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MEETING OF THE CONNECTICUT ADVISORY COMMITEE

to the

UNITED STATES COMMISSION ON CIVIL RIGHTS

June 18, 1987

4:15 O'Clock p m.

Seminar Room

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Regional Director,
Anti-Defamation League of B'nai B'rith

MILES S. RAPAPORT,
District 18 Representative,
State House of Representatives

A p p e a r a n c e s (Continued):

LT. RAYMOND WATROUS,
Commanding Officer,
Criminal Investigations Unit
Connecticut State Police

THE CHAIRMAN: We have a couple members who won't be with us this afternoon so we will proceed with the group that's here.

I'm happy to have all of you here. I understand that the order on the agenda is the order in which you wish to address the Committee. Why don't we turn it over to these gentlemen and each of you will make your presentation and then we'll ask questions afterwards.

MR. FEIGELSTEIN: Thank you very much, Mr. Chairman.

It's my purpose this afternoon to give you a brief overview of the Anti-Defamation League's efforts in monitoring active anti-Semitism and how that effort has evolved into a larger issue of crimes motivated by racial or religious bias perpetrated against Blacks, Hispanics, Asians and other ethnic and religious groups in the State of Connecticut and, for that matter, throughout the United States.

Let me just first give you a brief background on ADL. We were founded back in 1913 and today, in 1987, we have national headquarters in New York City and 31 professionally-staffed offices across the United States, an office in

Jerusalem, an office in Paris, an office at the Vatican and affiliated offices throughout Central and Latin America with Human Rights operations that exist down there.

Today we are the largest depository of human relations resource materials in the country. It is our effort and our hope to try and cut down on adolescent prejudice directed against all groups. We recognized early on, from 1913 to the present, that the rights of all minority groups are intertwined; that if you deprive the rights of one group, you deprive the rights for all people.

It is with that in mind that we have through the years with commission surveys to monitor the scope and level of anti-Semitism incidents that are reported to our regional offices across the country. We have compiled, analyzed and disseminated a report that is collated from all regional offices to our national office research department every year and in 1987 we saw a seven percent decline in the incidents of anti-Semitism. Now, that sounds very dramatic but we are still dealing with several number of hundreds of incidents of anti-Semitism. We're

talking about assaults against individuals who happen to be Jewish. We're talking about the graffiti and swastika, if you will, of Jewish institutions owned by private individuals as well as synagogues and the like. So this is where our data comes from.

We err on the side of the conservative in compiling our data. If, for example, an incident is questionable, whether or not motivational or whether in fact it bears the traditional earmarks of an anti-Semitic incident, we do not include it so that when we speak out and say that we have X number of incidents, we speak with credibility. It's with this background we are reminded that Congresswoman Canelli, several years back, sought to introduce legislation at the federal level that would broaden our efforts into a national effort to have information not only on anti-Semitism incidents, but on incidents that are predicated on racial, ethnic or religious bias. Unfortunately, that legislation didn't come to pass into law and I understand that she and other representatives in Congress are attempting to implement such legislation in the coming session.

My concern as the Regional Director

for the State of Connecticut is ADL's program in microcosm here in the state and it is with that in mind that a couple years ago Representative Rapaport and I got into a conversation relative to anti-Semitic incidents and then in the course of our discussion on incidents that are being perpetrated against other groups as well and out of that discussion came the proposal from Representative Rapaport and co-sponsored by Representative Coleman, the legislation, which was 5993, an act establishing state police functions to monitor all crimes motivated by racial, religious or ethnic bias.

I was contacted by the United States Civil Rights Commission several months back before our bill was introduced and asked in light of Howard Beach, in light of harassment against Blacks, what is the state of racial, ethnic and religious bias in Connecticut? Are there similar incidents? I think the individual who contacted me was trying to find if in fact there was a pattern emerging or were these in fact just isolated incidents around the country.

The best answer I could give was that nobody really knows because nobody else, to

my knowledge, compiles statistics along the lines of the way ADL did in its annual audit of anti-Semitic incidents and therefore, we felt that there was a need for legislation of the type that Representative Rapaport and Coleman introduced that was ultimately signed into law by the governor.

I think at this point I'm going to turn my portion of the program over to Representative Rapaport and he can talk about the evolution of the legislation.

