

<b>East Haven Police Department</b>  	Type of Directive: <b>Policies &amp; Procedures</b>	<b>No. 423.3</b>
	Subject/Title:  <b>Bigotry and Bias Crimes</b>	Issue Date:  <b>October 29, 2024</b>
		Effective Date:  <b>November 15, 2024</b>
	Issuing Authority:  <b>Honorable Board of Police Commissioners</b>	Review Date:  <b>Annually</b>
References/Attachments:  Connecticut General Statutes § 53a-181j, 53a-181k, 53a-181l, 46a-58, 7-294n, 53-37a, 53-37b, 53a-40, and 29-7m Connecticut Public Act: 22-9	Rescinds:  <b>423.2</b>	Amends:  <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding enforcing the State of Connecticut statutes on bigotry and bias crimes.

## II. POLICY

- A. It is the policy of the East Haven Police Department that every person has the right to live, visit, work and move about in East Haven without fear of intimidation, harassment or injury based on his or her race, religion, ethnicity, disability, sexual orientation or gender identity.

## III. DEFINITIONS

- A. Bias/Hate Incident: Those non-criminal actions, actual or perceived, by an individual or group that are motivated by hate or bias towards persons of a different race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression.
- B. Bias Motive: The suspect's prejudice toward the actual or perceived characteristics of a protected group that led them to intentionally select the victim.
- C. Crimes with Bias Elements: Any crime that may not be bias-motivated but during or after the commission of the crime, the suspect uses a derogatory comment directed at the victim's protected status or group.

- D. Gender: The social norms and expectations of men and women in terms of their roles, behaviors, activities, and attributes. Gender interacts with, but is distinct from, biological sex.
- E. Gender Identity: An individual's sense of self as a male, female, or blend of both, or neither. Gender identity can be the same or different as their sex assigned at birth.
- F. Hate Crime: A crime in which the suspect intentionally selects a victim, in whole or in substantial part because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity, or expression of the victim.
- G. Hate Speech: The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to imminent lawless action, conspiracy, and solicitation to commit any crime.
- H. Transgender: A person whose identity differs from the sex the person had or was identified as having at birth. Officers shall report anti-transgender bias as bias directed towards gender identity or gender expression.

## **IV. GENERAL GUIDELINES AND CONSIDERATIONS**

Connecticut has a number of statutes on hate crimes that protect a range of people and enhance penalties for bias crimes. The primary criminal statutes are intimidation based on bigotry or bias crimes. These statutes provide penalties and actions in regards to intimidation or harassment of a person because of his or her actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression.

Police agencies and all their employees must take aggressive action when bigotry and bias crimes are reported. The legitimacy of the Department in the eyes of the community largely depends upon the degree to which the Department responds to these types of crimes. When these crimes are reported, police officers receiving the report must show sensitivity and concern to the victim as the events can be traumatizing that a victim.

## **IV. PROCEDURES**

### **A. Bigotry and Bias Crimes.**

- 1. First-Degree Bias Crime
  - a. A person commits the first-degree crime of intimidation based on bigotry or bias, a class C felony (CGS § 53a-181j), if he or she maliciously and with intent to intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression causes serious physical injury to that person or a third person.
    - 1) "Gender identity or expression" is defined as a person's gender-related identity, appearance, or behavior, whether or not it is different from what is traditionally associated with the person's assigned sex at birth.

- 2) "Disability" is defined as one or more of the following conditions.
  - a) A mental disability: one or more mental disorders as defined in the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."
  - b) A physical disability: a chronic physical handicap, infirmity, or impairment, whether congenital or from bodily injury, organic process or change, or illness, including blindness, epilepsy, deafness, hearing impairment, or reliance on a wheelchair or other remedial appliance or device.
  - c) Mental retardation: significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.
2. Second-Degree Bias Crime
  - a. A person commits the second degree crime, a class D felony (CGS § 53a-181k), if he or she acts maliciously and intends to intimidate or harass someone because of his or her actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression by committing any of the following acts.
    - 1) Making physical contact with the victim.
    - 2) Damaging, destroying, or defacing property.
    - 3) Threatening to do either of these things and the victim has reasonable cause to believe he or she will carry out the threat.
3. Third-Degree Bias Crime
  - a. A person commits the third degree crime, a class A misdemeanor (CGS § 53a-181l), if he or she intends to intimidate or harass a person or group of people because of his or her actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression and he or she commits any of the following acts.
    - 1) Damages, destroys, or defaces any property, threatens to do so by word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur.
4. Deprivation of Rights, Desecration of Property and Cross Burning.
  - a. It is a crime, a class A misdemeanor but a class D felony if there is more than \$1,000 of property damage (CGS § 46a-58), to commit any of the following acts.
    - 1) Deprive someone of any legally-guaranteed right because of his religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability.
    - 2) Intentionally desecrate any public property, monument, or structure; religious object, symbol, or house of worship; cemetery; or private structure.

