

Thank you for inviting me to testify today. I apologize that I could not be present in person, but a family matter required my attention.

I would like to acknowledge Senator Sears and the rest of the Senate Judiciary Committee for the swift and sincere actions you have taken to support this legislation. It indicates your desire to protect our most vulnerable citizens by closing gaps in our laws and creating avenues for justice.

Beth Novotny provided me with the most recent draft of the proposed legislation. I appreciate her amendments and agree with the vast majority of what she is presenting today. The only sticking point we had-and it seemed to be more a matter of logistics than differences in foundational beliefs-was the inclusion of the communities most affected as members of the Working Group.

When the Arab American Institute and New England Area NAACP co-presented the recommendation for legislation to address hate crime and bias incident reporting and training, we indicated that one of the most critical components of a successful endeavor would be that the voices of those communities most affected by the legislation be included and prioritized in its creation. To date, this has not happened beyond the initial submission of model legislation presented by AAI. As you know, and as is customary, the current draft legislation is far from the initial submission.

One could argue that affected communities are included through the role of consultant. While the role of consultant can and should be integral to informing and influencing the Working Group, it does not carry the same significance nor decision-making power as being a bona fide member of the Working Group. When we do not have the power to vote for changes that affect us, we are, once again, at the mercy of those who, while well meaning, do not necessarily understand how their decisions land on or impact the people they are meant to protect.

A community of law enforcement, while knowledgeable about the nuances of the system, is not the expert on the experience of bias. This is precisely why we are creating legislation to teach them. To create a bill about bias where the only people who get to vote on the final language are the people who enforce it- who are also, in fact, the same people who will be trained through it-is missing the point of the bill. As my friend Christine Longmore says, "nothing about us without us." And if oppressed groups are not provided the power to vote, you increase the likelihood of losing our voice and expertise in the bill's creation and implementation.

Please do not mistake my critique for mistrust. This is not about trust. It is about representation and the power to directly determine the procedure that will be used to address bias in Vermont's legal system. I get that it is frustrating, tedious and time consuming for those who know the legal system to have to explain it to those Working Group members who do not. It is a large and complicated system that we community members may never fully understand.

Now I ask you to imagine how frustrating it is for those of us in oppressed groups to have to explain to law enforcement why something is racist, or sexist, or homophobic, or ableist, often at times when we are most vulnerable and/or have just been victimized.

I sit on the Vermont State Police's Fair and Impartial Policing committee. I meet regularly with Rick Gauthier for coffee at the Bakery in Rutland to discuss this very issue, and I enjoy my near-weekly hour-long chats with Julio Thompson as we check in with each other about what's going on in our respective work and communities. I talk with my local law enforcement officers who want to get it right but sometimes don't quite know what to do or say. I invite them to my NAACP meetings and stay after to talk with community members who aren't quite sure what to think of law enforcement at an NAACP meeting. This means that I miss doing homework with my son or reading my daughter her bedtime story, or hearing how my teenage daughter did at voice lessons that day.

I spend evenings away from my family and sometimes sneak away to take a phone call or answer a text from a law enforcement official who needs some information or assistance about doing a better job reflecting the experiences of people in oppressed positions. I take vacation days from work to attend workshops or facilitate leadership training for the Department of Corrections. And did I mention that I don't get paid for any of this?

Ask me if I am tired. Ask me if I am frustrated. Ask me if I would rather stay home and spend my time doing something else. Of course I would. But I also feel strongly that it is my job to help my fellow community members, in particular those in law enforcement, to understand bias and oppression from the collective perspective of minority groups; to understand the minority experience; to know how to do their work differently or better. Yes, of course this is frustrating for me. But I also wouldn't trade it for an easier route. I wouldn't dismiss the request from law enforcement to be included in my NAACP meetings or for me to come to the table to help them understand bias from my perspective because I know that true progress comes when we take the time to understand each other, regardless of how long it may take to do that. Similarly, we should not ignore the community's request for representation on this workgroup just because it may be time consuming. Wouldn't we rather get it done right than get it

done quickly? Moreover, couldn't we get it done right and more quickly if the folks in at the decision table reflect both law enforcement and community members?

The safety of minority group citizens hinges on whether or not law enforcement "get it". That is why we are here today, isn't it? I would also say that just because the lives of law enforcement do not necessarily hinge on whether or not people from communities most affected by bias understand the legal system, and just because it is cumbersome to explain it, we should not deny those community members a seat in the Working Group for this bias reporting and training legislation. If anything, that only strengthens the argument that people whose lives depend on this bill should have power to determine what it says.

In speaking with other leaders from marginalized communities, the collective response is disappointment and concern that we have not yet been consulted on the language of this draft legislation. The consensus is that we need representation not just through a consultative role, but also as members of the Working Group. It is with this knowledge that I recommend that three additional seats be added to the Working Group. These three seats should consist of:

- 1) The VCESES Coalition Director or their designee from the VCESES coalition. The reason I recommend this person is because, as stated in the current draft of H.3, the coalition is (2) [As a group,] the Working Group shall represent the breadth of geographic areas within the State and shall have experience in the areas of ethnic standards or studies, social justice, inclusivity, and advocacy for the groups they represent. This person would be able to speak to the diverse needs of a wide range of people who are likely to be most affected by this legislation.
- 2) Two additional (2) members who represent people from traditionally marginalized communities to be recommended by the VCESES coalition and agreed upon in conjunction with the other 8 members of the Working Group.

I am happy to come back and speak more with you about this and to address the concerns of those who are worried about what inclusion of community members may mean for the expediency of this bill. I am grateful to Beth for her work on this draft and for taking the time to help me understand the law enforcement perspective on this matter. I thank you again for this opportunity and look forward to working with you on this and future legislation.