MR. RAPAPORT: My name is Miles Rapaport and I represent the 18th District of Connecticut which is West Hartford. I became interested in the legislation after really two things happened. One was a conversation I had with Scott back, probably, two or three years ago on the possibility of this kind of legislation. Secondly, I attended a conference last summer that was about the activities in the Ku Klux Klan, nationally and in Connecticut and some steps that could be taken. What I discovered is that those two, that the recommendations from the ADL as far as this area, and the recommendations involving the monitoring and attempting to combat the Ku

Klux Klan, were really identical. That was that there is a lack of information on what the real trends are. So we ought to have, in order to make effective public policy in this area, a basic understanding of what kinds of racially or religiously motivated incidents and crimes are taking place in Connecticut. Are the numbers going up or down?

The answer is, we get asked that all the time. I'm sure it's been a major debate at the national level between similar organizations and the Justice Department, reaching into The New York Times, about whether our racial incidents are increasing or decreasing. A lot of the argument is based on where you are coming from initially as opposed to based on hard data. I know there have been incidents in various cities and towns in Connecticut over the last two or three years which were -- either were religiously motivated anti-Semitic incidents and in some cases were not, but the information about that is largely anecdotal. You read something in the paper, something happened in Trumbull, something happened in Greenwich, something happened in West Hartford, and people either read about it or

didn't read about it, but there isn't really any place where you can go and say, "Okay. In 1987 this is what happened. In 1986 this is what happened." There appear to be activity in certain regions of the State, et cetera. It's just not there.

So I discussed this with Eric Coleman who is the Representative from Hartford and Bloomfield -- and hopefully he will be here also today -- and we decided we could co-sponsor a bill. A third Representative, Reginald Beaman, from Waterbury also was a co-sponsor.

The bill was put in initially to require the establishment of the unit. What we realized as we went through was that it's not something that you can just sort of jump into; it requires a study of how to do it most effectively. This legislation has been passed in three other states, Pennsylvania, Maryland and California. California actually may have done essentially what we did, just adopt a plan of study. There's a big book that California has. So what we ended up doing was changing it to give both the authority and a small planning grant of $15,000 to the State Police to look at what's been done in other

states, what the plans are.

I think our experience was very positive. The bill sort of sailed through. It got broad support at public hearings. It went first to -- it went to two committees, it went to the Public Safety Committee as the committee that deals with matters of the State Police where it was passed unanimously with strong support from both the House and Senate. Then, since it had a dollar figure, it had to go the Appropriations Committee and it went there and there was some opposition in the Appropriations Committee. A number of representatives sort of took the position, "You know, you're never really going to be able to know what's a crime of bias and what isn't." I can only assume that their logic was "Therefore, why try." There's a gap there that I don't follow.

There may be some gray areas in the reporting, so many incidents that are definite and so many that are not incidents of this kind and so many that we're not sure of, but that's something to know also. So that opposition was overcome and I think the vote in the Appropriations Committee was about 34 to 5. Then the bill went to the

floor where it passed the House unanimously and went to the Senate. So there was no discussion. The House talks a little more; the Senate goes more quickly and smoothly. And the governor signed the bill into law, I think, on June 12th. And there may be a more official signing when the bill is ultimately placed.

What the bill ultimately requires -- and I do have the file copy of the bill with me -- is that we straddle a little bit between going ahead and doing it and, on the other hand, just studying it. One of the things that occasionally happens in the legislative process is that if you don't want to really do anything, then you study it and after the study is done, nobody remembers. This bill was actually originally proposed by the Human Rights Commission in 1980 after a study. Several people have asked me,"How come they didn't pass it earlier?" and I said "I don't know." But sometimes it just needs somebody to pick up the ball. So what the bill does is say that as of July 1, 1988, which is the start of the following fiscal year, so that we will have time to put money in the budget in the next legislative session, the State Police will monitor.

The State Police are not determining whether it is feasible to monitor. The State Police will monitor beginning July 1, 1988. And what the study is is how to do it, not whether to do it.

We wanted to put the onus on the police that this is going to happen. This is something the legislature wants done. We want you to figure out the best way. We do not want you to come back and say, "Well, we've decided it's not necessary. We've decided it's not feasible." It is necessary, it is feasible. The planning is to determine what the best way to do it is.

So I know I've talked to Scott already and what we will be doing is once the consultant -- Eric and I and I am sure Scott and other anti-racism groups and other groups that are interested in the bill will be meeting with the State Police to find out how things are going. So then what we did is we put a mechanism in place and it's going to take a little while before it really kicks in, but we know it's there and I think we'll be able to find out through the operation of the bill how serious are the problems of racial or religious or any kind of hate crimes

we have in Connecticut, whether it's going up or down and as a state take appropriate steps.

The bill mandates that the information be made public. So it's not something that will just collect dust. There will have to be periodic reports which can be used not only at the state level but if the city wanted to do something or a region wanted to find out what the problem is to take steps, they could do so.

