recommendation 4-3: Increase training for judges on the special issues that pertain to sentencing hate crime offenders.*
- *Recommendation 4-4: That laws and procedures be passed and adopted that will permit an appropriate representative of the victim's community to address the court by providing a community impact statement.*
- *Recommendation 4-5: That laws and procedures be passed and adopted to permit restitution up to a certain amount when property damages is the direct result of a hate crime.*
- *Recommendation 4-6: Increase training for defense lawyers, prosecutors, judges and probation officers concerning sentences including psychiatric help in a limited amount for victims of hate crimes.*

Discussion

Charging decisions rest in the hands of prosecutors in Connecticut. This tool must only be used in appropriate cases and when there is sufficient evidence to justify it, the right of citizens to organize and express their views is of constitutional magnitude, and “piling on” charges is neither fair nor appropriate.⁸² However, there are cases which justify the use of a broad prosecutorial approach. As mentioned above, we believe our statutory provisions are adequate in the hate crimes area. However, instances of *organized, concerted, and planned* hate crimes activities represent such a danger to society that other commonly used tools should be considered.⁸³

For example, conspiracy charges may be appropriate when prosecuting certain kinds of criminal organizations or criminal conduct. Conspiracy is a separate crime, independent of the underlying offense, carrying separate penalties. Because *organized, concerted and planned* hate crime activity presents unique dangers to our society, we urge prosecutors to consider the use of conspiracy charges if, and only if, they are appropriate.⁸⁴ We also suggest that prosecutors be trained in the use of Connecticut's CORA statute, which is modeled in part after the federal RICO statute, 18 USC § 1961-68, which was originally created as a tool against organized crime organizations. In appropriate cases, CORA should be considered when dealing with organized hate group activities which come within the reach of the statute.⁸⁵

Judges sitting in a criminal court deal with a wide variety of cases and are experienced in determining appropriate factors for consideration in sentencing. However, the nature of hate crimes and the particular profile of offenders who commit them, may raise special issues absent from the usual case. Enhanced penalties and specific criminalization of hate-motivated activities may be inadequate to address the physical and emotional harms caused to the victim and the

targeted community and are unlikely to alter the underlying prejudices of hate-motivated offenders that incite hateful conduct.⁸⁶ We recommend that the Judicial Branch, at its annual Judicial Institute, include courses addressing some of these special issues.

A glaring omission in our present hate crimes approach is its disregard of the effect hate crimes have on the members of the victim's community. One of the distinguishing factors about hate crimes is that the victims, in the broadest sense, include not only the individual or individuals who have actually been targeted, but the community of which the victim is a part.⁸⁷ Hate crime victims are chosen *not* because of anything they have done, but because of *who they are*. They are chosen because of some immutable characteristic - race, sexual identity, disability, and the like - which arouses hatred in the offender. While our present law permits victims to give individual impact statements, it does not permit an appropriate representative of the victim community to explain to the sentencing judge how a hate crime has affected members of the victim community - particularly children, the elderly, and other vulnerable members of that community.⁸⁸ We recommend this yawning gap be filled by permitting appropriate members of the community to address the court at sentencing about the effect of the crime on individuals in the victim's community.⁸⁹

Our present laws do not clearly facilitate restitution awards for property damage associated with a hate crime conviction. Therefore, to use a hypothetical example, if someone motivated by religious bias destroyed a cross on the top of a church, it is not clear that restitution could be ordered. CGS § 53a-28(c) seems to allow restitution where "damage to or loss of property" occurs, yet we encourage a review to determine whether more specific language is needed to permit an order or restitution for property damage that is directly the result of a hate crime.

The consensus view is that individual victims of hate crimes suffer long-term emotional and psychological consequences. Their sense of well-being and safety is undermined and sometimes destroyed. This can lead to substantial long-term harm.⁹⁰ In appropriate cases, in limited and controlled amounts, courts should have the authority to access the Victim Compensation Fund to pay for necessary counseling.⁹¹ We recognize that amounts should be carefully monitored, and only available to those who have been directly harmed because they were victimized.

IV. Restorative Justice

- *Recommendation 4-7: **This is our principal recommendation.** We strongly recommend that a dedicated position or positions be created to establish, monitor, and coordinate restorative justice programs, approaches, and research within the appropriate branch of the state government, and that it be adequately funded.*
- *Recommendation 4-8: That prosecutors, defense attorneys, judges, probation officers, court support service employees, victim advocates, and other stakeholders engage in an intensive program of education and study about the benefits of restorative justice programs and approaches in hate crimes sentencing when used in the appropriate sorts of cases, with the support of the Judicial Branch, the State Police, the Division of Criminal Justice, and other state agencies and individuals.*

- *Recommendation 4-9: That pilot programs utilizing diversionary and alternative restorative justice approaches be established in two judicial districts for adults, to test the hypothesis that victim-centered restorative justice approaches, when used properly, can have extremely positive benefits, including in the hate crimes context.*
- *Recommendation 4-10: Expand utilization of bias crimes diversion programming to include youthful offenders.*

Discussion

Restorative justice is widely misunderstood as providing a mere “slap on the wrist” for criminal activity. When properly implemented in the appropriate crimes, however, a restorative justice approach can effectively hold offenders accountable by focusing on the harm done and having the offender take responsibility for that harm and undertake repair, while also addressing the underlying reasons for his actions. This approach is intended to reduce the likelihood of repeating the offense.

In the United States and around the world, restorative justice approaches are being increasingly used in appropriate cases, if, and only if, the victim is willing to take part.⁹² Especially in the area of hate crimes and hate-motivated conduct, restorative justice can be an extremely effective tool at addressing what our present sentencing structure ignores—the harm to the targeted community and altering the prejudices and fears that underlie and motivate the hateful conduct. We are persuaded that such a program should be institutionalized to improve our criminal justice system, and most importantly, to better serve the victims of crime in Connecticut.⁹³

There is nothing new about the use of restorative justice to resolve disputes.⁹⁴ The subject of restorative justice is a massive and multi-dimensional one and we cannot possibly do it justice here. Restorative justice research is a mushrooming field and restorative justice programs are being used in a wide variety of settings.⁹⁵ Universities are offering degrees in restorative justice; books and articles are legion; studies and research are being done on a regular basis; and elements of restorative justice approaches are being used, particularly in juvenile settings.⁹⁶ Restorative justice can be used in lieu of, or alongside, traditional, more punitive sanctions.⁹⁷ It is by no means a “get out of jail free” card when properly utilized.⁹⁸

Restorative justice approaches can be used alongside, or in lieu of, other sentencing options and can be used as a diversionary approach, before someone formally enters into the criminal justice pipeline; or as part of a more standard sentencing regime.⁹⁹ Restorative justice seeks to balance the needs of the victim, wrongdoer, and community through processes that focus on dialogue between the offender and the victim, reconciliation, healing and repair rather than punishment.¹⁰⁰ In the right cases—and *only when the victim agrees to be part of the process*—it can produce excellent results.¹⁰¹ In short, restorative justice provides a different paradigm for dealing with offenders and victims which often contributes to true healing and reconciliation.¹⁰²

How does restorative justice work? The restorative justice approach typically puts the victim and the perpetrator in the same space, with facilitators and others, and fosters dialogue. The perpetrator is led to understand the adverse impact of his/her actions; the victim is provided an opportunity to receive an apology or explanation for what occurred.¹⁰³ Often, the participants sit in a circle and pursuant to a strict protocol, a trained facilitator uses a set of guiding questions to

generate dialogue. One person at a time speaks and others listen. The process of leading the perpetrator to understand the impact of his actions can be effective in addressing the underlying prejudices and fear that motivated the perpetrator's conduct. Likewise, the experience of having the perpetrator take responsibility and make amends to the victim can aid the victim in recovering from the trauma.

Restorative justice approaches are used episodically in the criminal justice and penal system, in Connecticut.¹⁰⁴ For example, healing circles are held in various Juvenile Residential Programs (formerly called detention centers) when disputes break out. Community circles build positive proactive peer and staff relationships with the residential community, and harm circles are used reactively when a harm has occurred to repair the harm and improve damaged relationships.¹⁰⁵ The time has come to formalize and institutionalize the use of victim-centered restorative justice approaches and normalize their use as pragmatic and helpful tools in the right sorts of cases. Because of the need to institutionalize its use, we recommend that Connecticut, similar to the District of Columbia,¹⁰⁶ establish a dedicated position for implementing restorative justice and establish a formal program to maximize these approaches in appropriate cases. The new dedicated employee would consult with other people working in this area including but not limited to court support services, prosecutors, probation officers, victim advocates, and judges and help determine the extent to which restorative justice approaches could be integrated into our adult and juvenile criminal justice systems. Restorative justice programs can be implemented as both a pretrial diversionary program and a post-conviction condition of probation.¹⁰⁷ Incorporating restorative justice into the range of options would not require the creation of a new bureaucracy. With the exception of the new, dedicated point person, this could easily be accomplished using already existing staff and administrative structures. In other words, we are calling for an expansion of vision, not an expansion of bureaucracy.¹⁰⁸

In the legislation establishing the Council, the Legislature specifically tasked the Council with recommending "alternative sentencing programs for first-time offenders and juvenile offenders."¹⁰⁹ This recommendation is a partial fulfillment of that legislative directive. The time has come for Connecticut to substantially lift the profile of victim-centered restorative justice approaches. We believe this approach could have special utility in the hate crimes arena without significant additional funding requirements, although any such program would have to be adequately funded, of course, to be effective.

An important question is - where would such a position, or department, be located in the criminal justice and/or court system? There are numerous possibilities. We trust that the Legislature, in consultation with the Judicial Branch, could decide this issue. We believe that restorative justice programs offer a valuable, indeed, a vital component of our criminal justice system as we advance into the future. In discussions with Barbara Lanza, Manager of Programs and Services for the Judicial Branch's Court Support Services Division, we have learned that restorative justice approaches are only used within juvenile residential programs. Community juvenile review boards may use a restorative justice model in the community, but they are not currently available in Court Support Services Division community programs.

Restorative justice approaches are being used more frequently and with greater success.¹¹⁰ This approach has been used throughout history and was widespread in the Native American

tradition.¹¹¹ The proper way to explore the efficacy of restorative justice approaches in our criminal justice system is through the crucible of real cases in real courts, followed by careful evaluation of the results. The only way to determine if this approach is worth using in proper cases is to test it.¹¹² Potential benefits include financial advantages, resolution of disputes that leaves victims feeling heard, and the development of positive relationships. We, therefore, recommend that pilot programs be established for both adults and juveniles. The Division of Criminal Justice concurs with this recommendation.

