



# HATE CRIMES ADVISORY COUNCIL

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# THE MENTAL ELEMENT OF HATE CRIMES

- Hate crimes distinguished by motivation of perpetrator: animus towards actual or perceived characteristics of victim's identity
- Intimidation based on bigotry or bias in the first degree § 53a-181j  
*A person is guilty of intimidation based on bigotry or bias in the first degree when such person **maliciously**, and with **specific intent** to intimidate or harass another person [because of] **motivated in whole or in substantial part** by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person, causes physical injury to such other person or to a third person.*
- Implications?
- Higher burden of proof of intention beyond a reasonable doubt
- Not all inter-group crimes are hate crimes, not all expressions of animus are hate crimes





## IS IT ALWAYS ABOUT “HATE”?

- Nathan Hall: emphasis on hate can be “unhelpful”
- Hate a small part of a broader category of prejudice.
- Majority of perpetrators of hate crimes are not members of hate organizations
- CT statutes: “bigotry or bias”







## HATE CRIMES UNDERREPORTED

- FBI Uniform Crime Reporting: about 7,000/year average
- National Crime Victimization Survey-approx. 250,000/year
- Reasons?
- Victims may be unaware of definition, distrust of law enforcement
- Police identification of hate crimes
- Broad Patterns in FBI figures:
- Increase of 42% since 2014
- Majority of hate crimes target African-Americans, sharp increase in anti-Asian attacks;
- 2020-ADL: 3<sup>rd</sup> highest year



# CT STATEWIDE ARRESTS

Statewide Arrests <sup>1</sup> for Select Bias and Hate Statutes						
Calendar Years 2018, 2019, 2020, 2021 <sup>2</sup>						
Statute	Description	2018	2019	2020	2021	Count
46a-58(a)	DEPRIVATION OF RIGHTS	1	4	6	0	11
46a-58(b)	DESECRT PRPTY NOT HOUSE WORSHP	0	6	2	0	8
46a-58(c)	CROSS BURNING	0	0	0	0	0
46a-58(d)	IL PLACE NOOSE ON PROPERTY	0	0	0	0	0
46a-58(d)*	IL PLACE NOOSE-PROP DMG>\$1000	0	0	0	0	0
46a-58(e)(2)(A)	DESECRAT HOUSE WORSHP<=\$10000	0	0	0	0	0
46a-58(e)(2)(B)	DESECRAT HOUSE WORSHP >\$10000	0	0	0	0	0
53-37	ILL RIDICULE-RACE/COLOR/CREED	6	8	8	6	28
53-37a	DEPRIVATION OF RIGHTS WTH HOOD	0	0	0	0	0
53a-181b	INTIMIDATION BY BIGOTRY/BIAS	0	0	0	0	0
53a-181j	INTIMIDATE DUE TO BIAS 1ST DEG	3	5	15	0	23
53a-181k	INTIMIDATE DUE TO BIAS 2ND DEG	19	21	23	14	77
53a-181l	INTIMIDATE DUE TO BIAS 3RD DEG	10	10	15	0	35
53a-181l(a)(1)	INTIMDTE BIAS/BIGTRY 3 DAMAGE	0	0	3	9	12
53a-181l(a)(2)	INTIMDTE BIAS/BIGTRY 3 THREAT	0	0	4	7	11
Grand Total		39	54	76	36	205



# CT STATEWIDE CONVICTIONS

Statewide Convictions <sup>1</sup> for Select Bias and Hate Statutes						
Calendar Years 2018, 2019, 2020, 2021 <sup>2</sup>						
Statute	Description	2018	2019	2020	2021	Count
46a-58(a)	DEPRIVATION OF RIGHTS	0	0	0	0	0
46a-58(b)	DESECRAT PRPTY NOT HOUSE WORSHIP	0	0	0	0	0
46a-58(c)	CROSS BURNING	0	0	0	0	0
46a-58(d)	IL PLACE NOOSE ON PROPERTY	0	0	0	0	0
46a-58(d)*	IL PLACE NOOSE-PROP DMG>\$1000	0	0	0	0	0
46a-58(e)(2)(A)	DESECRAT HOUSE WORSHIP<=\$10000	0	0	0	0	0
46a-58(e)(2)(B)	DESECRAT HOUSE WORSHIP >\$10000	0	0	0	0	0
53-37	ILL RIDICULE-RACE/COLOR/CREED	4	1	0	0	5
53-37a	DEPRIVATION OF RIGHTS WTH HOOD	0	0	0	0	0
53a-181b	INTIMIDATION BY BIGOTRY/BIAS	0	0	0	0	0
53a-181j	INTIMIDATE DUE TO BIAS 1ST DEG	0	0	0	0	0
53a-181k	INTIMIDATE DUE TO BIAS 2ND DEG	4	0	1	1	6
53a-181l	INTIMIDATE DUE TO BIAS 3RD DEG	1	3	0	0	4
53a-181l(a)(1)	INTIMDTE BIAS/BIGTRY 3 DAMAGE	0	0	0	0	0
53a-181l(a)(2)	INTIMDTE BIAS/BIGTRY 3 THREAT	0	0	0	0	0
Grand Total		9	4	1	1	15



- *Final Comments*
- Very little research on effects (e.g., on deterrence) of hate crimes legislation and community-based interventions
- Unlikely a magic bullet: holistic approach
- Need evaluative component to Council recommendations