I think it's a pretty strong bill but I think at the same time it is reasonable in what it mandates. It doesn't lead into something that will be done half-way. It says to the State Police, "We want you to do it in a good manner," and I'm sure the Lieutenant will take it from there and tell us what their plans are. We will be monitoring it. It's not the type of thing we want to say, "Well, here it is and we'll see you later." We want to make sure it's done properly.

Thank you.

LT. WATROUS: I'm Lieutenant Raymond Watrous and I'm with the State Police Criminal Intelligence Unit out of Meriden. I was asked this week by Colonel Forrest to oversee the implementation of the study for development of

this monitoring collection of information pursuant to this bill.

As Mr. Rapaport said, we are in the process now of hiring a consultant to give us some idea, to look at the laws of Maryland and Pennsylvania and California, to take a look at our own facilities and tell us what we need back from the legislature, what we need back from the State and what support in terms of funding, what kind of problems we're going to have for the implementation of the law so that we can do an accurate and satisfactory printout.

One of the things we're going to have to do right up front, we understand, is to develop a definition, a workable definition, of what constitutes a religious, ethnic, racial crime incident, RERC incident. So that will be one of the crime responsibilities of the consultant, to give some kind of a workable definition so that whatever incidents we get in, be it one in one thousand each year, we can in some way look back and say, "This fits some sort of mold," and take a good look at it.

From that point, the Criminal Intelligence Unit will probably not be the unit to

handle this. We are an investigatory unit. Many years past, the State Police Departments split off and now we have data and information units who are very adept in handling these types of tasks. The unit that will probably handle the law is the Crimes and Traffic Analysis Unit at the State Police Department in Meriden. They currently have in place the vehicle for collection and dissemination of this type of crime in the Connecticut State Police Quality Crime Statistics.

What happens there is every three months the local police departments in the State are charged to submit to the State Police Department a broad package of crimes and definitions that occurred in their jurisdiction over the preceding three months. Then we publish that quarterly for the State, including the governor and the legislature. So we will probably seize upon that vehicle and with some modification of the collection procedure, institute an addendum to the Quality report.

One of the problems I have seen in reading the studies done in California, Maryland and Pennsylvania is the sensitation training of the community at large and the police officers and

the administrators, both police administrators and local and State legislator administrators, to RERC incidents. That is probably going to be one of the most costly and time-consuming tasks.

Data collection probably will not -- well, it's not going in until after January 1st. We presently have no workable data base for any kind of qualitative or quantitative analysis. We can tell you we have a lot of assaults in Connecticut but we can't tell you the type it is. Motivation is a very, very difficult thing to establish.

The lawyers here on the Committee know that what's in somebody's mind when they do something is probably the most difficult thing to establish when you are trying to convict somebody of a crime. It's even more difficult to establish when you have an incident, which you don't have in most cases, any inclination of who perpetrated the crime. You have to have some kind of criteria of determining what the mindset of the individual is at the commission of the crime.

Again, I've only been on board here a week with this, but it's my understanding from our legislative unit that the Chiefs of Police

have given us a nod of support in the collection of the information as the law goes through. But what I perceive down the road is some additional legislation that will give them support locally because they're going to have to spend some money as well. It's not going to be ably done with the present funding as such. In this day and age, all those funds are very specifically allocated. Whether or not there is a special unit created by the State Police Department is really academic. 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. That's all going to take extra funding but that will all be done. I think we'll know how much by the time the study is done.

THE CHAIRMAN: Thank you, Lieutenant.

Mr. Green, you've arrived just in time. These gentlemen have been kind enough to give us an update as to the legislation and the proposal to implement that by the State Police. So would you care to address the Committee now and

questions that the Committee members might have will be after you complete your portion.

MR. GREEN: Thank you.

I tend not to repeat or duplicate what my colleagues have said. I know them all and pretty much know what their views are.

The Connecticut State Commission on Human Rights had occasion at the request of Congressman Collier in 1980 to testify before his subcommittee at Congress on a similar topic, a bill coming before Congress at that time. That piece of legislation at that time did not quite go through and there have been subsequent attempts to pass at the federal level laws requiring the collection of data involving racial violence.

The Connecticut Commission reported to that subcommittee through myself that we had conducted in our State four public hearings, four fact-finding public hearings, on the subject. We issued our report and they took the recommendations to the legislature and the governor and the State Police at the time. We recommended in that report -- I have a copy with me for your file -- we recommended at that time, about five years ago, that a unit be set up to

collect such information about the incident, scope and nature of, character of, violence, hate, the literature, statements, any kind of markings on buildings, synagogues or churches. We thought, and still do, as I testified more recently on the legislation in the Connecticut General Assembly, we feel that such collection might aid public official law enforcement people and legislators to develop proper public policy and guidance to our community.