V. Juvenile Offenders

- *Recommendation 4-11: The Legislature and the Governor shall fund a multi-year plan to strengthen and expand the community-based diversion system to include minor children accused of committing a hate crime or a crime involving identity-based bullying. This recommendation includes the following sub-recommendations:*
 - 1). *In addition to the funds for the community-based diversion system, all available funding sources should be considered to address the current crisis, including but not limited to, utilizing time-limited federal funds until longer-term federal opportunities in prevention and diversion can be accessed.*
 - 2). *The common model of restorative dialogue should be utilized, which includes three main phases: (a) introductory phase in which facilitators meet with victims, offenders, and other facilitators meet with victims, offenders, and other possible participants to discuss expectations and concerns, and assesses the readiness to participate; (b) a dialogue meeting in which victims share the impact of the crime and ask questions of the person who harmed them, offenders have an opportunity to express remorse, and the participants agree on a set of reparative obligations; and (c) a follow-up phase to support and monitor compliance with the reparative agreement. These reparative agreements may include requirements such as monetary restitution, community service, apologies, the completion of an educational or counseling program, the repair of physical damage, or other creative interventions tailored to the nature of the hate crime or identity-based bullying.*
 - 3). *Efforts should be coordinated between juvenile justice, behavioral health, education, and prevention services to ensure short-term and sustainable development of the child-serving system.*
- *Recommendation 4-12: The Legislature and the Governor shall fund school needs, alternative in-school disciplinary practices, strategies, and interventions to support students where hate crimes and identity-based bullying have been committed against them and engage in preventative measures for hate crimes and identity-based bullying training. This recommendation includes the following sub-recommendations:*
 - 1). *Incorporation of five types of home-school approaches to addressing hate crimes and identity-based bullying: (a) Victim compensation programs; (b) Culturally competent mental health services; (c) Victim advocate programs; (d) Security improvements for targeted institutions; (e) Solidarity initiatives spanning communities or school with high rates of hate crimes and identity-based bullying;*

and (f) Training for school teachers, administrators, staff, and students on hate crimes and identity-based bullying.

2). Provide funding to build on successful, existing models of reducing exclusionary discipline such as, but not limited to, the Connecticut School-Based Diversion Initiative (“SBDI”).

- *Recommendation 4-13: A juvenile’s first and second-time offenses for hate crimes and identity-based bullying shall be automatically diverted to pre-arrest. This recommendation includes the following sub-recommendations:*
 - 1). Legislative language will need to be drafted. Many of these cases are already being diverted to community programs and services post-arrest.*
 - 2). Many changes in diversion alternatives are already happening in practices through the Community-based Diversion System. Youth (under the age of eighteen) committing violations, infractions and first-time low-level misdemeanor offenses are already being referred by law enforcement to Juvenile Review Boards (“JRBs”) in lieu of an arrest, or by the juvenile court in place of court involvement. Most diversion cases are successful (over 80%), but if a contract is not completed, the case is referred back to the referral agency to determine next steps.*

- *Recommendation 4-14: Create a crisis prevention and response partnership in districts and municipalities and encourage alternative sentencing options and programs. These recommendations would require a fiscal note and include the following sub-recommendations.*
 - 1). Create restorative justice programs that better support victims by allowing them to articulate the harm they experienced, receive restorative mediations that acknowledge harm committed, and ask for commitments to repair that harm from the person responsible for the hate crime and identity-based bullying.*
 - 2). The directive should be recrafted to create an obligation for municipalities to ensure a comprehensive crisis response system of care that does not place the onus on law enforcement.*
 - 3). Additional police training on youth mental health, identifying and handling trauma in youth, and what community resources are available would be beneficial for youth and police.*
 - 4). Better training on adolescent development and how to make referrals for certain services would be helpful for law enforcement to effectively implement diversionary changes. These areas include mental health resources, substance abuse resources, gang violence resources, after-school programs, family engagement resources, mentoring, hate crimes, and identity-based bullying. A particular emphasis is on family resources which seems to be an area where knowledge of this program is lacking.*

- *Recommendation 4-15: Provide greater specificity regarding the way the Department of Children and Families (“DCF”) will oversee educational services being provided to students housed in juvenile detention facilities operated by the Department of Corrections and Court Support Service Division and strengthen the juvenile offender program.*
 - 1). Ensure weekly opportunities for commissary.*

- 2). *Increase healthy food options, this will promote positive purchasing and healthy living habits in juvenile detention facilities.*
- 3). *Strongly, carefully, consider, and then incorporate intersectionality (race, ethnicity, orientation, gender identity and expression, ability, health, and cultural needs) into programming, placement, and treatment planning for youth in DCF care.*

Discussion

The current juvenile justice system allows a child as young as ten years old to be arrested and incarcerated.¹¹³ This can have a profound impact on the arrested individual's future.¹¹⁴ Starting with the arrest itself, such an event can be traumatic and may additionally trigger a posttraumatic response in the youth.¹¹⁵ "Nationwide, a silent epidemic of out-of-school suspensions has spread across our schools."¹¹⁶ "In 2013–14 (the last year these data were reported nationally), some 2.6 million students were suspended from school, with Black students and boys both being more than twice as likely to be suspended from school as their counterparts."¹¹⁷ Responsive Restorative Justice in Education ("RJE") practices build accountability, promote social-emotional growth, support positive behaviors in schools and prevent students from taking a path that might lead them to prison.¹¹⁸

A whole system approach change demands an alternative to justice involvement at one of the earliest interactions possible. This is the point of youth-police contact. Pre-arrest diversion creates a formalized system for police officers to refer youth to community-based services and supports instead of making arrests and court referrals.¹¹⁹ This involves collaboration across community health agencies, local organizations, schools, and law enforcement to create referral processes and coordinate community service capacity.

Alternative sentencing programs and options are recommended because the justice system's reliance on incarceration has had devastating consequences on many people and has disproportionately impacted communities of color and people living with mental illness.¹²⁰

It is necessary to ensure that units overseeing the education of hundreds of children detained in Connecticut's juvenile justice system each year are supporting the academic support and success, and public health needs of all youth.¹²¹

LAW ENFORCEMENT TRAINING AND BEST PRACTICES

I. Introduction

Law enforcement officers play crucial roles in preventing and responding to bias incidents and hate crimes.¹²² Uniform and effective police work can reinforce the message that bias incidents and hate crimes in Connecticut will not be tolerated and will be investigated aggressively with the goal of prosecuting perpetrators.¹²³ Additionally, law enforcement officers can support victims of hate crimes by validating their experiences and connecting victims with necessary resources for any physical, emotional, psychological, or financial damages that the victims' experienced as a result of the hate crime.¹²⁴ Not only can law enforcement responses support victims of hate crimes and hate incidences, but the actions of law enforcement can strengthen trust between communities and law enforcement which is essential to public safety as a whole.¹²⁵

The relationship between community members and law enforcement officers is critical to combat hate crimes in Connecticut.¹²⁶ At a time in history when perceptions of law enforcement and the communities they serve have become polarized, there is an urgency to establish positive relations between law enforcement and the public.¹²⁷ In order to best prevent, combat, and respond to hate crimes, state and federal law enforcement agencies have standardized law enforcement training and best practices in handling hate crimes.¹²⁸ Oftentimes, police officers are the first on-site when responding to a reported hate crime or incident,¹²⁹ and their actions impact the outcome of the criminal investigation as well as the community's response.¹³⁰ To carry out their role effectively, law enforcement officers and officials must receive standardized training on recognizing and investigating potential hate crimes, practice clear protocols on how to respond to hate crimes and bias incidents and develop uniform procedures to prevent and respond to hate crimes.¹³¹

Therefore, the Subcommittee makes a number of practical recommendations that are informed by extensive research regarding the training and best practices of law enforcement to prevent, combat, and respond to hate crimes and bias incidents throughout Connecticut.

II. Model Law Enforcement Policies for Training and Recruiting Officers

- *Recommendation 5-1: That the Connecticut Police Officer Standards and Training Council ("POST-C") create a statewide Model Policy for Hate Crimes. This policy should be designed to provide all members of Connecticut Law Enforcement, state and local, with guidelines for identifying, responding to, and investigating incidents and crimes that may be motivated by bias or bigotry. Among the items included in the policy should be the following:*
 - i) *Definitions of hate crimes, crimes with bias elements, and bias incidents*
 - ii) *Definition of hate speech*
 - iii) *Types of bias*
 - iv) *Preventative measures*
 - v) *Investigation steps including evidence collection, interviews, etc.*
 - vi) *Victim identification*
 - vii) *Reporting requirements*

viii) *Universal training requirements*

- *Recommendation 5-2: That, with the advice of policymakers and the State’s Attorney’s Office, law enforcement create a POST-C Model Policy for Hate Crime training at the recruitment level, for police officer recertification, and for all telecommunicators (e.g., dispatchers). The training should incorporate the following:*
 - i) *Historic nature of hate crimes*
 - ii) *Law enforcement’s role in responding, identifying, and investigating hate crimes*
 - iii) *Challenges in responding, identifying, and investigating hate crimes*
 - iv) *Ways to overcome challenges in victim reporting such as:*
 - *Fear of reporting*
 - *Lack of trust in law enforcement*
 - *Fear of retaliation by an offender or community*
 - *Lack of awareness of the resources available to communities*
 - v) *Victim resources and referrals*
 - vi) *Resources for officers in their response to bias incidents or hate crimes*
 - vii) *Reviews and/or debriefs of prior reported incidents*
 - viii) *Community outreach*
 - ix) *Efforts at prevention*
 - x) *Information about current hate crime groups within Connecticut*

Discussion

Having statewide law enforcement training policies ensures that all law enforcement officers are following standard operating procedures.¹³² POST-C has established statewide policies to ensure uniformity for several other significant law enforcement activities.¹³³ Examples of POST-C training include mental health training, responding to individuals with developmental disabilities, and police rifle instructors’ tests.¹³⁴ Creating uniform training and education in law enforcement’s approach to hate crimes will instill confidence in the system and support structured prevention, response, and investigation of such cases.¹³⁵ Furthermore, providing universal policies for law enforcement training ensures all officers—regardless of their time on the force—receive the most current information, which ensures uniformity in statewide responses.¹³⁶

POST-C should work with civil rights groups and advocacy organizations to improve the curricula of in-service training and create programs that address the history and current conditions in which hate crimes occur. This collaboration could be similar to that suggested in California’s Penal Code to ensure that the curricula incorporate the perspective of victims and documents the historical drivers of hate crimes and explains why they persist.¹³⁷ Uniform training and education about hate crimes can improve the handling of hate crimes by law enforcement when they are reported.¹³⁸

III. Manuals, Guides, and other Law Enforcement Assessment Tools

- *Recommendation 5-3: That law enforcement create a “Responding to Hate Crimes in Connecticut” manual or guide.*
- *Recommendation 5-4: That law enforcement create a hate crimes assessment tool to be utilized by dispatchers and responding officers to assist with possible hate crimes*

- i) Providing 911 telecommunicators with an easy guide when speaking with a complainant.*
- ii) Responding officers must be provided with guidance about how to effectively assess motive, risk of threat, and required victim services.*

Discussion:

The nature of hate crimes and bias incidents can be overwhelming for law enforcement who must simultaneously deal with resource constraints, media perceptions, victim hesitancy, and variable community responses. Responding officers would benefit from additional guidance when responding to a possible hate crime.¹³⁹ A manual or checklist that guides first responders in how best to respond to hate crimes could result in additional and valuable information and allow them to better determine whether or not a hate crime occurred.¹⁴⁰ Law enforcement in Connecticut have already used manuals to address certain crimes such as the *Connecticut Law Enforcement Guide: Elder Abuse* (2020).¹⁴¹ The guide should focus on law enforcement practices and procedures, as well as information about courts, community groups, and others involved in the prevention of, the response to, or the prosecution of hate crimes in Connecticut.