- 3) Place a burning cross or simulation of one on public or private property without the written consent of the owner.
- b. Deprivation of a Person's Civil Rights by a Person Wearing a Mask or Hood.
  - 1) Penalties are increased, to a Class D felony (CGS § 53-37a), for crimes involving depriving someone of his constitutional rights, desecrating property, or burning a cross under certain circumstances under the following circumstances.
    - a) The person commits the crime while wearing a mask, hood, or other device designed to conceal his identity.
    - b) The person intends to deprive another person of any legally guaranteed right because of his religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability.
5. Deprivation of a Person's Equal Rights and Privileges by Force or Threat.
  - a. This is a class A misdemeanor but it is a class C felony if bodily injury occurs. The crime is a class B felony if death results (CGS § 53-37b).
    - 1) A person commits this crime if he uses force or threats with the intent to deprive a person or class of people of the equal protection or privileges and immunities of the laws of this state or the United States. The prohibition applies to individuals acting alone and to those acting in conspiracy with others. This applies when a person commits any of the following acts.
      - a) Intentionally places or attempts to place another person in fear of imminent serious physical injury, through physical threat.
      - b) Threatens to commit a violent crime with the intent to terrorize another.
      - c) Threatens to commit a violent crime in reckless disregard of the risk of causing terror.
6. Persistent Offenders of Crimes Involving Bigotry or Bias.
  - a. A persistent offender is a person who is convicted of any of the following crimes after having been previously convicted of one of them.
    - 1) Intimidation based on bigotry or bias.
    - 2) Deprivation of rights, desecration of property, or cross burning.
    - 3) Deprivation of rights by a person wearing a mask or hood.
  - b. The court must sentence a persistent offender to the next highest class of sentence, e.g., if he or she is convicted of a class A misdemeanor he or she can be sentenced as though he or she committed a class D felony. (CGS § 53a-40a, as amended by PA 08-1, January Special Session).
7. Ridicule on Account of Race, Creed or Color.

- a. A person commits this crime (CGS § 53-37) if he ridicules any person or class of people on account of creed, religion, color, denomination, nationality, or race.
8. Record and Classification of Crimes.
  - a. The Department shall monitor, record, and classify these crimes.
  - b. The Records Division shall report the data to the State Police who must also monitor, record, and classify them (CGS § 29-7m).
9. Hate Crime Reporting and Investigating
  - a. Should sufficient indicators, evidence, or information exist to suggest a potential bias or hate element to an incident, complete the CT POST Form (HRC) Hate Crimes Reporting Form.
    - 1) The form includes fields to document general information and:
      - a) The type of incident.
      - b) The type of bias.
      - c) Bias indicators.
      - d) The target of the incident.
      - e) Suspect information.
      - f) Suspect's weapons.
      - g) Relationship between suspect and victim.
      - h) Extent of injury/damage to person or property.
      - i) Whether video was seized as evidence.
    - 2) The completed HCR form must be submitted within fourteen (14) days to the Hate Crimes Investigation Unit-CSP.
      - a) The email address is: [hate.crimes@ct.gov](mailto:hate.crimes@ct.gov)
    - 3) The form will include a copy of the incident report. Before submission of the form, officer(s) shall redact any information that may identify a minor, victim, or witness.
  9. Recruit and in-service training programs shall include training on bigotry and bias crimes (CGS § 7-294n).
    - a. Training shall include modules on the following.
      - 1) Recognizing evidence of bigotry and bias crimes.
      - 2) Gathering evidence in bigotry and bias crimes.

- 3) Classifying and referring bigotry and bias crimes to detectives for follow-up investigations.