

What We Can Do about Hate Crimes

By AMY LIN MEYERSON AND JUDGE DOUGLAS LAVINE



“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 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 12 years. The majority (60 percent) of victims of hate crimes were targeted because of their race, ethnicity, or ancestry—a 30 percent increase over the prior year. There was an increase of over 50 percent in attacks against members of the Asian American and Pacific Islander community and the Black community. Hate crimes based on religious bias constituted 15 percent of all hate crimes and crimes motivated by animus towards people based on their sexual orientation made up 13 percent 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 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”).¹

Created by state law under Connecticut Statute § 51-279f, the Council is responsible for encouraging and coordinating programs that increase community awareness and reporting of hate crimes to combat such crimes. It also is responsible for making recommendations for legislation concerning hate crimes, including recommendations on restitution for victims, community service designed to rem-

edy damage caused by any such crime, and additional alternative sentencing programs for first-time offenders and juvenile offenders.² 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, and includes several members of the Connecticut Bar Association.

The Council submitted its recommendations in the HCAC’s 2022 Annual Report (Report) to Governor Lamont and the Connecticut Legislature by October 1, 2022.

Summarizing the main recommendations and findings:

- 1** The main impediment for law enforcement to reporting and charging hate crimes is the ambiguous intent

standard in the Connecticut General Statutes. The Council recommends 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.

2 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 should 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 should also include a standardized lesson plan on hate crimes policing.

3 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

GET HELP NOW

Contact the Hate Crimes Investigative Unit of the Connecticut State Police at hate.crimes@ct.gov.

Call your local police or 1-800-CALL-FBI or submit a tip at tips.fbi.gov.

You can submit a tip anonymously.

or patterns that can inform resource allocation or community outreach and shared with a university-based research and data analysis unit.

4 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 concerning hate crimes that include 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.

5 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.

6 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 Report provides "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."³ All of the Council's recommendations are detailed in the Report and 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.

The Council wishes to acknowledge and thank UConn Law School Associate Dean Richard Wilson for supervising the compilation of the Report and chairing the HCAC Annual Report Drafting Committee.

Please visit the HCAC website at <https://portal.ct.gov/hatecrimes> for more information. We welcome any questions or

Continued on page 40 →

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Continued from page 33

comments you may have, including suggestions on how “[t]ogether we can identify and implement effective ways to fight hate crimes in Connecticut and lead the way to a safe and more inclusive United States of America.”⁴ ■

Amy Lin Meyerson, the 2020–2021 president of the Connecticut Bar Association, and **Judge Douglas Lavine**, Trial Judge Referee, are the co-chairs of the Connecticut Hate Crimes Advisory Council.

NOTES

1. 2022 Annual Report, The Connecticut Hate Crimes Advisory Council, <https://portal.ct.gov/hatecrimes/-/media/CT-Hate-Crimes-Advisory-Council-Annual-Report-FINAL-93022.pdf> at 3.
2. Written Testimony of Amy Lin Meyerson, Esq. as Co-Chair of the Connecticut Hate Crimes Advisory Council In Support of Raised Bill SB217, March 3, 2022.
3. HCAC Annual Report at 4.
4. HCAC Annual Report at 39.

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Free Speech

Continued from page 16

18. *Cobb*, 2018 WL 587315, at *9.
19. *Palmer v. Brook & Whittle Ltd.*, No. NN-HCV146049093, 2017 WL 1239646, at *3 (Conn. Super. Ct. Mar. 2, 2017).
20. *D’Amato v. New Haven Bd. of Educ.*, No. CV196091032S, 2020 WL 1656202, at *9 (Conn. Super. Ct. Mar. 2, 2020).
21. *Weinstein v. Univ. of Connecticut*, No. HH-DCV116027112S, 2021 WL 2446339, at *15 (Conn. Super. Ct. May 18, 2021).
22. *Trusz*, 319 Conn. at 202.
23. No. 378772, 2000 WL 726839 (Conn. Super. Ct. May 10, 2000); aff’d on other grounds 71 Conn. App. 835 (2002).
24. *Id.* at *3.
25. *Id.* at *5.
26. No. NNHCV176067843, 2017 WL 5243854 (Conn. Super. Ct. Oct. 10, 2017).
27. *Id.* at *2.
28. *Id.*
29. *Id.* at *3-4.
30. *Zelnik v. Fashion Inst. of Tech.*, 464 F.3d 217, 225 (2d Cir. 2006), cert. denied, 549 U.S. 1342 (2007).
31. *Browne*, 2017 WL 5243854, at *3-4, note 8.
32. *Browne*, 2017 WL 5243854, at *4.
33. *Browne*, 2017 WL 5243854, at *3.
34. No. HHDCV116027112S, 2018 WL 2222131 (Conn. Super. Ct. Apr. 25, 2018).
35. *Weinstein*, 2018 WL 2222131 at *1-2.
36. *Id.* at *6.
37. *Id.*
38. *Id.* at *7.
39. *Id.*
40. As of this writing, the case, which is captioned *Chamber of Commerce, et al. v. Bartolomeo et al.*, No. 3:22-cv-01373, is currently pending in federal District Court for the District of Connecticut. With their lawsuit the U.S. Chamber of Commerce, the Connecticut Business and Industry Association (“CBIA”) and other plaintiffs allege that Public Act 22-24’s amendments to Section 31-51q violate the First and Fourteenth rights of Connecticut employers and that the provisions relating to captive audience meetings are preempted by the National Labor Relations Act. The case raises a whole set of critical Section 31-51q questions that are beyond the scope of this article.

Book Review

Continued from page 19

- stable mental health and became more involved in politics after 1854.
3. See, for example, John Ford’s treatment of Ann Rutledge in his award-winning movie “Young Mr. Lincoln.”
 4. Donald’s title reverses that of Herndon’s own biography of Lincoln, *Herndon’s Lincoln*.
 5. Slaughter, Thomas P., “Towering Terma-gant,” *Reviews in American History*, Vol. 49, No. 3 (2021), pp. 429-434.
 6. *Id.* Revisionist history is seen in John Y. Simon, “Abraham Lincoln and Ann Rutledge,” *Journal of the Abraham Lincoln Association*, Vol. 11, No. 1 (1990).
 7. See Burlingame, *supra*, note 1.

Wellness

Continued from page 37

NOTES

1. The men’s first place finisher in 2021 finished the race in 21 minutes and 23 seconds, running on average each mile in 4 minutes and 30 seconds. <https://results.raceroster.com/en-US/results/detail/32c3jgw5n9g-p6x9>
2. My 2018 full course marathon time was 3 hours and 53 minutes. A mere 1 hour and 35 minutes behind the race winner (who completed the race in 2 hours and 18 minutes).
3. www.webmd.com/fitness-exercise/how-running-affects-mental-health

President’s Message

Continued from page 5

We are hoping to raise funds that would benefit our Special Olympics Connecticut athletes by having a friendly competition between our section and committee members. Keep an eye out for more details as the new year unfolds. We can work together in 2023 just like a World Cup soccer team to achieve our GOOOOOOOOAAAAAAAAALL! (I couldn’t resist!) . ■

NOTES

1. Legendary soccer star Pelé passed away on December 29, 2022, at the age of 82.



Member Benefits

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