A manual can be a one-stop resource guide to the best practices regarding how to address incidents, investigate crimes, and provide victims of hate crimes with necessary resources.¹⁴² Comprehensive manuals can be adapted into “pocket guides” for law enforcement officers to make sure that when responding to hate crimes incidents, they have touched on all the crucial aspects of the investigation that are necessary for prosecuting perpetrators and providing victims with the necessary resources.¹⁴³

In addition to law enforcement officers on site, manuals and response guides are necessary for dispatchers, who are almost always the first point of contact when hate crimes are reported.¹⁴⁴ While there are many hate crimes that are readily identifiable, many hate crimes may not be readily determined.¹⁴⁵ Manuals for dispatchers to follow can allow for quicker responses in identifying possible hate crimes and what teams and resources should be deployed on-site.

IV: Enhancing Engagement of Local Police Departments with State and Federal Law Enforcement

- *Recommendation 5-5: Support and promote the newly passed Senate Bill No. 217 that establishes a Hate Crimes Investigative Unit (HCIU-CSP) within the division of the Connecticut State Police.*
- *Recommendation 5-6: Consideration might be given to centralizing statewide law enforcement measures that would increase engagement with state (including HCIU-CSP) and federal partners to share information and resources, facilitate dialogue and outreach to communities, and ensure potential hate crime cases are properly followed up on or referred to the proper channels. This may require a new statewide hate crimes working group integrating state and federal law enforcement.*

Discussion:

We recognize the progress made in combating hate crimes in Connecticut during the 2022 legislative session. On May 10, 2022, Governor Lamont signed SB 217/PA 22-9, into law,¹⁴⁶ and the bill calls for the establishment of a Hate Crimes Investigative Unit within the State Police.¹⁴⁷

While requiring a hate crimes investigative unit is a step in the right direction, a statewide hate crimes working group involving all levels of law enforcement—including city, state, and federal agencies—can assist local departments and share resources more effectively to combat hate crimes.

States such as New York and Washington have created and implemented bias crime task forces¹⁴⁸ to review incidents, track trends across cities, and advise on responses and prevention strategies regarding hate crimes.¹⁴⁹ The New York Police Department Hate Crimes Task Force for example creates external informational presentations to community members, partners, and NYPD Officers in other departments.¹⁵⁰ Law enforcement task forces are common practice in Connecticut,¹⁵¹ and Connecticut established specialized policing teams such as the Statewide Narcotics Task Force¹⁵² and the Gang Task Force¹⁵³.

Similarly, a statewide working group may provide unified practices about how law enforcement handles a reported hate crime,¹⁵⁴ so that it goes through a series of streamlined steps as it is submitted to the designated prosecutors' office.¹⁵⁵ Furthermore, a Connecticut hate crimes working group can create a website to give community members and victims information about what a hate crime is, how to report it, and what is considered protected speech.¹⁵⁶ Additionally, this website should list the contact addresses and contact information for the working group, as well as for the Commanding Officer.¹⁵⁷ Overall, when hate crimes task forces or bias units are present within law enforcement, there is a higher likelihood of effective police reporting and investigating of bias crimes.¹⁵⁸

V: Joint Community and Law Enforcement Events and Campaigns

- *Recommendation 5-7: That POST-C, policymakers, and community members jointly create an annual statewide hate crimes summit.*
- *Recommendation 5-8: That POST-C, policymakers, and community members jointly establish a “Hate Crime Prevention” campaign.*

Discussion:

While law enforcement responses and practices are essential to combating hate crime, law enforcement practices alone will not end the prevalence of hate crimes in Connecticut.¹⁵⁹ Instead, cooperation and joint efforts between law enforcement and community members are necessary to fight against hate crimes.¹⁶⁰ Joint programs, such as an annual hate crimes summit, or state-wide hate prevention campaigns, serve to increase public awareness about the dangers of hate crimes because community involvement is essential to the success of programs designed to prevent and reduce bias-related crimes.¹⁶¹

Establishing an annual hate crimes summit creates a shared space for law enforcement, policymakers, and community members the opportunity to discuss ongoing issues and possible solutions to hate crimes in Connecticut.¹⁶² During the summit, joint training for law enforcement officers, other first responders, and prosecutors provides updated training to ensure that law enforcement personnel are aware of the most recent Connecticut hate crimes statutes, and what is necessary to prosecute a hate crime.¹⁶³ Consistency and uniformity in Connecticut law enforcement practices allow all agencies to function as a tight-knit team to navigate hate crime

investigation and prosecution.¹⁶⁴ In addition to training, an annual summit provides a space for leaders and community organizations the opportunity to speak on behalf of a target community.¹⁶⁵ In addition to the purposes listed above, an annual statewide hate crimes summit educates law enforcement and community members to galvanize support for investing in hate crime prevention and responses.¹⁶⁶ Furthermore, the summit stands as a symbol of commitment that bias incidents and hate crimes are taken seriously and have no place in Connecticut.¹⁶⁷

In addition to an annual summit, “Hate Crime Prevention” campaigns serve as an educational and cooperative initiative to combat hate crimes.¹⁶⁸ According to federal law enforcement, hate crimes have recently surged to their highest level in over a decade, yet remain widely unreported.¹⁶⁹ Thus, a “Hate Crime Prevention” campaign throughout Connecticut can educate citizens about how to recognize and report hate crimes, and law enforcement initiatives to combat bias incidents.¹⁷⁰ As previously mentioned, community involvement is key to fighting against bias incidents and hate crimes. In June 2021, the Federal Bureau of Investigations launched a nationwide Hate Crimes Awareness campaign, with an effort to build public awareness of hate crimes and reporting practices.¹⁷¹ Additionally, this campaign shared the services available to victims and encouraged victims to report hate crimes to law enforcement.¹⁷² Through media outreach and other avenues—such as using posters, flyers, and decals on buses—the FBI reached millions of Americans with the tagline of the campaign “Protecting our communities. Together. Report Hate Crimes.”¹⁷³

In order to reach communities and encourage the prevention and reporting of hate crimes, Connecticut law enforcement agencies should follow a similar campaign model to the FBI’s Hate Crimes Awareness campaign and advertise through social media, billboards, traditional print, and radio. To augment effectiveness, campaign advertisements should be displayed in highly trafficked areas such as boardwalks, highways, bus shelters, airports, and rail stations.¹⁷⁴ Additionally, any print advertising or videos should be translated into multiple languages, so that as many community members as possible can engage with the material.¹⁷⁵ With this message saturation, Connecticut law enforcement will be more able to reach communities and encourage the prevention and reporting of hate crimes.¹⁷⁶

FUNDING RESOURCES AND ADMINISTRATIVE NEEDS

The recommendations presented by the Council propose, among other things, (i) the development of programs that (a) facilitate the reporting of hate crimes by victims and communities, (b) improve the reporting of hate crimes to and among federal, state and local authorities, and (c) educate judges, prosecutors, defense lawyers, state and local police, community leaders and communities about the negative impact of hate crimes and the scope of coverage of Connecticut's laws and policies against hate crimes; (ii) the building of systems and processes that help state and local authorities (a) monitor groups fomenting hate crimes in Connecticut and (b) disseminate information about such groups to state and local police departments; and (iii) the establishment of research groups that analyze statistics on, and disseminate information about, hate crimes to help federal, state and municipal governments and agencies more effectively combat these types of crimes.

There are numerous federal, state, and not-for-profit entities and organizations that may provide funding and grant opportunities with respect to the proposed initiatives, such funds to be awarded to Connecticut, its local municipalities and their police departments and/or not-for-profit entities and organizations seeking to provide individuals or communities in Connecticut with services and programs to combat hate crimes (together, "Potential Applicants"). In addition, new funding and grant opportunities are likely to be offered in the future. Connecticut will, of course, have to devote sufficient resources to successfully implement the proposed initiatives. Obtaining funding from these and other sources will help lessen the burden on Connecticut's taxpayers with respect to the implementation of the recommendations.

- *Recommendation 6-1: A point person should be identified within the Connecticut Office of Policy Management to help Potential Applicants identify and obtain funding and grant opportunities to support their initiatives to combat hate crimes. This individual should be tasked with overseeing the following:*
 - (a) *Creating, maintaining, and updating a database of funding and grant opportunities of federal, state and non-profit entities and organizations that support initiatives to combat hate crimes;*
 - (b) *From time to time, disseminating information about, and generally providing Potential Applicants with access to, such database;*
 - (c) *Preparing and maintaining a template document for funding and grant applications, to be made available to Potential Applicants;*
 - (d) *Tracking applications for funding and grants made by Potential Applicants (to the extent known to the working group), and collecting and analyzing data relating to the outcomes of such applications to increase the likelihood of success of future funding or grant applications;*
 - (e) *Providing advice from time to time to Potential Applicants regarding their applications for funding or grants;*
 - (f) *As appropriate, introducing Potential Applicants to other Potential Applicants, if such introduction reasonably increases the likelihood of success of obtaining funding or a grant; and,*
 - (g) *Preparing an annual report, to be delivered to the Governor, relating to the success or failure of funding or grant applications for the related calendar year.*

ONGOING AND FUTURE EFFORTS

The Council has achieved a great deal in its first year, but still has much work to do. This Report is the first step in an ongoing and concerted effort to improve our state's response to hate crimes.

