



VT Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
<http://hrc.vermont.gov>

[phone] 802-828-2480
[fax] 802-828-2481
[tdd] 877-294-9200
[toll free] 1-800-416-2010

February 7, 2017

The Honorable Maxine Grad, Chair
House Judiciary Committee
Vermont General Assembly
State St.
Montpelier, Vermont

RE: Fair & Impartial Policing (FIP)

Dear Chair Grad and Members of the Committee:

Thank you for the opportunity to address the committee regarding fair and impartial policing. With the assistance of both the House and Senate Judiciary Committees, we have made a great deal of progress moving this issue forward. We have created a framework--- model policy, training requirements, and data collection, all of which work well together to provide for the transparency and accountability that Vermont communities expect from their law enforcement officers and agencies. But as with all cultural shifts, additional and on-going focus and work is necessary to continue to move this issue in the right direction.

Model Policy- The model policy contained "essential" and "non-essential" elements. Agencies were required to adopt the model policy (or to have a policy that at a minimum contained the same elements). Some agencies adopted the model policy in its entirety (essential and non-essential elements), others adopted just the essential elements and others did not change their policies, apparently on the theory that they otherwise meet the standards of the model. Agencies that did not adopt the model are held to have done so.

Despite what appeared to be the legislative intent—that all agencies have more or less the same policy (i.e. an agency could make its policy more robust), we are left with a hodge podge of policies. That raises the question

of who decides whether a policy meets the requirements? The Vermont Criminal Justice Training Council (Council), the Attorney General's Office?

Training- The FIP Commission, assembled by former Attorney General Bill Sorrell engaged law enforcement and the public in five public forums on the topic of training regarding FIP in the fall of last year. A number of important recommendations were included in that report. I would like to focus on a few of them.

In addition to understanding the concepts related to implicit bias, officers need an understanding of the historical relationship between police and communities of color and an understanding of race relations in the U.S., past and present. This is necessary because the essential tenets of overcoming implicit bias include that you acknowledge that you have implicit bias and you want to do something about it. Only then will you try to implement strategies to overcome it. In the absence of an understanding of history, an officer is unlikely to get from A to C, so to speak.

Second, while the now required four-hour implicit bias training is important, I concur with the FIP Commission Report's recommendation that the concepts of FIP need to be embedded in as many aspects of officer training as possible so that they are constantly reinforced both through training and supervision.

Finally, police officers are one component of our criminal justice system. The entire system has been shown to exhibit implicit bias therefore it is crucial that judges, prosecutors, public defenders and correctional officers receive training on this topic. The HRC is willing to work on this either in conjunction with other stakeholders or on its own initiative but a recommendation from the Legislature might assist in making this a priority for those entities.

Data Collection- Analysis of available data has shown significant disparities based on race in stop rates, searches, citations and arrests. This indicates a serious issue that we must address. At the same time, we need to support efforts to ensure that the data collected is complete, uniform, accurate and timely submitted for analysis. This will allow everyone to have confidence that the data is an accurate representation of the problem.

Resources- At least two of these areas could benefit from an influx of resources- training and data collection. The Academy needs additional resources to provide the required and recommended training. Agencies need further resources to be able to process and report the data.

Thank you for all that you have done on this important issue and for your continued interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen L. Richards", with a long horizontal flourish extending to the right.

Karen L. Richards
Executive Director