For example, at the local level, most of the community leadership don't really have a good objective handle on the nature of the problems and scope of it, violence and hate and the expression thereof. Certanly the case that if the local organization, voluntary Civil Rights kinds of groups, would work more cooperatively with the local law enforcement officials, they would need such data and such public officials such as ourselves, would need the data to report more accurately. The media, for example, sometimes tends to report on the incident or the scope of the problem and oftentimes does not do a good job because they, too, do not have adequate information. So there's a real need to have a

centralized source, a place where one could go for information and feel that it's fairly reliable.

Practically the best, in my judgment, effort to collect such data on a national level, the U.S. Civil Rights Commission used to -- at its national level -- used to collect such data and disseminate it through its various reports. That has fallen off a bit, in my judgment.

My colleagues around the country, the 150 or so state and local Human Rights Agencies -- we have an organization where we meet annually and quarterly; we're about to meet this year in July in New York City, our annual meeting. Before our organization there will be a number of position papers for our consideration urging that national, state and local governments cooperate in the collection of such information on a national level. We all need to know more about what's really going on and I'm emphasizing the making of advocate, proper, intelligent public policy on the subject because too often our various statements about violence and the incident of it is struck with rumor and hearsay and can very easily lead to contra-productive behavior on all our parts.

We're stongly in favor of not just legislation that was recently passed -- and I congratulate you on that -- but we really want to see it implemented. I do think the previous speaker's comments were well taken. At some point we've got to also bite the bullet and spend money to make the thing work.

THE CHAIRMAN: Thank you, Mr. Green.

Any of you have anything for the gentleman?

MR. LAIBSON: Well, first of all, I would like to commend Scott Feigelstein, Mr. Green, Mr. Rapaport and Lieutenant Watrous and anyone else involved in initiating and moving this thing forward. I congratulate them for having this legislation in effect. I think this could be a good start.

There's a number of questions I have. There's been a minimum amount of funding set aside for this next fiscal year on this particular project and you say it will be monitored as of July and yet you say it's going to be studied as of July.

LT. WATROUS: The bill was enacted as of July 1, 1987. Although I'm working on it

now, effectively I have a one-month jump or a halr-a-month jump on it but the actual legislation doesn't come until July 1st. By January 1, 1988 we are charged to have the vehicle in place to monitor and record and report.

MR. RAPAPORT: Just a small correction. The bill, as it finally passed, was July 1st, 1988. We have one year, effective next year. The specific reason for that was that that's the beginning of the following fiscal year so if there's a need for more money, then they come to the State General Assembly.

MR. LAIBSON: So there's not going to be any monitoring done as of this July?

MR. FEIGELSTEIN: The study is to get the software implemented properly so that it will work and that entails going to those states that have already implemented it. It's a question of getting definitions in place properly, it's a question of training local law enforcement officials and getting cooperation in place so that we won't have a bill adopted and nothing happening. This way we will have all the groundwork laid before the bill is actually implemented.

MR. LAIBSON: Which is July 1988. So you'll have a year to get all the tools in place?

MR. FEIGELSTEIN: Right.

MR. LAIBSON: This, of course, only involves the State of Connecticut and the State Police. It does not involve municipalities, or does it? In other words, if there are racially motivated incidents involved, say, in the City of Hartford, does the State Police get involved with that?

LT. WATROUS: Not per se, unless asked to investigate. As I say, what probably is going to be needed is some kind of legislative backing for the municipalities so that they can justify the allocation of funds for the same type of program. In other words, we are going to have forms that we use for spousal abuse and domestic violence. We have a massive and very effective reporting system in place for our barracks and the towns that we cover.

The quarterly crime statistics come in not only from our units but they are sent to us from the business units of the local police departments. This is a vehicle that will probably

ultimately be redesigned to capture the RERC incidents. This quarterly crime report that the local police departments already submit to the State Police Department, it's going to take some sort of modification. I think that's what they have in mind. It will probably be the only State agency that has a regular infeed from all local police departments of any sort.

So, again, I've worked in that unit but it's not my bailiwick right now.

THE CHAIRMAN: Are you going to educate the local police?

LT. WATROUS: Again, this is what we're going to find out, what is needed. One of the problems that other states have is it's a massive amount of training necessary, training and sensitation to first of all teach a police officer or teach a citizen what is a racial, ethnic, religiously-motivated crime and both the PIE and the law enforcement level education, both are going to take some money.

THE CHAIRMAN: Did not most of your information come from local police?

LT. WATROUS: Yes.