Guided by the principles of prevention, institutional intolerance of hate, training and education at multiple levels, the need to prioritize and fund new initiatives, and accessibility for all, the Council will move in its second year from investigation and research to realization and implementation of its recommendations. In the next year, the Council will focus on issues that it was unable to give sufficient attention to in its first year, such as tracking hate speech on social media as a barometer of future bias crimes and facilitating grant applications to federal and state funding bodies to support the work of the Council and other state agencies. The Council will also consult with a variety of stakeholders, using this Report as the basis for the discussion. A central goal will be to multiply the venues in which hate crimes prevention is discussed and to engage more state officials, citizens, and communities in the conversation. Diverse public involvement will be the engine of constructive change.

The Council will consult and work in partnership with the Office of the Governor and the Legislature to develop new legislation that is needed to implement the recommendations. As new legislation is proposed and Council recommendations are reviewed by state agencies, new questions will arise. Given the general nature of many recommendations in this Report, there is more specific and detailed work to do with the relevant state agencies. The Council may receive important feedback about the desirability and feasibility of certain policy measures, and these consultations will allow us to incorporate the lessons learned into future efforts.

The Report sets out a number of policy measures that are relevant to state entities such as the Chief State's Attorney, DESSP, Judicial Branch, POST-C, Connecticut State Historian, Connecticut Office of the Arts, and UCONN-IRMP and while we have consulted regularly with these agencies over the course of the last year, new questions will surface as policies to combat hate crimes become concrete. The maxim "the devil is in the details" is applicable here, and we wish to marshal the expertise that we have developed as well as mobilize the network of national and international experts we have built over the past year to assist agencies in the implementation of these recommendations. Furthermore, the holistic approach advocated in this Report combining education, community awareness, and law enforcement necessitates fostering dialogue and making connections between agencies, both state and federal.

Although there is excellent community representation on the Council, there is still a need to engage with and activate community and education leaders and individuals in targeted communities, including victims of hate crimes. We have begun this process in the first year by calling an individual victim and the attorney of a victim to speak to the Council, and consulting with community leaders and victims regarding our recommendations. The next several years will provide significant opportunities to assess progress and opportunities in advancing public school curriculum. We will also evaluate the measures being implemented to ascertain whether they are successful in reducing the number of hate crimes committed in Connecticut.

CONCLUSIONS

The Council expresses its appreciation to the Governor for his leadership on this very important issue and for appointing a group of Council members with a broad range of knowledge, skills, and diverse experiences. The Council's recommendations are intended to increase safety, belonging, inclusion, and equity while decreasing the experiences of racism and patterns of marginalization within and across targeted communities.

The Council affirms that improved tracking of hate crimes and bias incidents is essential to effectively address appropriate resource allocation and community outreach programs and urges that its recommendations in this area be implemented immediately. Whether people are uncomfortable, fear retaliation, or are uncertain that justice will be served, underreporting of hate crimes is prevalent across Connecticut.

Public awareness of hate crimes, in community, school, and government, must be improved to communicate to targeted communities that they are visible and valuable. We must work to educate the public on the valuable contributions, humanity, and complexity of targeted individuals and communities. Only through a reversal of the systemic devaluing of marginalized communities will we be able to reverse the trend of hate crimes and bias incidents.

Connecticut must invest substantially in programming and measures to advance equity and security for all its citizens. This would entail addressing the gaps in our hate crimes data and building the capacity of local and state law enforcement, governmental entities, dedicated nonprofits, and grassroots community organizations in Connecticut to prevent and combat hate crimes.

The Council is honored to have this opportunity to serve all people throughout Connecticut and looks forward to continuing to work collaboratively with the Office of the Governor, the Legislature, the Judicial Branch, and our communities to implement the recommendations presented in this Report. The Council will track the progress made as hate crime and bias incident data is gathered from the initial reporting of the hate crime through sentencing to further protect and provide relief to the victims of hate crimes.

Together we can identify and implement effective ways to fight hate crimes in Connecticut and lead the way to a safer and more inclusive United States of America.

APPENDIX 1 CHARGE AND DELIBERATIVE PROCESS OF THE COUNCIL

Concerned that the increase in hate crimes represented a serious potential threat to the safety of people in Connecticut, pursuant to [Connecticut General Statute § 51-279f](#), effective October 1, 2017, the Legislature created the Council “to encourage and coordinate programs to increase community awareness and reporting of hate crimes and to combat such crimes and make recommendations for any legislation concerning such crimes...” The legislation creating the Council provides:

(a) There shall be a Statewide Hate Crimes Advisory Council within the Office of the Chief State’s Attorney, for administrative purposes only. Members of the council shall include (1) the following, or their designees: The Chief State’s Attorney; the Chief Public Defender; the Commissioner of Emergency Services and Public Protection; the president of the Connecticut Bar Association; the president of the George W. Crawford Black Bar Association; the president of the South Asian Bar Association of Connecticut; the president of the Connecticut Asian Pacific American Bar Association; the president of the Connecticut Hispanic Bar Association; and the president of the Connecticut Police Chiefs Association; and (2) no more than 30 appointed by the Governor who are representatives of organizations committed to decreasing hate crimes, improving diversity awareness or representing the interests of groups within Connecticut protected by sections 53a-181j to 53a-181l, inclusive.

(b) The Governor shall appoint two chairpersons of such council from among the members of the council.

(c) The Council shall meet at least semiannually to encourage and coordinate programs to increase community awareness and reporting of hate crimes and to combat such crimes and make recommendations for any legislation concerning such crimes, including, but not limited to, recommendations concerning restitution for victims of such crimes, community service designed to remedy damage caused by any such crime or that is related to the commission of any such crime and additional alternative sentencing programs for first time offenders and juvenile offenders.

Governor Lamont announced the establishment and the individuals appointed to the Council on June 1, 2021, stating that:

“[n]obody should ever have to fear being the victim of the crime for being the person they are, and it is unconscionable that people continue to be targeted throughout our country because of the color of their skin, the religion they practice, the person they love, their country of birth, or any other personal attributes that identify who they are...”

He appointed Judge Douglas S. Lavine and Attorney Amy Lin Meyerson as co-chairpersons. A roster of members serving on the Council is available on the Council’s website at <https://portal.ct.gov/hatecrimes/The-Council>. The membership represents a wide, diverse group of people representing a variety of organizations and entities.

The Council is divided into Subcommittees, each tasked with studying a different overall subject in the hate crimes area, including consulting with entities and knowledgeable experts, examining certain subtopics, and making recommendations to more effectively respond to the issues presented. The recommendations generated by each Subcommittee were discussed and debated by the Council as a whole. Recommendations approved by the full Council appear in this report. The Council created five Subcommittees with defined charges¹⁷⁷:

1. Community Awareness:

Subcommittee Co-Chair Jason O. Chang
Subcommittee Co-Chair Corrie Betts
Subcommittee Co-Chair Steven Ginsburg
Rashmi Chandra
Rabbi Michael Farbman
Andrew Feinstein
Steven Hernandez
Rathanak Mike Keo
Douglas Lavine
Diana Lombardi
Gary MacNamara
Aida Mansoor
Robin McHaelen
John Merz
Amy Lin Meyerson
Precious Price
Sharad A. Samy
Jonathan Slifka
Richard A. Wilson

- a. Review, and if necessary, propose new educational curricula on hate crimes in CT middle schools and high schools, and the resources that are needed to support this endeavor;
- b. Examine current measures in CT and best practices in other states to build trust between communities and state agencies on hate crimes, and to support communities that have been the targets of hate crimes;
- c. Hate Speech/Free Speech Subgroup: Examine the extent of bias-motivated speech (including, *inter alia*, incitement and true threats) in Connecticut, and review current statutes and enforcement of those statutes to determine whether they are sufficient; Examine the relationship between online hate speech and offline harms in CT; Examine whether and how state law enforcement could use social media to track, investigate, and prevent hate crimes.
- d. Hate Crimes Prevention and Education Subgroup: Examine and propose measures to be taken by state agencies (including law enforcement) to prevent or reduce the risk of hate crimes being committed in the first place; and
- e. Public Education Outreach/Campaign Subgroup: Propose a new campaign to improve public awareness of hate crimes in CT and the commitment of state agencies to combat hate crimes.

2. Hate Crimes Reporting and Analysis:

Subcommittee Co-Chair Richard A. Wilson

Subcommittee Co-Chair Tamara Lanier

Michael Bloom

Richard Colangelo

Christopher Ferace

Erene Hammond

Duane Lovello

James Rovella

Michelle Querijero

Cecil Thomas

- a. Determine the nature and types of hate crimes/anti-bias incidents and the affected/targeted groups, and whether there has been a statistically significant increase in hate crimes and anti-bias incidents in Connecticut at the state level;
- b. Examine any challenges or barriers that may prevent law enforcement from reporting hate crimes accurately, fully and in a consistent manner across Connecticut, and if necessary, recommend changes to the current system of reporting hate crimes;
- c. Review and if necessary, recommend changes to the current system of analyzing hate crimes reported in Connecticut, including providing police departments with real-time information on outbreaks of hate crimes.

3. Restitution Programs and Sentencing:

Subcommittee Chair Douglas Lavine

Tashun Bowden-Lewis

Richard Colangelo

Makana Ellis

Erene Hammond

Steven Hernandez

Tamara Lanier

Robin McHaelen

Fernando Muniz

MD Masudur Rahman

Leonard Rodriguez

- a. Review sentencing recommendations and restorative justice (alternative-sentencing) measures for first-time offenders, juvenile offenders and repeat offenders.

4. Law Enforcement Training and Best Practices:

Subcommittee Chair Gary MacNamara

Tashun Bowden-Lewis

Christopher Ferace

Duane Lovello

- a. Examine any challenges or barriers that may prevent law enforcement from addressing hate crimes, including whether Connecticut hate crime-related laws should be;
- b. Examine measures to improve the collection of high-quality evidence of hate crimes by the police and the cooperation between police and district attorneys in the investigation and prosecution of hate crimes modified;
- c. Examine the value of a rapid response team responding to hate crimes consisting of police, social workers and other state employees as needed;
- d. Examine whether Connecticut should create and fund special investigation units in police departments specifically trained to investigate hate crimes; and

5. Funding Resources:

Subcommittee Chair Sharad A. Samy

John Doyle

Amy Lin Meyerson

- a. Explore federal and state funding resources available to support the work of the Council.

