

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 22-9—sSB 217

Public Safety and Security Committee

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

SUMMARY: This act requires the Department of Emergency Services and Public Protection (DESPP) commissioner to establish a Hate Crimes Investigative Unit within the State Police. It makes the unit responsible for (1) working to prevent and detect certain crimes that are generally based on bigotry or bias against a race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression (i.e., hate crimes) and (2) compiling, monitoring, analyzing, and sharing data about them. Specifically, the act applies to hate crimes involving deprivation of rights, desecration of property, ridiculing, threatening, stalking, and intimidation. These provisions replace prior law's requirements that the State Police monitor, record, and classify all crimes motivated by bigotry or bias.

The act also broadens reporting of bigotry- or bias-motivated crimes by local law enforcement entities. Prior law required them to monitor, record, classify, and report intimidation crimes motivated by bigotry or bias to the State Police. Under the act, they, along with other state and tribal law enforcement, must instead (1) report on the broader list of crimes covered by the act and (2) do so using a standardized form or other reporting system created by the Police Officer Standards and Training Council (POST). The act also requires POST to develop related best practices and other administrative materials to help share information.

Lastly, the act requires the head of the Hate Crimes Investigative Unit to serve as a member of the Statewide Hate Crimes Advisory Council (see BACKGROUND), whose membership the act expands to include this position.

EFFECTIVE DATE: July 1, 2022, except the provision eliminating the prior responsibilities of the State Police and local law enforcement to monitor and record certain bigotry- or bias-motivated crimes is effective January 1, 2023.

HATE CRIMES INVESTIGATIVE UNIT DUTIES

Under the act, the Hate Crimes Investigative Unit is responsible for seeking to prevent and detect actual or suspected criminal activity involving the following crimes:

1. deprivation of rights or desecration of property (CGS §§ 46a-58, 53-37a & 53-37b);
2. certain ridiculing, threatening, and stalking actions (CGS §§ 53-37, 53a-61aa, 53a-62(a)(3) & 53a-181c(a)(4)); and

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3. intimidation based on bigotry or bias (CGS §§ 53a-181j, 53a-181k & 53a-181l).

Relatedly, the unit must compile, monitor, and analyze data about these criminal activities. It must also share data and information with other law enforcement units to help with their investigations of the same criminal activities, and it may provide additional help with those investigations.

The act requires the (1) DESPP commissioner to assign enough personnel to the Hate Crimes Investigative Unit to fulfill these duties and (2) head of the unit to be a sergeant or higher rank.

POST REQUIREMENTS

By November 1, 2022, POST, in consultation with the DESPP commissioner and the Statewide Hate Crimes Advisory Council, must do the following:

1. develop and send out a standardized form or other reporting system to law enforcement units to make a notification or report about the above criminal activities;
2. develop best practices for information sharing between the Hate Crimes Investigative Unit and law enforcement units;
3. take necessary actions to inform the public on how to report these criminal activities, such as establishing state and municipal telephone hotlines and websites for making reports; and
4. develop a model policy for investigating hate crimes.

LAW ENFORCEMENT UNIT REPORTING

Prior law required town police departments, resident state troopers, and constables performing law enforcement duties to monitor, record, and classify certain crimes involving intimidation based on bigotry or bias that were committed in their towns and report them to the State Police.

The act eliminates these requirements and instead requires, starting January 1, 2023, all law enforcement units (see BACKGROUND) to use POST's standardized form or other reporting system to submit a notice and report to the Hate Crimes Investigative Unit within 14 days after receiving a notice, information, or a complaint of the criminal activities described above. Each unit must also continue to share information about its investigations with the Hate Crimes Investigative Unit according to the best practices developed by POST.

BACKGROUND

Statewide Hate Crimes Advisory Council

By law, this council is responsible for making annual recommendations for legislation about hate crimes to the Judiciary and Public Safety committees. Additionally, the council must meet at least twice a year to encourage and coordinate programs to increase the community awareness, reporting, and

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combating of hate crimes. It is within the Office of the Chief State's Attorney for administrative purposes only (CGS § 51-279f).

Law Enforcement Units

By law and under the act, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).