THE CHAIRMAN: If they're not geared

up for definition and application of this statute, how are you going to get your information?

LT. WATROUS: They're going to have to be trained.

MR. RAPAPORT: Just briefly to add on that, the bill states that the monitoring system will be developed in conjunction with local municipal police departments. It is precisely conceived that the municipal departments will have to monitor this and report it. The reason that the State Police were chosen to be the repository of the information -- you know, there could be another government agency chosen -- was precisely because there's already a reporting system that goes to ultimately the federal law enforcement on a variety of crimes that start with the local police and goes to the State Police and up. The idea is to feed this into that.

MR. LAIBSON: Are you saying that the local police must report crimes of this incidence to the State?

LT. WATROUS: They are reporting crimes which occur within their jurisdiction to the State.

MR. LAIBSON: It's required that

they submit those reports?

LT. WATROUS: You've got me. Whether it's required, it's done.

MR. FEIGELSTEIN: It's done quarterly for a variety of categories of crimes. It was our intention initially, since there is a reporting mechanism in place from the municipal to the State agency, to add another category to those quarterly reports and just train them initially what to look for through those categories.

LT. WATROUS: Here's a copy of the crime report we publish quarterly. These are just a variety of forms submitted by the local police departments and our analysts, we file them and put them together.

THE CHAIRMAN: So you're just going to add a category?

LT. WATROUS: It's not that simple. This will become the vehicle but someone is going to have to train and decide what is an RERC incident. Then we are going to have to train officers and citizens and people in general that there is a difference between an assault and an RERC assault. Then we are going to have to have that reported on some sort of a form. That in

turn will have to be looked at by our own analyst and a determination will have to be made just for the purity of data. Does this, in fact, fit the guidelines? If there's a question, the incident may have to be looked at.

MR. FEIGELSTEIN: Usually it's more clear-cut with the synagogues to analyze what the motivation is but there's been assaults on churches in the past year-and-a-half in a number of communities and not all of them have necessarily been religiously motivated. Some have just been for the purpose of stealing the silver whereas with the others there have been religious motivations. So it's going to take some initial training but it's something that's being done in other locations. We're going to look to those locations where it's been successful and perhaps we can extrapolate the best of what they are doing.

THE CHAIRMAN: Mr. Green, you've had considerable experience in this area. What would be a kind of definition for an incident that is racially motivated as opposed to a simple assault?

MR. GREEN: Well, as we behave in the Civil Rights law enforcement business, it's

very clear that you cannot look for a smoking gun if you are to make any judgments about discrimination and prejudice and bias. You're not going to daily find that. You won't find hard-core evidence but you will find what we believe in our job to be information, data, witnesses' statements from which you can draw reasonable and logical inferences.

I would hope that the guidelines that the State Police analyst would use to make a judgment would be broadly interpreted and applied as well as hope that the analyst would be so sensitive to what he or she is looking at so that you can draw a reasonable inference. If you draw guidelines, for example, as we do in our work that are rigid, we don't get the kind of response we really should.

For example, I just left a meeting -- the reason I'm late -- Hispanic leadership in the City here, regarding the reported incident of Rocky Hill. If you looked at the Hartford Courant in the last few days, you've seen an article where it's alleged that the Rocky Hill Town Council and the local police department are at odds -- an interesting relationship

there -- at odds over whether or not there's racist atmosphere within the town and/or the police department. The Town Council says no, the police chief says yes. That's the kind of incident, by the way, that lends itself to perhaps some inquiry in this area.

But our experience is that you have to look at a whole array of information, data, statements and draw inferences. The courts have held that for the Civil Rights investigative apparatus, at least since you're not going to find, by and large, a lot of people admitting to discrimination -- some, yes, but not a lot, so you have to be able -- 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, this data, would draw an inference as opposed to looking for confessions and admissions and what I call a smoking gun. It's not going to be there.

I don't know if I will always agree that the burglary of a synagogue or a church is not necessarily, because it could be because we

can't tell. We can't tell what the motives are. You can't really read minds. So we don't deal with motives. We knew long ago in our agency and in agencies across the country that to try to determine what the motives are, the response is not very useful because you don't know. You can only draw an inference from behavior or the data that you see.

THE CHAIRMAN: Based on your experience, would you guesstimate that most incidents between people of different races, some, few, are racially motivated?

MR. GREEN: Some, yes.

MR. FEIGELSTEIN: That's precisely why we have this legislation. I'd like to bring to your attention a racial and religious project, the preliminary steps to establish that was put together in California and they have Appendix Three, a uniform definition guideline as well as questions to consider. This is a model that the State Police have a copy of as well and Representative Rapaport has a copy as well. They have derived their model from Maryland, Baltimore County, which was the first in the country. So they are the ones we are going to be looking to.