Beginning in the Fall of 2021, the entire HCAC met on a monthly basis. The meetings were open to the public. Due to the continuing Covid-19 epidemic, the meetings were held remotely. The Council and all Subcommittees were subject to the Freedom of Information Act under General Statutes § 1-200. All documents related to this Council are public records, including the Subcommittee reports, available on the Council's website at <https://portal.ct.gov/hatecrimes>. All meetings of the Council and the Subcommittees were open to the public, and agendas associated with such meetings were posted online for public viewing. The Council heard presentations from several thought leaders, including the Asian American Bar Association of New York Executive Director Yang Chen, Interim Chief State's Attorney John Doyle, Diana Lombardi, FBI Supervisory Special Agent Anish Shukla, Jonathan Slifka, and UConn Law School Associate Dean Richard A. Wilson. Separate consultations took place with key stakeholders such as the Department of Justice - Office of the Attorney General and the Department of Justice - Community Relations Service.

Each Subcommittee acted as an independent "think tank," examining the policy and scholarly literature on their subject, interviewing experts, and researching the experiences of other jurisdictions. The Subcommittees reported on their progress at each Council meeting. Each Subcommittee developed a statement of recommendations, along with a brief statement of the underlying rationales. These recommendations were circulated to all members of the Council and then discussed and voted upon.

Associate Dean Wilson and Judge Lavine conducted a Hate Crimes Practicum at the University of Connecticut School of Law. Students researched various areas and wrote briefs that included suggestions on ways Connecticut's processes to combat hate crimes could be improved. The papers were provided to members of the HCAC and proved very helpful.

In the 2022 legislative session of the Legislature, a bill was considered with direct relevance to the work of the Council. Co-chair Meyerson and Council members Wilson and Commissioner Rovella provided written and oral testimony and Council member Michael Bloom provided written testimony in support of SB217, “An Act Establishing A Hate Crimes Investigative Unit Within the Division of the State Police and Requiring Development of a Reporting System, Best Practices and A Model Investigative Policy for Law Enforcement Units Regarding Hate Crimes.”

Co-chair Amy Lin Meyerson also developed a website for the Council in January of this year. The website provides state residents with information regarding the Council and how to respond to hate crimes.

Finally, the Council’s draft recommendations were presented on a President’s Track Panel “What Are We Doing About Hate Crimes?” at the Connecticut Legal Conference hosted by the Connecticut Bar Association, on June 13, 2022.

NOTES

¹ Erika Harrell, “Crime Against Persons with Disabilities, 2009-2015 - Statistical Tables,” Bureau of Justice Statistics (July 2017) <https://bjs.ojp.gov/library/publications/crime-against-persons-disabilities-2009-2015-statistical-tables>.

² “Promising Practices in Serving Crime Victims with Disabilities,” U.S. Federal Office for Victims of Crimes (Oct. 1, 2008) https://ovc.ojp.gov/sites/g/files/xyckuh226/files/publications/infores/ServingVictimsWithDisabilities_bulletin/welcome.html.

³ Christina Carrega & Priya Krishnakumar, “Hate Crime reports in the US surge to the highest level in 12 years, FBI says,” CNN (Oct. 26, 2021) <https://www.cnn.com/2021/08/30/us/fbi-report-hate-crimes-rose-2020/index.html>.

⁴ Prejudices and biases combined with perceived threats perpetrated by “outgroups” are prominent causes of hate crimes. *See generally*, Mark A. Walters, Rupert Brown, & Susann Wiedlitzka, “Causes and motivations of hate crime,” Equality and Human Rights Commission, pp. 25-30 (2016) <https://www.equalityhumanrights.com/sites/default/files/research-report-102-causes-and-motivations-of-hate-crime.pdf>.

⁵ “Hate Crime in America Policy Summit,” Int’l Ass’n Of Police Chiefs, <https://www.theiacp.org/resources/hate-crime-in-america-policy-summit> (last accessed July 7, 2022) (hereinafter “Policy Summit”).

⁶ “In recent decades, hate crimes have spiked nationally around presidential elections, particularly in the days and weeks immediately before and after Election Day.” Kristina Davis, “Hate Crimes Surge During Presidential Elections. So Far 2020 Isn’t Any Different,” San Diego Union Tribune (Oct. 31, 2020) <https://www.sandiegouniontribune.com/news/public-safety/story/2020-10-31/hate-crimes-surge-presidential-elections>.

⁷ “Policy Summit” *supra* note 5.

⁸ Adam Hoffman, “Can Science Help People Unlearn Their Unconscious Biases?” Smithsonian Magazine (July 2, 2015) <https://www.smithsonianmag.com/science-nature/can-science-help-people-unlearn-their-unconscious-biases-180955789/>.

⁹ “Governor Lamont Announces Connecticut Schools Ranked Top Three in Nation by Education Week,” Office of Governor Ned Lamont (Sept. 2, 2020) <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2020/09-2020/Governor-Lamont-Announces-Connecticut-Schools-Ranked-Top-Three-in-Nation-by-Education-Week>.

¹⁰ “Policy Summit” *supra* note 5.

¹¹ Kim Elliott, Jessica Julison, Nevin Katz, & John Parris, “In Support of Educators: Strategies That Work,” Education Development Center, p. 1 (2021) <https://www.edc.org/sites/default/files/uploads/InSupportOfEducators.pdf>.

¹² Fostering a “zero-tolerance” atmosphere is an important aspect of a comprehensive school approach. “Policy Summit” *supra* note 5. (“Parents should be engaged in hate crime prevention in a variety of ways, from helping to design and deliver conflict-resolution and hate crime prevention curriculum, to participating in mediation and conflict resolution activities in their children’s schools.”).

¹³ “Policy Summit” *supra* note 5.

¹⁴ “The Parent Leadership Training Institute,” The Bridge Family Center, <http://www.bridgefamilycenter.org/how-we-help/family-resource-centers/programs/plti/> (last accessed July 12, 2022) (The goals of PLTI are: helping parents become great leaders for their children and families; increasing positive parent-child interactions and improving child success through parent involvement; training parents to be active participants in the democratic process and to take part in community policy development and problem resolution.).

¹⁵ “Policy Summit” *supra* note 5. (“An informed citizenry is the cornerstone of our democratic society.” “Messages of bigotry and intolerance can be countered by [schools] with truthful information that promotes mutual understanding and honors diversity.”)

¹⁶ “Ten Ways to Fight Hate: A Community Response Guide,” Southern Poverty Law Center (Aug. 14, 2017), <https://www.splcenter.org/20170814/ten-ways-fight-hate-community-response-guide>.

¹⁷ *Id.*

¹⁸ *See generally*, “Unique Exhibitions,” Connecticut Historical Society, <https://chs.org/visit-see/exhibitions/current/> (last visited July 12, 2022) (the focus of the Connecticut Historical Society is primarily on white, middle class narratives).

¹⁹ “As textbooks show - through omissions, downright errors, and specious interpretations, particularly regarding racial issues - *not everyone enjoys the perks of civic belonging or gets a fair shake in historical accounts.*” Cynthia Greenlee, “How history textbooks reflect America’s refusal to reckon with slavery,” Vox (Aug. 26, 2019), <https://www.vox.com/identities/2019/8/26/20829771/slavery-textbooks-history>. (emphasis added).

²⁰ “Community Engagement,” Community Murals, <https://communitymurals.info/steps/community-engagement/> (last accessed July 12, 2022) (Community members express support for community murals because they allow them to “hear other people’s stories, learn more about that community, and see[] the value and impact that the mural can have no matter how small or big” and give individuals “a change to express their identity; who they are, where they came from, and what’s important to them.”).

²¹ Community murals replenish dialogue both organically and through planned events focused on the murals and communities. “Events,” RiseUP for Arts, <https://www.theriseupgroup.org/events> (last accessed July 12, 2022).

²² Community murals “enable communities to tell their stories with local artists, and let every street, neighborhood, and community be a place where [people] feel safe and inspired.” Wendy Altschuler, “America’s Mural Magic: How Street Art Can Transform Communities and Help Businesses,” Forbes (May 23, 2020) <https://www.forbes.com/sites/wendyaltschuler/2020/03/23/americas-mural-magic-how-street-art-can-transform-communities-and-help-businesses/?sh=64b8df731739>.

²³ Murals can help promote community conversations on race and minority issues and these conversations can bring people together by allowing individuals a space to “tell their stories, their immigration history, their daily encounters with discrimination, their fear about revealing sexual orientation.” “Ten Ways to Fight Hate: A Community Response Guide,” Southern Poverty Law Center (Aug. 14, 2017), <https://www.splcenter.org/20170814/ten-ways-fight-hate-community-response-guide>.

²⁴ *See generally*, “About,” Greater Hartford Arts Council, <https://letsgoarts.org/about> (last accessed July 13, 2022); “What We Do,” CT Arts Alliance, <https://ctartsalliance.org/what-we-do/> (last accessed July 13, 2022).

²⁵ “About,” RiseUP for Arts, <https://www.theriseupgroup.org/about> (last accessed July 12, 2022).

²⁶ Greenlee *supra* note 19.

²⁷ “Teaching Hard History,” Southern Poverty Law Center (Jan. 31, 2018), <https://www.splcenter.org/20180131/teaching-hard-history#part-ii> (quoting James Baldwin). The Southern Poverty Law Center recommends utilizing “historical documents beyond the usual narratives to do a better job of representing . . . diverse voices and experiences.”

²⁸ “Policy Summit” *supra* note 5. (“An informed citizenry is the cornerstone of our democratic society.”).

²⁹ “Every community is unique. For some, it may be more effective for law enforcement to host and lead task forces or advisory groups, while for others, local community organizations and leaders may be better positioned to facilitate the ongoing discussion.” International Association of Chiefs of Police & Lawyers Committee for Civil Rights Under Law, *Action Agenda for Community Organizations and Law Enforcement to Enhance the Response to Hate Crimes*, p. 8 (2019) https://www.theiacp.org/sites/default/files/2019-04/IACP_Hate%20Crimes_Full%20Report.pdf (hereinafter “Action Agenda”).

³⁰ Building trust and fostering community relationships before bias incidents occur, rather than only focusing on trust during the response to a hate incident, is essential. *Id.* at 14-15 (“The key to a successful collaborative effort is taking the time to develop and maintain strong community relationships to build trust *outside of a crisis event.*”) (emphasis added).

³¹ *Id.*

³² *See e.g.*, “Interfaith Council of Southwestern Connecticut,” <https://www.interfaithcouncil.org/> (last accessed July 7, 2022); “The Connecticut Council for Interreligious Understanding,” <https://ccfiu.org/> (last accessed July 7, 2022); “Interfaith Coalition Against Domestic & Sexual Violence,” <https://interfaithagainstdv.org/> (last accessed July 12, 2022); “Interfaith Alliance,” <https://www.interfaithalliance.org/> (last accessed July 12, 2022) (state and national level examples of established interfaith organizations that promote community-to-community communication, understanding, and trust).

