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Collecting Data On Bias-Related Incidents In Connecticut

Connecticut Advisory Committee To The U.S. Commission On Civil Rights

This summary report of the Connecticut Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of

the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual

participants in the community forum where the information was gathered.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the Civil Rights Commission Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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Connecticut State Advisory Committee to the
U.S. Commission on Civil Rights

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UNITED STATES
COMMISSION ON
CIVIL RIGHTS

1121 Vermont Avenue, N.W.
Washington, D.C. 20425

DATE: September 25, 1987

FROM: Connecticut Advisory Committee

RE: Collecting Data on Bias-Related Incidents
In Connecticut

TO: Clarence M. Pendleton, Jr., Chairman
Murray Friedman, Vice Chairman
William B. Allen
Mary Frances Berry
Susan J. Prado, Acting Staff Director

Esther G. Buckley
Robert A. Destro
Francis S. Guess
Blandina C. Ramirez

Attached is a summary report of a forum held by the Connecticut Advisory Committee in Hartford on June 18, 1987. The purpose of the forum was to follow up on the Commission's interest in legislation calling for the collection of statistics on racially or religiously motivated incidents. In this forum, the Advisory Committee heard from the cosponsor of a law passed the previous week, the State police unit commander initiating a study on how to implement the new law, the head of the Connecticut Commission on Human Rights and Opportunities, who advocated the State law and who testified in favor of similar Federal legislation, and the Connecticut ADL chief who first approached the State legislator about sponsoring a data collection law for Connecticut.

During the forum, the Advisory Committee learned that actual collection of data will begin July 1, 1988, after questions related to determining motivation and defining bias-related incidents are better resolved. Some problems were aired with the Advisory Committee. Training will have to be carried out, and funding appears needed by next July to support local police jurisdictions expected to report incidents to the State Police. The Advisory Committee also heard about the uses to which the collected data will be put, including how the data can point to the need for specific agencies to join police agencies in combatting prejudice.

When the Commission first surveyed racial and religious violence and bigotry in the early 1980s, the Connecticut Advisory Committee held a factfinding meeting on the topic and submitted **Hate Groups and Acts of Bigotry: Connecticut's Response** in 1982. We are hopeful that this report will prove similarly useful to the Commission at this time of renewed concern about bigotry.

James H. Stewart, Chairman

Arthur C. Banks, Jr.	Donald Kagan
Luis R. Diaz	Sidney Laibson
Ivor J. Echols	William E. McClane
W. Wendell Gunn	Nicholas Wolfson

COLLECTING DATA ON BIAS-RELATED INCIDENTS IN CONNECTICUT¹

In 1982, the Connecticut Advisory Committee submitted a report to the Commission entitled **Hate Groups and Acts of Bigotry: Connecticut's Response**. The present summary report is based on a forum held on June 18, 1987, regarding subsequent developments.

Testimony in 1980 U.S. House Hearings, 1987 State Hearings

Mr. Arthur L. Green, Executive Director of the Connecticut Commission on Human Rights and Opportunities (CCHRO), noted that the CCHRO testified in 1980 before the House subcommittee chaired by U.S. Representative John Conyers, Jr. about collecting data on racially and religiously motivated hate incidents. The testimony was based on hearings which the CCHRO itself had held in Danbury, Norwalk, Bridgeport, and Hartford during November and December, 1979. As a result of its own hearings, CCHRO recommended in its April 1980 report that a unit be set up in Connecticut to collect statistics on incidents.

Mr. Green expressed his opinion that, if similar hearings were to be held in Connecticut today, he would expect similar findings. In any case, he recently testified in the Connecticut General Assembly, recommending that data be collected. Mr. Green also noted that in July 1987, the International Association of Official Human Rights Agencies would be considering a number of papers also urging that national, state, and local governments cooperate in the collection of such data.