You can utilize these guidelines for the formulation of definitions.

MR. WOLFSON: I just want to join Sid in congratulating Miles and Scott and your colleagues who have been involved in getting this legislation passed. I think it will be very valuable.

Scott, you mentioned one or two states that have already passed legislation. Do we have any data for any of those states or is everything too recent at this point?

MR. FEIGELSTEIN: I haven't seen any data.

MR. GREEN: Just Maryland, a litle bit.

MR. LAIBSON: Are they showing any disturbing data?

MR. GREEN: It's too early. I've talked to somebody and it's a little early to draw a reliable conclusion.

MR. WOLFSON: Will your organization and, Miles, your committee be monitoring the definition process as the State Police and the police agencies work up a definition in the field?

MR. RAPAPORT: Yes, definitely. The

one experience that one of the other -- New York City has a similar unit and there was an article that was circulated by the police chief of New York about how successful it had been. They were very, very happy with it.

MR. WOLFSON: Will this data that's going to start being produced come out annually for the public or more frequently?

LT. WATROUS: I don't know.

MR. GREEN: I'm glad you raised the point of the definition issue. It's terribly critical in social behavior to get a handle on a definition and how broad or narrow they may be. It affects the outcome, obviously. We have had experience with this session of the legislature with the definition problem around the term disability as to whether or not AIDS is protected or not. We have a definition in the Civil Rights laws in the State that define physical disability as a chronic condition and, of course, we prefer a definition as opposed to categories of protection.

So when we look at the definition of AIDS, applying the definition of chronic AIDS would be covered. Yet the legislature had before it a bill to provide for the protection of persons

that have AIDS against civil rights violations. But the Commission had already decided that AIDS is a protected situation under the Civil Rights law. We've had three cases filed with us and we have taken the cases and certified one to hearing.

So the way you define something or the operating definition is certainly important. If it's too narrow, you're going to leave out a lot. If it's too broad, you're taking things into it that are not. Someone has to make a judgment.

MR. WOLFSON: I guess as a lawyer I can't help asking also in connection with what you are saying, is there going to be or has there been considered the problem of litigation by any defendants when they are labeled as having been involved in a racial incident? Are there any libelous or slanderous suits down the road when a particular person is labeled as a racial burglar or an anti-Semitic burglar as distinguished from an ordinary burglar? Is that coming up?

MR. GREEN: I would suspect it would come up but not in the same context.

MR. WOLFSON: But in the other context that you mentioned?

MR. GREEN: I can certainly see a

reaction to an allegation. Whether it's racist, it's happened already.

THE CHAIRMAN: Are you satisfied with the Maryland definition?

MR. GREEN: Not necesarily in the context of Connecticut because, you know, I tend to have somewhat of a national view on these matters. I see these definitions operating slightly different. Given the geographical-cultural context from looking at a definition in the State of Connecticut, it may not function the same way. It may not give you the same outcome as it would in Maryland, as opposed to where Connecticut is. I think the Maryland definition is very broad and I think properly so, given where Maryland is located. You could have a less broad definition in Connecticut and probably be okay. I think the State Police is going to have to experiment with that definition a bit.

THE CHAIRMAN: Lieutenant, are you satisfied with the Maryland definition?

LT. WATROUS: I haven't seen the Maryland definition.

MR. FEIGELSTEIN: It's a good starting point.

DR. ECHOLS: I just want to echo what was being said, mostly thinking about applying it and where definitions may or may not pertain and I wondered in what way or if you can even predict how they might extend to personal behavior and the kind of convening of racist groups and so on, on one's personal property. That's the way we have so many things. We are defining incidents where something flagrant has happened, not necessarily trying it on for size. I wonder if it might actually move away from focusing on things that have been very hard to define as racism in the context of personal behavior, personal ownership.

MR. GREEN: You know, it's already illegal in Connecticut to burn a cross on public property but quite legal to burn it on private property with the consent of the owner. So that's behavior now as opposed to the idea of feelings and expressions of sorts. That sounds like a fine distinction but it has to be made. Can we speak about anything we wish in any manner we wish? We can say yes, we can say what we want to say with some limits. But it's the behavior usually that these laws about discrimination are aimed at.

It's terribly difficult when you think about legislature and outlawing certain kinds of speech. You all know the protections of what would happen.

MR. CALABIA: Just one question related to federal legislation. We have been talking about Connecticut and we've talked about Maryland, Pennsylvania and California. Mr. Green mentioned that the definition used in Maryland may be adequate. It may not be so adequate here. Does that call, then, into question the feasibility of having some sort of a national collection system?

