



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

Bor Yang
Executive Director and Legal Counsel
Direct line: (802) 828-2493
Bor.Yang@vermont.gov

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The Honorable Sarah Copeland-Hanzas, The Honorable Maxine Grad
House Committee on Government Operations / House Committee on Judiciary
Vermont Legislature
Statehouse
Montpelier, Vermont

RE: S.219 – An act relating to requiring law enforcement to comply with race data reporting requirements in order to receive State grant funding.
S.119 – An act relating to a statewide use of deadly force policy for law enforcement.

Dear Chairs and Members of the Committees:

Thank you for the opportunity to testify on S.219 and S.119 on Tuesday of this week. I want to emphasize again how grateful I am to live in a state led by a Legislature that is responsive to the people and taking initiative to review police reform with the same level of urgency presented by this pandemic. Unfortunately, I was unable to answer any questions or address any of the testimony that came after me as I would have liked to respond to the concerns raised and address the Committee accordingly.

As I testified on Tuesday, these bills fall short of the systemic changes people of color need to see. People across the state and country are calling to abolish the police. People are seeking radical changes because they do not and have never had the luxury to wait for reform. Short of abolishment, people are asking their lawmakers to defund the police in the same way lawmakers have defunded public benefits and services and social programs intended to care and protect the vulnerable.

But criticism that these bills are not enough and will not actually change police profiling or brutality is not an excuse for this Legislature to halt progress, even if that progress is small. The Civil Rights Act of 1964 failed to mitigate and eradicate systemic and individual discrimination as it was intended but it is still good law and we would be worst off without it.

Much like H.808 was contentious in the House Committee on Government Operations, The Fair Housing Act was the subject of great debate in Congress. The assassination of Dr. Martin Luther King Jr. resulted in uprisings across this country just like the murder of George Floyd ignited a firestorm. One of the most robust and comprehensive civil rights laws ever enacted was signed

by President Lyndon B. Johnson, just days after Dr. King was murdered and before his body was put to rest. It was the last important civil rights legislation of that era.

It is disheartening that we are often motivated to examine our systems only when the people in this country implode. WE MUST DO BETTER. Advocates have argued for a different and slower process; one that is led by people who have been deeply impacted by the disparate treatment and brutality of law enforcement. I agree that is a better process but it is not one that this Legislature is willing to develop and deliver at this time. A vote against these bills without a legislative mandate to create a taskforce comprising of only people of color and people with psychiatric disabilities with the singular responsibility of studying use of force and making recommendations that this Legislature promises to adopt, is a vote in favor of the status quo and doing nothing.

I would also like to add that the 10-point plan that has been developed by law enforcement with little to no community input at this point is a decent effort. But it does not replace the necessity for legislative action. Two years ago when the “Me Too” movement pushed policy changes across the country and here in Vermont, this Legislature did not accept the arguments from employers that legislative action was unnecessary because they were revamping their policies. Relying on law enforcement to watch themselves is a mistake that has already been demonstrated over and over again. There is a natural conflict of interest there. Yes, law enforcement should develop a plan to improve their policies, trainings and practices. As entities who have taken the oath to protect and serve, they must do so. But as we’ve heard, those policies change regularly. This Legislature must ensure that it codifies the most protective and least harmful practices.

In response to law enforcement’s concerns that these bills create confusion and unknown risks, this Legislature should not be swayed as those same arguments were made about the Civil Rights Act, The Americans with Disabilities Act, the Fair Housing Act and every single law that has ever been enacted to serve the people. All new laws bring a level of uncertainty and the State of Vermont, since the abolishment of slavery, has been a leader, not a follower in the fight for equality.

Next year, I hope this Legislature will create a civilian oversight board, create a policy on body cameras that includes holding officers accountable for failing to turn them on, mandate cross-cultural awareness training for all officers in the State and then appropriate additional funds for mental health services, educational efforts, social services, shelters, multilingual support, affordable housing and more.

I wish you much luck as I know these times are not easy ones. But I am here to serve and support you. Thank you for your time and consideration.

Sincerely,

/s/ Bor Yang