ADL National Audit and Advocacy in Connecticut

Mr. Scott M. Feigelstein, Regional Director of the Anti-Defamation League (ADL) of B'nai B'rith in Connecticut, began his remarks by describing ADL, its national monitoring of anti-Semitic incidents, and ADL's interest in the development of legislation calling for the systematic collection of data on bias-related incidents. The

¹This report is based on the official transcript of the forum which is on file in the Eastern Regional Division office.

ADL was founded in 1913 and has grown from its national headquarters in New York City to include 31 offices across the nation, one in Jerusalem, one in Paris, one at the Vatican, and affiliated offices throughout Central and Latin America.

According to Mr. Feigelstein, the ADL maintains the largest depository of human relations resource materials in the U.S. and monitors anti-Semitic incidents around the country. The ADL's latest annual national audit showed a recent decline of 7 percent in incidents of anti-Semitism, or a drop from 638 in 1985 to 594 in 1986. The total is on the conservative side since any questionable report is not included in the tally, he said.

Mr. Feigelstein went to to observe that to count incidents committed against Jews as well as persons of other ethnicities, races, or religions, U.S. Representative Barbara B. Kennelley of Connecticut introduced a bill in 1984 calling for the Federal Bureau of Investigation to collect such data. Though it did not pass then, Representative Kennelly and others are continuing to press for approval of the legislation. Mr. Feigelstein said that several years ago within Connecticut, he discussed the problem of bias-related incidents with State Representative Miles S. Rapaport who eventually introduced legislation co-sponsored by State Representatives Eric D. Coleman and Reginald Beaman.

New State Data Collection Law

Representative Rapoport said that he attended a conference last summer focussed on the Ku Klux Klan's activities around the country and in Connecticut and on measures that could be taken to combat the problem. The ADL's local recommendations and the conference recommendations about monitoring the Klan coincided. He added that exactly what trends may be reflected by various incidents remained unclear and that without reliable information it is difficult to devise effective public policy. The information gap has also triggered a debate at the national level between various or-

ganizations and the U.S. Department of Justice about whether incidents are increasing or decreasing, observed Representative Rapaport.

Consequently, he involved Representatives Coleman and Beaman in introducing a bill initially calling for setting up a police unit to collect data on incidents. However, after a review of similar legislation in Maryland, Pennsylvania, and California, the co-sponsors revised the bill to provide a planning grant of \$15,000. The funds would enable the Connecticut State Police to examine how similar legislation is being implemented elsewhere. Representative Rapaport noted that his bill found broad support in public hearings, unanimous approval in the House Public Safety Committee, passage by a 34 to 5 vote in the House Appropriations Committee, unanimous approval in the full House, and no discussion in the full Senate. The week before the forum, on June 12, 1987, Governor William A. O'Neill signed the bill into law.

While the law assumes that a study will be done by the State Police, they are "not determining whether it is feasible to monitor. The State Police will monitor beginning July 1, 1988. . . . The study is how to do it, not whether to do it . . . [and] the planning is to determine what the best way to do it is," Representative Rapaport explained. He added that "I think we'll be able to find out through the operations of the bill how serious . . . hate crime [is] in Connecticut, whether it's going up or down, and as a State take appropriate steps."

He emphasized that the law requires that the information be made public through reports which can be used at the State, regional, and city levels. At the same time, the State Police were chosen "precisely because there's already a reporting system" in which local police jurisdictions report on a variety of crimes to the State Police, and the latter report them to the Federal authorities.

Connecticut State Police Preparing for Data Collection

Lieutenant Raymond Watrous, the Commanding Officer of the Criminal Investigations Unit of the Connecticut State Police, stated that just the week of the Forum he was assigned to oversee implementation of the study to develop the data collection system. He also reported that the State Police were in the process of hiring a consultant to examine the laws of Maryland, Pennsylvania, and California and to survey the facilities of the Connecticut State Police in order to advise Connecticut as to what would be needed to produce reliable information and data. The consultant would also be expected to help develop a workable definition of what constitutes a religious, ethnic, racial crime (RECR) incident.