MR. GREEN: Yes, but my implication that you may have to have a variety of definitions to fit locales, local situations, does not mean that you should not have a national policy that would require some federal agency to collect because the federal guidelines on definitions can be generic enough and allow for the application at the local level. There are many examples of that. We would have federal models, guidelines of various kinds of federal laws and you apply them in a local way yet you have a national set of standards.

MR. CALABIA: Just to know what

we're looking at, this is Connecticut's quarterly report. Ideally, this report will eventually include a report on bias-related incidents, I understand. This also, though, at the moment, provides data to the FBI.

LT. WATROUS: Each agency in Connecticut feeds into it.

MR. CALABIA: Okay. Well, apart from whether it's this instrument or not, at the moment local jurisdictions in Connecticut feed information to the Connecticut State Police which feeds information to the FBI?

LT. WATROUS: We feed our information. I'm not sure if local departments or not feed directly to the FBI.

MR. CALABIA: In any event, ideally do we envision, on bias-related incidents in Connecticut as well as Maryland, Pennsylvania and California, as being fed into a federal mechanism so that the report can be made nationally?

LT. WATROUS: I have to defer to the office.

MR. CALABIA: Mr. Green had been in favor of it some years back.

MR. GREEN: Yeah, that was my

testimony.

MR. CALABIA: So would you envision that this --

MR. GREEN: I would. Otherwise, you'll have Connecticut, Maryland, New York, California operating in a vacuum if we don't have a national policy and some national guidelines to put the subject matter in.

MR. CALABIA: In short, you're in favor of federal legislation.

MR. GREEN: Oh, yes.

MR. CALABIA: How about the specific bill of Representative Kennelly?

MR. GREEN: Yes, that's what I testified to.

MR. CALABIA: I might note for the record that the Commission is also in support of legislation in principle.

THE CHAIRMAN: Mr. Feigelstein, do you have any specific examples within the State of Connecticut that fall under this category?

MR. FEIGELSTEIN: The problem with me going public at this point with specifics is we don't know the behavior. But I can tell you that there was a building that I recall had a Jewish

quotient to it that was daubed with a swastika in very bold black paint and that just happened a couple of days ago.

THE CHAIRMAN: Ladies and gentlemen, do you have anything further?

Lieutenant, how many men are proposed to comprise this unit?

LT. WATROUS: We're not even sure yet.

MR. McCLANE: I would like to congratulate your efforts. I know there's a lot of individual contributions and effort of groups to bring about legislation.

Congressman, when you were talking about the background, you said that the 1980 CCRHRO report was in and -- I guess I should put this to Mr. Green -- is the data collected and the conclusions that were drawn upon in 1980 still apply now for legislation? Is the 1980 report still representative or a basis for the legislation?

MR. GREEN: I think so. I think if one was to duplicate what we did -- and I think we've conducted a number of hearings solicit statements, witness testimony, data -- you will

find the same kind of information coming forward. My opinion is also that it might even show more activity. While you can't necessarily pinpoint or cite specifics in any given moment, if you get around the State a lot and talk with people and listen, you hear about incidents and reports and oftentimes those incidents are not reported to local or State Police and that's another concern I have.

One about the legislation is will it really capture the bulk of the activity we're talking about? That is to say, a lot of people will have to overcome the reticence about reporting problems of this sort, concerns that nothing will be done. We all in various ways lack credibility.

I had a lady write me a letter the other day. She said, "I'm a Black woman. I won't identify myself but if you investigate this particular agency, you'll find rank racism." She goes on to say that "The reason I'm not identifying myself is I don't think anything can be done about it." I just wonder how many times that is repeated.

But yes, I do think such a study as

we did, if we did it again today, you'd get the same results.

MR. McCLANE: I haven't had the advantage of reading the 1980 study, so since you did extend the offer, I would be glad to read it.

THE CHAIRMAN: Mr. Rapaport, would this legislation encompass the point made by Mr. Wilson, by taking individuals or perpetrators of this type of violence and what defense -- since this is going to be public information, what defense would they have?

MR. RAPAPORT: I think that the assumption of the legislation is that the reporting that will be done will be aggregate information, that the Greenwich Police would report that there were two or three incidents over the course of a quarter and what the type was. I can't imagine that the report that the State Police would issue would have names and descriptions of the incidents. I think it would be aggregate reporting; therefore, I don't think that at the State level that would pertain.

If the local police somehow made a public record of which crimes and who the people accused of them were that fell into this category,

we might have a problem. My sense is that the reporting will be aggregate as opposed to individual.