³³ “United Nations Strategy and Plan of Action on Hate Speech,” United Nations - Genocide Prevention, p. 4 (May 2019) <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>.

³⁴ “Ten Ways to Fight Hate: A Community Response Guide,” Southern Poverty Law Center (Aug. 14, 2017), <https://www.splcenter.org/20170814/ten-ways-fight-hate-community-response-guide>.

³⁵ Christina Carrega & Priya Krishnakumar, “Hate Crime reports in the US surge to the highest level in 12 years, FBI says,” CNN (Oct. 26, 2021) <https://www.cnn.com/2021/08/30/us/fbi-report-hate-crimes-rose-2020/index.html>.

³⁶ Hate Crime Statistics Act, 34 U.S.C. § 41305 (2018) (defines hate crimes as “crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation, or ethnicity.”).

³⁷ Harbani Ahuja, *The Vicious Cycle of Hate: Systematic Flaws in Hate Crime Documentation in the United States and the Impact on Minority Communities*, 37 CARDOZO L. REV. 1867, 1881 (2016). See also, Grace Kena & Alexandra Thompson, *Hate Crime Victimization, 2005-2019*, U.S. DEP'T JUST. (Sep. 2021) (on how the UCR consists of hate crimes confirmed by law enforcement, whereas the NCVS is a household survey that allows victims to self-report hate crime incidents). See Dhammika Dharmapala & Richard H. McAdams, *Words That Kill? An Economic Model of the Influence of Speech on Behavior (with Particular Reference to Hate Speech)*, 34 J. LEGAL STUDS. 93, 94 n.3 (2005) (noting the difference between statistics published by the FBI and the Southern Poverty Law Center, which estimates 50,000 hate crimes annually).

³⁸ Ahuja, *supra* note 37, at 1867.

³⁹ Frank S. Pezzella, Matthew D. Fetzer & Tyler Keller, *The Dark Figure of Hate Crime Underreporting*, 0 AMERICAN BEHAVIORAL SCIENTIST 1 (2019) 5.

⁴⁰ Ryken Grattet & Valerie Jenness, *Transforming Symbolic Law into Organizational Action: Hate Crime Policy and Law Enforcement Practice*, SOCIAL FORCES 87(1) (2008).

⁴¹ Bias Crime Unit, SEATTLE POLICE DEPARTMENT (last accessed July 13, 2022) <https://www.seattle.gov/police/information-and-data/bias-crime-unit>.

⁴² Organization for Security and Co-operation in Europe (OSCE), *Hate Crimes Data-Collection and Monitoring Mechanisms: A Practical Guide* (2014), at 7.

⁴³ See 18 U.S.C.A. § 249 (federal hate crime acts language pertaining to *mens rea* differs significantly from that of Connecticut statute); see also *Hate Crimes, Defining a Hate Crime*, FBI, <https://www.fbi.gov/investigate/civil-rights/hate-crimes> (FBI defines hate crime as needing only be “motivated in whole or in part by an offender’s bias”).

⁴⁴ Veronica Rose, *Number of Municipal Police Departments in Connecticut*, CONNECTICUT, <https://www.cga.ct.gov/2016/rpt/2016-R-0275.htm> (last visited July 31, 2022).

⁴⁵ PA 22-9, Sec. 2 (3) (b) (4).

⁴⁶ Rose *supra* note 44.

⁴⁷ Policy 411.04 Hate/Bias Crimes, *Arlington Texas Police Department General Orders Manual* (Sept. 4, 2019) <https://www.arlingtontx.gov/common/pages/DisplayFile.aspx?itemId=16010221>.

⁴⁸ Policy 15.120 Responding to Bias Crimes and Incidents, *Seattle Police Department Manual* (November 1, 2019) <https://www.seattle.gov/police-manual/title-15---primary-investigation/15120---responding-to-bias-crimes-and-incidents>

⁴⁹ “Action Agenda” *supra* note 19 at 14-15.

⁵⁰ PA 22-9, Sec. 2 (3) (b) (2). See Pezzella et al. *supra* note 39 at 7 (on how officer discretion can lead to underreporting of hate crimes).

⁵¹ Public Act No. 22-9 “An Act Establishing a Hate Crimes Investigative Unit,” Sec. 2(3)(b).

⁵² Policy 319 Hate Crimes, *Santa Ana Police Department Manual* (June 24, 2020) <https://www.santa-ana.org/documents/policy-319-hate-crimes/>.

⁵³ *Id.*

⁵⁴ “Action Agenda” *supra* note 19 at 14-15.

⁵⁵ See generally Anti-Defamation League, “ADL H.E.A.T. Map” <https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map>; Anti-Defamation League, “Audit of Anti-Semitic Incidents: Year in Review 2018” <https://www.adl.org/audit2018#methodology> (The ADL tracks anti-Semitic hate crimes and non-criminal incidents in the USA, and updates the data on a monthly basis.).

⁵⁶ “Action Agenda” *supra* note 19 at 14-15.

⁵⁷ *Id.*

⁵⁸ IMRP has experience of analyzing law enforcement data and is well-versed in the FOIA aspects of state agency data.

⁵⁹ Pezzella et al., *supra* note 39 at 19. OSCE, *supra* note 42 at 25. See also Giannasi, P. (2014). *Policing and hate crime*. In N. Hall, A. Corb, P. Giannasi, & J. Grieve (Eds.), *The Routledge international handbook on hate crime* (pp. 331-342) (on the benefits of third-party groups that assist victims with reporting).

⁶⁰ See Connecticut Public Act No. 22-9, Sec. 2(3)(b)(3). Widely applauded as a model for effective hate crime reporting systems, the New York Police Department’s Hate Crimes Task Force utilizes a hotline and a text-message reporting system that allows victims to report alleged hate crimes. These texts and calls are monitored by New York’s Division of Human Rights, which forwards any reports that may constitute a hate crime to the New York State Police for further review. “Report a Bias or Hate Incident,” New York State, <https://forms.ny.gov/s3/Hate-Crime-Tips>.

⁶¹ “Police Complaints-Connecticut,” United Way of Connecticut - 211, <https://uwc.211ct.org/police-complaints-connecticut/> (last accessed July 13, 2022).

⁶² Pezzella et al., *supra* note 39 at 1.

⁶³ *Id.* at 20.

⁶⁴ *See*, “Action Agenda” *supra* note 19 at 15 (identifying community leaders to serve as a bridge between law enforcement is recommended to help increase reporting); Ahuja, *supra* note 37 at 1902 (“regular contact with other agencies, private groups, and communities, and the existence of multilingual victim services strengthens the relationship between vulnerable communities and law enforcement, and makes victims more likely to report hate crimes.”).

⁶⁵ “Institute for Municipal and Regional Policy,” University of Connecticut, <https://imrp.dpp.uconn.edu/> (last accessed July 13, 2022).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ CTIC stands for Connecticut Intelligence Center. “Counter Terrorism and Intelligence,” Connecticut State Government, <https://portal.ct.gov/DEMHS/Homeland-Security/Counter-Terrorism-and-Intelligence> (last accessed July 13, 2022).

⁶⁹ *See also, e.g.*, *Sines v. Kessler*, 324 F. Supp. 3d 765 (W.D. Va. 2018) (alleging white supremacists conspired to commit racial violence and asking whether the defendants’ social media posts violated Virginia’s hate crimes statute); *Gersh v. Anglin*, 353 F. Supp. 3d 958 (D. Mont. 2018) (awarding punitive damages for the defendant’s inciting and threatening posts against a Jewish woman on the “Daily Stormer” website).

⁷⁰ Mary Pat Dwyer, “LAPD Documents Reveal Use of Social Media Monitoring Tools,” BRENNAN CENTER FOR JUSTICE (September 8, 2021) <https://www.brennancenter.org/our-work/analysis-opinion/lapd-documents-reveal-use-social-media-monitoring-tool>.

⁷¹ American Civil Liberties Union, *Freedom of Expression – ACLU Position Paper*, <https://www.aclu.org/other/freedom-expression-aclu-position-paper>; Brennan Center for Justice, *Protect Liberty & Security: Social Media*, <https://www.brennancenter.org/issues/protect-liberty-security/social-media>.

⁷² Brennan Center for Justice, *Protect Liberty & Security: Social Media*, <https://www.brennancenter.org/issues/protect-liberty-security/social-media>.

⁷³ Rachel Levinson-Waldman & Ángel Díaz, “How to Reform Police Monitoring of Social Media,” BRENNAN CENTER FOR JUSTICE (July 9, 2020) <https://www.brennancenter.org/our-work/analysis-opinion/how-reform-police-monitoring-social-media>.

⁷⁴ *See* Olivia Levinson, *Reconciling Ideals: Restorative Justice as an Alternative to Sentencing Enhancements for Hate Crimes*, 105 MINN. L. REV. HEADNOTES 209, 211 (2020) (citing 57 Am. Jur. Proof of Facts 3d 1, § 2 (2000)).

⁷⁵ *See* MICHELLE KIRBY, CONNECTICUT GENERAL ASSEMBLY, OFFICE OF LEGISLATIVE RESEARCH, CONNECTICUT HATE CRIME LAWS, 2021-R-0104 (2021).

⁷⁶ *See* Laura Meli, *Hate Crime and Punishment: Why Typical Punishment Does Not Fit the Crime*, 2014 U. ILL. L. REV. 921, 950 (2014).

⁷⁷ *See* Levinson *supra* note 74 at 219.

⁷⁸ *See* KIRBY *supra* note 75 (listing the presently available statutes which can be used to prosecute hate crimes, their designation, and the available penalties).

⁷⁹ *See* Conn. Gen. Stat. § 53a-40a (applying to “any person that has been found to be a persistent offender of crimes involving bigotry or bias”).

⁸⁰ *See id.* at § (b)(1) (“[T]he court shall... if the crime is a felony, impose the sentence of imprisonment authorized... for the next more serious degree of felony...”).

⁸¹ CORA stands for Connecticut Corrupt Organizations and Racketeering Activity Act, under Conn. Gen. Stat. § 53-393, et. seq.

⁸² *See* Connecticut Division of Criminal Justice, *Ethical Guidelines for Prosecutors*, p. 10 (2019) (“[O]nce the investigation is complete, the prosecutor must decide if the admissible evidence is sufficient... to convince a jury of the defendant’s guilt beyond a reasonable doubt.”).