From that point, responsibility for implementing the next stage will probably pass from the Criminal Investigations Unit to the Crimes and Traffic Analysis Unit, which performs the functions related to issuance of the Connecticut Quarterly Crime Statistics Report (see Attachment A.) Every three months, 101 local police departments are required to submit to the State Police a tabulation of the various crimes that occurred in their jurisdictions. Lieutenant Watrous said that the Quarterly Crime Statistics Report instrument would probably be modified to collect the new statistics on bias-related incidents.

Issues Under Review

Lieutenant Watrous also mentioned that a problem alluded to in studies done in Maryland, Pennsylvania, and California involves the need for training the community at large, police, and State and local legislators about what constitutes bias-related incidents. He anticipated that this task would be costly and time-consuming. "We can tell you we have a lot of assaults in Connecticut, but we cannot tell you the type it is. Motivation is a very, very difficult thing to establish," he stressed.

Another issue which Lieutenant Watrous foresaw was the need for additional legislation to give financial support to local police jurisdictions. It was his understanding that the Chiefs of Police are in support of the collection of the information, he said, but they are not actually responsible for collecting it. Moreover, it will not "be ably done with the present funding. . . . We need additional funding simply to print the forms, train the people in the use of the forms, train the people to recognize the incidents, the submission of the forms, the compilation and then the printing of the forms. . . . [W]e'll know how much [funding is needed when the \$15,000 planning] study is done."

Determining Motivation and Defining Bias-Related Incidents

On the question of motivation, Mr. Green stated that "you cannot look for a smoking gun if you are to make any judgments about discrimination and prejudice and bias . . . but you will find what we believe to be information, data, witnesses' statements from which you can draw reasonable and logical inferences." Without going into specific cases, Mr. Green stated his impression that courts have held that "since, you are not going to find, by and large, a lot of people admitting to discrimination . . . we have to be permitted to draw reasonable inferences and our inferences are held up in court. So I would think that the same general principle might apply here, that the analyst, the person looking at this information in these reports, these data, would draw an inference as opposed to looking for confessions and admissions and what I call a smoking gun."

A question was raised as to whether a slander or libel suit might be filed if a person is characterized as an anti-Semitic burglar or a racist burglar rather than simply a burglar. He said that the data would be aggregated, for example, the total of incidents over the course of three months or a quarter of a year. He did

not expect that the Connecticut Quarterly Crime Statistics Report would also list the alleged perpetrators of an incident. Lieutenant Watrous said that the hypothetical question had not occurred to him and it is now a concern to be considered.

On the development of a definition for a bias-related incident, Representative Rapaport stated that his colleagues and he would monitor the process. He noted that the New York City Police Department has a special unit assigned to investigate incidents and that an article circulated by the New York City Police Chief describes how successful their operations have been. While Mr. Green expressed his opinion that a definition employed in Maryland might be broader than one employed in Connecticut, he also said that it does not follow that there should be no national policy requiring a Federal agency to collect data. On the contrary, Federal guidelines for a definition can be generic so as to allow for diverse applications at the state level. There are already guidelines for various Federal laws which permit local differences within a national set of standards, he maintained. He repeated that he has favored national legislation and further stated that he presently favored the bill proposed by U.S. Representative Kennelly.

Uses of Data

Lieutenant Watrous said that the data eventually produced by the system should allow officials to "make some projections as to how the communities are going in general. For example, "If you see a problem developing, a sudden increase in RERC incidents in an area," he suggested that it might be time for local officials to devise a broader community relations approach to the situation rather than solely a law enforcement or police approach. Mr. Feigelshtein offered an example of what a community organization can do. Several years earlier, the ADL noticed an outbreak of incidents against Jewish institutions and individuals in an isolated community. The ADL met with the leadership of the Jewish institutions

and recommended measures to safeguard their properties and the individuals there. In like fashion, the ADL would meet with educators, if the data collection pointed to problems in the schools, and with others depending on what the data show.

At the close of the forum, the Advisory Committee voted unanimously to submit a report of the forum to the eight Commissioners of the U.S. Commission on Civil Rights.

