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April 24, 2019

The Honorable Richard Sears Jr., Chair
Senate Committee on Judiciary
Vermont Legislature
State House
Montpelier, Vermont

RE: H.518 – An act relating to fair and impartial policing

Dear Chair Sears and Members of the Committee:

Thank you for having me testify on H.518 last week as Executive Director of the Vermont Human Rights Commission (HRC).

As I shared in my oral testimony on April 17, 2019, the HRC has the statutory authority to enforce anti-discrimination laws in places of public accommodations (including roads and law enforcement agencies) and has the ability to initiate an agency complaint when there is a prima facie case of discrimination (as alleged). However, without a complainant, the Commission often lacks sufficient information to support a prima facie case triggering an investigation. This has left many Vermonters confused and in need of a state agency that is immediately responsive to systemic issues of discrimination. Recent events in our State have called upon us all to evaluate our procedures and practices and deliver practical means of improving the lives of people of color, women, children, people with disabilities, members of the LGBTQIA community, members of the Jewish community, etc. It is in this spirit that the HRC respectfully submitted an amendment to H.518.

While some have expressed a concern that adopting the amendment would compromise the passage of the bill, it must be emphasized that the amendment is borrowed language from Act 183 which passed in both Chambers last year. Sexual Harassment is no more prevalent or important than Fair and Impartial Policing.

The Commission strongly believes that the amendment would further the intent and spirit of H.518. But at the request of this Committee, the HRC is submitting the following additional sentence to narrow the HRC's right of inspection:

For the purpose of assessing compliance with the provisions of this section, any elected public officer (Attorney General, Legislator, Governor, Mayor, Select Board Member of any Town or Municipality) may call upon the Human Rights Commission to conduct an inspection, which shall be at the HRC's sole discretion, as follows:

The Human Rights Commission or designee, may, with 48 hours-notice, at reasonable times and without unduly disrupting business operations enter and inspect the records of any State, county, and municipal law enforcement agency or question any person who is authorized by the agency or constable to comply with the requirements of this section, and examine an agency's records, policies, procedures and training materials related to the Fair and Impartial Policing Policy. An agency or constable may agree to waive or shorten the 48-hour notice period.

Following an inspection and examination pursuant to this section, the Human Rights Commission shall notify the State, county, and municipal law enforcement agency or constable of the results of the inspection and examination, including any issues or deficiencies identified, provide resources and identify any technical assistance that the Attorney General or the Human Rights Commission may be able to provide to assist the State, county, and municipal law enforcement agency or constable address any identified issues or deficiencies.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bor Yang', written in a cursive style.

Bor Yang
Executive Director and Legal Counsel