⁸³ *See Hate-Motivated Behavior: Impacts, Risk Factors, And Interventions*, Health Affairs Health Policy Brief, p. 2 (2020) (“[e]xperiences of hate are associated with poor emotional well-being” as “victims tend to experience poor mental health” and “[e]ntire communities [] feel the impacts of victimization”).

⁸⁴ Conspiracy charges are used in this manner by other states that take aggressive approaches to hate crimes, such as New York and California. *See, e.g.*, NYPRAC-CRIM § 38:3, Sentencing, 6A N.Y. Prac., Criminal Law (4th ed. 2021); 19 Cal. Jur. 3d Criminal Law: Miscellaneous Offenses § 188 (2022).

⁸⁵ *See* Cherie L. Deogracias, *Race, Reconstruction, and the RICO Act: Using the Racketeer Influenced and Corrupt Organizations (RICO) Act in Prosecutions Against White Supremacist Organizations in America*, 20 U. MD. L.J. RACE RELIG. GENDER & CLASS 306, 338 (2020) (“The RICO Act is a powerful way for prosecutors... to, while

balancing constitutionally protected free speech rights, address the issue of white supremacy by allowing for the systematic prosecution of any crime-committing bad actors within the organization.”); *see also* United States v. Yarbrough, 852 F.2d 1522, 1526 (9th Cir. 1988) (affirming the racketeering convictions of members of a white supremacist hate group).

⁸⁶ The special issues arising in hate crimes sentencing include the considerations that “[t]he enhancement of punishment and additional criminalization of hate-motivated perpetrators” may do “little to repair the harms caused by incidents of hate” and may be “unlikely to effectively challenge the underlying causes of prejudice... at an individual level.” Mark Austin Walters, *Repairing the Harms of Hate Crime: Towards a Restorative Justice Approach?* 108 RESOURCE MATERIAL SERIES 56, 57 (2019).

⁸⁷ “Members of the targeted community may experience vicarious trauma symptoms resulting from witnessing others being victimized. In addition, a review of structural discrimination shows that for a targeted vulnerable group, long-standing, systemic inequalities can be seen in economic, housing, and educational disparities.” *Hate-Motivated Behavior: Impacts, Risk Factors, And Interventions supra* note 83 at 2.

⁸⁸ *See* Conn. Const. art. I, § 8.b.(7)-(8) (enumerating only a victim’s “right to make a statement to the court at sentencing” or “prior to the acceptance by the court of the plea of guilty or nolo contendere...”).

⁸⁹ *See Community Impact Statements and their Use in Hate Crime Cases*, THE CROWN PROSECUTION SERVICE (August 15, 2018), <https://www.cps.gov.uk/legal-guidance/community-impact-statements-and-their-use-hate-crime-cases> (explaining that prosecutors in the United Kingdom use community impact statements so that “both the prevalence and the impact of [hate] crimes [can] be fully understood and taken into account”).

⁹⁰ Consequences of hate crime victimization include: “feelings of anger, shame, [] fear,” “depression, anxiety, posttraumatic stress, and suicidal behavior.” *Hate-Motivated Behavior: Impacts, Risk Factors, And Interventions supra* note 83 at 2.

⁹¹ Presently, only the Office of Victim Services is authorized to evaluate applications to the Victim Compensation Fund. *See* Conn. Gen. Stat. § 54-203, et. seq.

⁹² *See* Shannon M. Sliva, Elizabeth H. Porter-Merrill & Pete Lee, *Fulfilling the Aspirations of Restorative Justice in the Criminal System? The Case of Colorado*, KAN. J.L. & PUB. POL’Y., 456, 487 (2019) (“[T]he philosophy of restorative justice assumes that victims wish to participate in restorative processes with the offender.”).

⁹³ *See* MARK AUSTIN WALTERS, HATE CRIME AND RESTORATIVE JUSTICE 53 (2014) (Finding that restorative justice “practices provide both material and emotional reparation to a greater percentage of victims when compared to those whose cases go to court”).

⁹⁴ Restorative justice approaches were widely used by Native Americans. *See, e.g., Report on Holistic and Traditional Justice Roundtable*, Native American Rights Fund, NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION (2016), <https://www.narf.org/nill/documents/peacemaking/201608-naicja-traditional-justice.pdf>.

⁹⁵ For example, the Hartford Community Restorative Justice Center. *See, e.g., About the Center*, HARTFORD COMMUNITY RESTORATIVE JUSTICE CENTER, <https://hartfordjusticecenter.org/about/> (last visited Jul. 10, 2022).

⁹⁶ In 2001, it was estimated that over 300 restorative justice programs were operating in forty-five states. Alyssa H. Shenk, *Victim-Offender Mediation: The Road to Repairing Hate Crime Injustice*, 17 OHIO ST. J. ON DISP. RESOL. 185, 187 (2001).

⁹⁷ Adriaan Lanni, *Taking Restorative Justice Seriously*, 69 BUFF. L. REV. 635, 680 (2021) (“Whether and how to include traditional punishments alongside restorative approaches is not an objective calculation; it is a balance that will vary in different communities.”).

⁹⁸ *See* Carrie Menkel-Meadow, *Restorative Justice: What Is It and Does It Work?*, 3 ANN. REV. L. & SOC. SCI. 10.1, 10.3–10.4 (2007) (finding that use of restorative justice programs “creates greater compliance with agreements or judgments, reduces imprisonment [] and therefore costs to the system [], provides greater satisfaction for both victims and offenders, and reduces recidivism rates”).

⁹⁹ *See* Lanni *supra* note 97.

¹⁰⁰ *Id.* at 640 (footnote omitted) (“Restorative approaches share the view that the proper response to an offense should focus not on punishment, but on meeting the needs of the victim, holding the offender accountable for the harm caused, taking steps to repair as much as possible the harm suffered by the victim and the community and addressing the offender’s needs to prevent reoffending and promote reintegration.”).

¹⁰¹ *See* Menkel *supra* note 98.

¹⁰² There is a voluminous amount of literature discussing and explaining restorative justice in all its aspects in addition to the previously cited authorities. *See, e.g.,* Bruce A. Green & Lara Bazelon, *Restorative Justice from Prosecutors’ Perspective*, 88 FORDHAM L. REV. 2287 (2020); Sandra Pavelka, *Restorative Justice in the States: An Analysis of Statutory Legislation and Policy*; JUSTICE POLICY JOURNAL, Vol. 2, No. 13 (2016); Avlana Eisenberg, *Expressive Enforcement*, 61 UCLA L. REV. 858 (2014); Theo Gavrielides, *Contextualizing Restorative Justice for*

Hate Crimes, J. INTERPERSONAL VIOLENCE 3624 (2012); Danielle Sered, *Mature Justice: Developing Restorative Practices for Serious Young Offenders* (2006), <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=0921783EBA672A0C52041346AE08299D?doi=10.1.1.62.9.5617&rep=rep1&type=pdf>.

¹⁰³ See Shirin Sinnar & Beth A. Colgan, *Revisiting Hate Crimes Enhancements in the Shadow of Mass Incarceration*, 95 NYU L. R. 149, 163-64 (2021).

¹⁰⁴ See Conn. Gen. Stat. § 46b-121h(11) (a goal of the state juvenile justice system shall be to “incorporate restorative principles and practices”).

¹⁰⁵ See Lanni *supra* note 97 at 642-46 (discussing the benefits of restorative justice circles).

¹⁰⁶ In D.C. the city’s chief law enforcement officer, Attorney General Karl Racine, has established a formal program to maximize the benefits of using restorative justice approaches in appropriate cases. Seema Gajwani has been hired as special counsel and leads the Restorative Justice and Victim Services System. See *Restorative Justice Program, OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA*, <https://oag.dc.gov/public-safety/restorative-justice-program> (last visited Jul. 10, 2022). Seema’s October 23, 2019 YouTube talk on restorative justice has been shown to our subcommittee, in which she describes her journey from skeptic to true believer. *The Annie E. Casey Foundation, Seema Gajwani and Restorative Justice, YouTube (Oct. 23, 2019)*, <https://www.youtube.com/watch?v=qRVfcpPK7Js>.

¹⁰⁷ Lanni *supra* note 105 at 649 (“Restorative justice can be used at the pre-trial, sentencing, and postsentencing stages...”).

¹⁰⁸ See GERRY JOHNSTONE, RESTORATIVE JUSTICE: IDEAS, VALUES, DEBATES 17 (2002) (creating additional bureaucracy to engage in restorative justice risks “spoil[ing] the flexibility and informality that is crucial to the success of restorative justice initiatives”).

¹⁰⁹ Conn. Gen. Stat. § 51-279f(c).

¹¹⁰ See Menkel *supra* note 106.

¹¹¹ See Stephen P. Garvey, *Restorative Justice, Punishment, and Atonement*, 2003 UTAH L. REV. 303, 304 (2003).

¹¹² See Lanni *supra* note 105 at 660 (“Beginning with small, state-funded pilot programs in jurisdictions with enthusiastic prosecutors would likely help provide evidence of effectiveness and gradually build support for expansion.”).

¹¹³ See *Juvenile Court in Connecticut Frequently Asked Questions*, CONNECTICUT’S OFFICIAL STATE WEBSITE, <https://portal.ct.gov/OCPC/Juvenile/Juvenile/Juvenile-Frequently-Asked-Questions> (last visited Jul 27, 2022) (“Children as young as 6 years old have been sent to juvenile court...”); see also *State v. Vincent M.*, 52 Conn. Supp. 267 (Conn. Super. 2012) (holding that a ten-year-old child accused of delinquent acts was competent to stand trial).

¹¹⁴ See Anna Aizer & Joseph J. Doyle, Jr., *Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges*, THE QUARTERLY JOURNAL OF ECONOMICS, Vol. 130, No. 2, 759 (2015) (finding that “juvenile incarceration results in substantially lower high-school completion rates and higher adult incarceration rates, including for violent crimes”).

¹¹⁵ See Karen M. Abram, et al., *Posttraumatic Stress Disorder and Trauma in Youth in Juvenile Detention*, ARCH GEN PSYCHIATRY, Vol. 61, No. 4, 403 (2004) (“The related literature suggests that posttraumatic stress disorder (PTSD) is more common in juvenile justice youth than in community samples.”).

¹¹⁶ Bryan Goodwin, *Research Matters / Does Restorative Justice Work?*, ASCD (2021), <https://www.ascd.org/el/articles/research-matters-does-restorative-justice-work>.