THE CHAIRMAN: That wasn't a consideration in the deliberations?

MR. RAPAPORT: We didn't discuss it, no. I think everyone assumed we were talking about aggregate.

THE CHAIRMAN: When a police officer investigates an incident, no matter what kind of incident, he takes the name and address, doesn't he?

LT. WATROUS: Yes, sir. It hadn't occurred to me. It is now a concern of mine. If we were asked to qualify our reporting, we would have to some way pinpoint each incident. If someone challenged, would we not have to specifically note incidents?

THE CHAIRMAN: I assume if it's public information, it would be public back to the original source.

LT. WATROUS: Currently now, when we have a domestic violence situation, we check the domestic violence. The definition is clear-cut. Spousal abuse, that's clear-cut. The definition

is significant so that we can legitimately say, "This was an incident as follows." The definition here would probably have to be specific enough to cover the officer's report. I don't see why it can't be. It's just a matter of coming up with a definition.

MR. DIAZ: I have questions in terms of the data. Who's responsible at the local level of collecting this data? Is that the chief of police?

LT. WATROUS: No one is responsible.

MR. DIAZ: So there's not a central person at the local level that will collect all the information from all the officers and file the reports, or whatever?

LT. WATROUS: Well, the legislation specifically charges the State Police department with the collection. As I see it now, at the local administrative level if they say "We don't want to do that," right at this point they don't have to do that. As I say, my legislative people have told me that the chiefs of police are in broad support of this. So whether that's currently enough, then, to convince their administrators --

MR. DIAZ: Well, there's not a designated person exclusively as part of their duties to collect this data?

LT. WATROUS: I do not see one. The study will iron out the bugs. We're going to be asking for some more things, I'm sure, down the road.

MR. DIAZ: My only question was how will the State Police use this data? I mean, what's in it for the State Police? How is this data going to be used? Is it just going to be collected and that's it? Passed into the legislature or the State agencies, et cetera?

LT. WATROUS: It can give us a broad base of monitoring to make some projection as to how the communities are going in general. If you see a problem developing, a sudden increase in RERC incidents in an area, then it might be time to develop community affairs, not necessarily police community affairs, but administrative government community affairs that can solve some of the problems that are causing. We don't know.

MR. FEIGELSTEIN: I'd like to cite as an example, if I may, there was an outbreak several years back in West Hartford with Jewish

institutions and individuals. One of the responses we were able to take is we saw there was a problem given an isolated community. We were able to meet with the leadership of Jewish institutions who might have been respective parties and go over with them common-sense procedures, what they could utilize to safeguard their properties and their individuals within those properties. That's the type of actual guidance I would forsee, at least from my agency.

We go into a community and meet with the elected officials, meet with the superintendent of schools and work with clergy associations, CHRO, and anybody else appropriate to bring in to set up an appropriate community relations vehicle to eradicate what the problems are, racial prejudice or whatever the problem would be.

MR. DIAZ: Well, that's the community's responsibility. I was talking more of the investigative.

MR. GREEN: They would have done a tremendous job just by collecting all of that.

MR. DIAZ: That's what my first question was, who's responsible. We've had

racials at the high school, we've had racial guidelines, and the main problem is the reporting. People do not report or they don't react to it. You know, somebody is called a name in the hallway and some teachers just look the other way. There's some other teachers who will say stop, and this requires an action by me and a report.

MR. LAIBSON: In a public agency you would have to have some very specific guidelines to reach out and do the things ADL did. With this setup, some sort of procedure thing will have to be established to enable them to do the things that need to be done.

MR. FEIGELSTEIN: I think that's where we're coming from.

MR. WOLFSON: Do any of these incidents, if they involve racial, religious or ethnic motivation, are they also treated as a separate federal offense?

MR. GREEN: Sure. You have federal laws.

MR. WOLFSON: So there could be some potential future liaison with federal authorities?

MR. GREEN: I hope so, very soon.

THE CHAIRMAN: Anything else?

You gentlemen have done an excellent job and I certainly appreciate your coming to this hot and muggy room to give us the benefit of your experience. This Committee, I'm sure, will deliberate in a positive fashion on the legislation and hope it works very well for the State Police and for all of us in the upcoming year.

(Whereupon, the proceedings were concluded at 5:15 o'clock p.m.)

CERTIFICATE

I hereby certify that the foregoing 49 pages are a complete and accurate computer-aided transcription of my original shorthand notes taken of the Meeting of the Connecticut Advisory Committee to the United states Commission on Civil Rights held in the Seminar Room, Hartford Public Library, 500 Main Street, Hartford, Connecticut, on June 18, 1987.

Loretta A. Doerr

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