



January 16, 2019

The Honorable TJ Donovan
Attorney General of Vermont
109 State Street
Montpelier, VT 05609

The Honorable Richard W. Sears, Jr.
Chairman of the Senate Judiciary Committee
343 Matteson Road
North Bennington, VT 05257

Dear Attorney General Donovan and Chairman Sears,

We write to your offices in advance of the Senate Judiciary Committee's meeting to discuss legislative approaches to hate crime and bias incidents in the state of Vermont, which is scheduled for Friday, January 18, 2019. Specifically, we recommend that members of the committee consider legislation to (a) require law enforcement agencies and the Department of Public Safety to report hate crimes and collect hate crime data through the Uniform Crime Reporting (UCR) system, and (b) require that law enforcement personnel receive basic and in-service training approved by the Vermont Criminal Justice Training Council (VCJTC) on responding to hate crimes.

As a national civil rights organization, the Arab American Institute (AAI) promotes the political representation and civic engagement of Arab Americans and supports similar efforts of other communities across the United States. As demonstrated in the case of persistent racial harassment against former state representative Kiah Morris, bias incidents can disrupt the democratic process and intimidate individuals and their communities from participating in political and civic affairs. When these incidents rise to the level of criminal activity, and therefore become what we call "hate crimes," the effects can be even more damaging.

Beginning in 2017, and in response to a nationwide increase of reported hate crime incidents, AAI conducted a comprehensive study of laws and policies designed to prevent and address hate crime in each state and the District of Columbia, the findings of which we published in a 2018 report.¹ Since then, we have continued our research into the quality and accuracy of government hate crime data,² and with the 116th Congress and a majority of state legislatures now in session, we are also tracking legislation related

¹ ARAB AMERICAN INSTITUTE FOUNDATION, UNDERREPORTED, UNDER THREAT: HATE CRIME IN THE UNITED STATES AND THE TARGETING OF ARAB AMERICANS (2018), available at <http://www.aaiusa.org/hate-crimes>.

² Maya Berry and Kai Wiggins, "FBI Stats on Hate Crime Are Scary. So Is What's Missing," CNN (Nov. 14, 2018), <https://www.cnn.com/2018/11/14/opinions/fbi-hate-crimes-data-whats-missing-berry-wiggins/index.html>. See also Maya Berry, "Charlottesville Won't Show Up in Federal Hate Crime Stats," WASHINGTON POST (Sept. 21, 2018), https://www.washingtonpost.com/outlook/2018/09/24/charlottesville-wont-show-up-federal-hate-crime-stats/?utm_term=.dd95493762e4.

disparities within state institutions, including within the criminal justice system. One improvement was the incorporation of anti-bias and implicit bias training into the criteria for all minimum training standards for law enforcement approved by the VCJTC.⁷ The incorporation of minimum training standards on investigating, reporting, and responding to hate crimes would reinforce the efforts enshrined in Act 54 and further promote the safety of targeted or vulnerable communities in Vermont.

Moreover, and as with requirements for hate crime reporting and data collection, the incorporation of these minimum standards would not only prepare law enforcement personnel to effectively investigate, report, and respond to suspected hate crimes, but also communicate the significance of hate crime as both a civil rights concern and law enforcement priority.

Conclusion

In advance of the Senate Judiciary Committee's meeting and future conversations on legislative approaches to hate crime and bias incidents in Vermont, we ask the committee to consider the proposals delineated above. With the passage of legislation requiring hate crime reporting and data collection, in addition to training on investigating, reporting, and responding to hate crimes, Vermont would set an example for many states and join those leading the effort to prevent hate and bias in their communities. This effort is important, both with respect to the safety of Vermont residents and their capacity to strengthen the democratic process through their engagement in political and civic affairs.

This letter is respectfully submitted with the support of Tabitha Pohl-Moore, President, Rutland Area Branch, and Steffen Gillom, President, Windham County, of the National Association for the Advancement of Colored People (NAACP).

Please direct all questions and other requests to AAI's Policy Analyst, Kai Wiggins, at (202) 429-9210, or kwiggins@aaiusa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Maya Berry', with a long, sweeping flourish extending to the right.

Maya Berry
Executive Director

⁷ 20 V.S.A. § 2358.