¹¹⁷ *Id.*

¹¹⁸ See Kristina Hulvershorn & Shaila Mulholland, *Restorative Practices and the Integration of Social Emotional Learning as a Path to Positive School Climates*, J.R.I.T. & L. 110, 111 (2018) (discussing the use of restorative practices and social emotional learning in schools).

¹¹⁹ See Emily Haney-Caron, *Diversion Programs can Help Keep Youth Out of “the System” by Preventing Arrest*, JUVENILE LAW CENTER (2016), <https://jlc.org/news/diversion-programs-can-help-keep-youth-out-system-preventing-arrests> (“Diversion programs help keep youth out of the system, and these programs work best when youth are diverted before [they are] even arrested.”).

¹²⁰ See Michael Pinard, *Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity*, 85 N.Y.U. L. REV. 457 (2010) (discussing the disproportionate impact of mass incarceration on racial minorities); E. Lea Johnston, *Vulnerability and Just Desert: A Theory of Sentencing and Mental Illness*, 103 J. CRIM. L. & CRIMINOLOGY 147, 229 (2013) (“[E]mpirical evidence and data collected by human rights groups and others demonstrate that offenders with serious mental illnesses are disproportionately likely to suffer a range of harms in prison.”).

¹²¹ See Kimberly Thielbar, *Education in Juvenile Detention Centers*, THE LOYOLA UNIVERSITY CHICAGO CHILD LAW AND EDUCATION INSTITUTE FORUM 1 (2011) (discussing the education needs of incarcerated juveniles); Robert E. Morris, *Health Care for Incarcerated Adolescents: Significant Needs with Considerable Obstacles*, ETHICS JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, Vol. 7, No. 3, 244 (discussing the health care needs of incarcerated juveniles).

¹²² *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*, IACP, <https://www.theiacp.org/resources/responding-to-hate-crimes-a-police-officers-guide-to-investigation-and-prevention> (last visited July 31, 2022).

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Standing Against Hate*, NOT IN OUR TOWN, <https://www.niot.org/stop-hate-action-kits/law-enforcement-response-hate> (last visited July 31, 2022).

¹²⁶ *Hate Crime Resources*, COMMUNITY ORIENTED POLICE SERVICE, <https://cops.usdoj.gov/> (last visited July 31, 2022).

¹²⁷ *Standing Against Hate*, NOT IN OUR TOWN, <https://www.niot.org/stop-hate-action-kits/law-enforcement-response-hate> (last visited July 31, 2022).

¹²⁸ *Id.*

¹²⁹ Steven Wessler, *Addressing Hate Crimes: Six Initiatives that are Enhancing the Efforts of Criminal Justice Practitioners*, BUREAU OF JUSTICE ASSISTANCE MONOGRAPH: HATE CRIMES SERIES, Feb. 2000, 1, <https://www.ojp.gov/pdffiles1/bja/179559.pdf>.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² W. Dwayne Orrick, *Developing a Police Department Policy-Procedure Manual*, BUREAU OF JUSTICE ASSISTANCE: U.S. DEPARTMENT OF JUSTICE, 4, <https://www.theiacp.org/sites/default/files/2018-08/BP-PolicyProcedures.pdf>.

¹³³ *Connecticut State Police Officer Standards and Training Council: In-Service Training Courses*, CONNECTICUT, <https://authoring-stage.ct.egov.com/POST/Field-Services-Training-Courses/In-Service-Training-Courses> (last visited July 31, 2022).

¹³⁴ *Id.*

¹³⁵ “Policy Summit” *supra* note 5.

¹³⁶ *Id.*

¹³⁷ Cal. Penal Code § 13519.6 (Deering’s 2021 Amendment).

¹³⁸ “Policy Summit” *supra* note 5.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Connecticut Law Enforcement Guide: Elder Abuse*, COALITION FOR ELDER JUSTICE IN CONNECTICUT, 6, (2020) <https://portal.ct.gov/-/media/LTCOP/PDF/CEJC-Webpage/CEJC---2019-CT-Elder-Abuse-Law-Enforcement-Guide-2-7-20.pdf>.

¹⁴² Gregg Satula & Gary Sparger, *Write it Out: The Importance of the Law Enforcement Procedures Manual*, LEXIPOL (Aug. 17, 2020), <https://www.lexipol.com/resources/blog/write-it-out-the-importance-of-the-law-enforcement-procedures-manual/>.

¹⁴³ *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*, IACP, 13-16, https://www.theiacp.org/sites/default/files/2019-01/IACP-Hate_Crimes_Brochure.pdf.

¹⁴⁴ Christina Kim, *911 Dispatchers Could be Key in Prosecuting More Hate Crimes*, KPBS, (May 2, 2022, 8:26 AM), <https://www.kpbs.org/news/local/2022/05/02/911-dispatchers-key-prosecuting-hate-crimes>.

¹⁴⁵ *Id.*

¹⁴⁶ Press Releases: *Governor Lamont Signs Legislation Strengthening Hate Crime Investigations by the Connecticut State Police*, THE OFFICE OF GOVERNOR NED LAMONT (May 24, 2022), <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2022/05-2022/Governor-Lamont-Signs-Legislation-Strengthening-Hate-Crime-Investigations>.

¹⁴⁷ S.B. 217, Gen. Assemb., Feb. Sess. (Conn. 2022).

¹⁴⁸ *Hate Crimes Task Forces*, NOT IN OUR TOWN THE UNITED STATES DEPARTMENT OF JUSTICE: THE UNITED STATES ATTORNEY’S OFFICE, EASTERN DISTRICT OF CALIFORNIA, <https://www.justice.gov/usao-edca/hate-crimes-task-forces> (last visited July 31, 2022).

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- ¹⁴⁹ *Hate Crimes/Bias Incidents*, New York City Police Dep’t, <https://www1.nyc.gov/site/nypd/services/law-enforcement/hate-crimes.page> (last visited July 9, 2022); *Bias Crime Unit*, Seattle Police Dep’t, <https://www.seattle.gov/police/information-and-data/bias-crime-unit> (last visited July 31, 2022).
- ¹⁵⁰ *2020 Annual Report*, THE OFFICE FOR THE PREVENTION OF HATE CRIMES, 23 (2021), <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/03/2020-OPHC-Annual-Report.pdf>.
- ¹⁵¹ Pia Baldwin Edwards, *Connecticut Task Force Proposes Police Reforms Prior to 2022 Legislative Session*, YALE NEWS (Feb. 1, 2022, 2:15 AM), <https://yaledailynews.com/blog/2022/02/01/connecticut-task-force-proposes-police-reforms-prior-to-2022-legislative-session/>.
- ¹⁵² *Statewide Narcotics Task Force Makes Major Arrest*, CONNECTICUT STATE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, <https://portal.ct.gov/DESPP/Press-Releases/2009/Statewide-Narcotics-Task-Force-Makes-Major-Arrest> (last visited July 31, 2022).
- ¹⁵³ Edmund H. Mahony, *Gang Task Force Accuses Two East Hartford Men of Using 3D Printers to Manufacture and Sell Hard-to-Track ‘Ghost Guns,’* HARTFORD COURANT (Jan. 7, 2022, 2:45 PM), <https://www.courant.com/news/connecticut/hc-news-ghost-gun-arrests-20220107-20220107-hqa4ggdygvfxdemh7kihaocqxy-story.html>.
- ¹⁵⁴ “Action Agenda” *supra* note 19 at 8.
- ¹⁵⁵ *2020 Annual Report*, THE OFFICE FOR THE PREVENTION OF HATE CRIMES 23 (2021), <http://criminaljustice.cityofnewyork.us/wp-content/uploads/2021/03/2020-OPHC-Annual-Report.pdf>.
- ¹⁵⁶ *Hate Crimes/Bias Incidents*, NEW YORK CITY POLICE DEP’T, <https://www1.nyc.gov/site/nypd/services/law-enforcement/hate-crimes.page> (last visited on July 31, 2022).
- ¹⁵⁷ *Id.*
- ¹⁵⁸ Ronald L. Davis and Patrice O’Neill, *The Hate Crimes Reporting Gap: Low Numbers Keep Tensions High*, THE POLICE CHIEF (May 2016), <https://www.policechiefmagazine.org/the-hate-crimes/>.
- ¹⁵⁹ Joshua D. Freilich & Steven M. Chermak, *Hate Crimes*, COMMUNITY ORIENTED POLICING SERVICES: U.S. DEPARTMENT OF JUSTICE 2., <https://cops.usdoj.gov/ric/Publications/cops-p268-pub.pdf> (2013).
- ¹⁶⁰ “Policy Summit” *supra* note 5.
- ¹⁶¹ *Id.*
- ¹⁶² *Id.*
- ¹⁶³ “Action Agenda” *supra* note 19 at 21.
- ¹⁶⁴ Susan Haigh, *Connecticut to Step Up Investigation of Hate Crime Probes*, AP NEWS AP (May 24, 2022), <https://apnews.com/article/connecticut-government-and-politics-crime-hate-crimes-af633d6fb28237e2364a582c51e69c0b>.
- ¹⁶⁵ “Policy Summit” *supra* note 5.
- ¹⁶⁶ *Id.*
- ¹⁶⁷ *Id.*
- ¹⁶⁸ *FBI Hate Crimes Awareness Campaign Reaches Millions of Americans*, COMMUNITY ORIENTED POLICING SERVICES: U.S. DEPARTMENT OF JUSTICE (Feb. 2022), https://cops.usdoj.gov/html/dispatch/02-2022/hatecrimes_awareness.html.
- ¹⁶⁹ Christina Carrega & Priya Krishnakumar, *Hate Crime Reports in US Surge to the Highest Level in 12 Years, FBI Says*, CNN (Oct. 26, 2021, 2:05 PM), <https://www.cnn.com/2021/08/30/us/fbi-report-hate-crimes-rose-2020/index.html>.
- ¹⁷⁰ “Policy Summit” *supra* note 5.
- ¹⁷¹ *FBI Hate Crimes Awareness Campaign Reaches Millions of Americans*, COMMUNITY ORIENTED POLICING SERVICES: U.S. DEPARTMENT OF JUSTICE (Feb. 2022), https://cops.usdoj.gov/html/dispatch/02-2022/hatecrimes_awareness.html.
- ¹⁷² *Id.*
- ¹⁷³ *Id.*
- ¹⁷⁴ *Id.*
- ¹⁷⁵ *Id.*
- ¹⁷⁶ *Id.*
- ¹⁷⁷ *Subcommittees*, Connecticut Hate Crimes Advisory Council, <https://portal.ct.gov/hatecrimes/Subcommittees> (last accessed July 31, 2022).