

**Prepared Statement of Maya Berry, Executive Director of the Arab American Institute
Meeting of the Senate Committee on Judiciary for the State of Vermont
January 18, 2019**

Thank you Chairman Sears, Vice Chair Nitka, and fellow members of the committee for inviting us to speak on this important issue.

As a national civil rights organization founded in 1985, 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 recent high profile cases of persistent racial harassment in Vermont have made clear, 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 to hate crime in most states. Later this year, AAI will publish an updated “Hate Crime Index” based on this continued research.

Reporting and Data Collection

With respect to Vermont, we have identified two potential legislative solutions to address hate and bias in the state. First, the committee should consider legislation to require law enforcement agencies to report hate crimes, and the Department of Public Safety to collect hate crime data from these reporting agencies, through the Uniform Crime Reporting (UCR) system. Under the Hate Crime Statistics Act of 1990, the Federal Bureau of Investigation (FBI) collects data on hate crimes reported by law enforcement agencies participating in the UCR system. While participation is voluntary, 23 states have laws requiring hate crime reporting and data collection, and our research indicates that these states generally report more hate crimes per capita than states without such requirements.

This is not surprising, but the point is worth making in recognition of severe underreporting in the FBI’s hate crime statistics.³ In 2017, the most recent year for which federal data are available, a total of 34 hate crime incidents were reported in Vermont.⁴ Given that estimates based on survey data from the U.S. Department of Justice suggest that fewer than five percent of hate crime victimizations that occur each

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.

³ Hannah Allam and Talal Ansari, “Here’s Why The FBI Report Didn’t Consider The Charlottesville Violence A Hate Crime,” BUZZFEED NEWS (Nov. 14, 2018), <https://www.buzzfeednews.com/article/hannahallam/fbi-hate-crimes-charlottesville-heather-heyer-portland>.

⁴ FED. BUREAU OF INVESTIGATION, TABLE 12: AGENCY REPORTING BY STATE, HATE CRIME STATISTICS, 2017 (Nov. 13, 2018), <https://ucr.fbi.gov/hate-crime/2017/topic-pages/tables/table-12.xls>.

year are reflected in federal hate crime statistics, we can assume the true annual total for Vermont exceeds 34 incidents.⁵

More accurate statistics would provide policymakers, law enforcement, and residents—particularly those from targeted or vulnerable communities—with a better understanding of the nature and extent of hate crime in the state. One method of promoting more accurate hate crime statistics in Vermont is legislation that requires hate crime reporting and data collection. Such legislation would have the added benefit of demonstrating a commitment to hate crime prevention within the criminal justice system, which would be communicated not only to the public, but to law enforcement as well.

Law Enforcement Training

Second, the committee should consider legislation that requires law enforcement personnel to receive basic and in-service training approved by the Vermont Criminal Justice Training Center (VCJTC) on investigating, reporting, and responding to hate crimes. While most states have statutes requiring basic or in-service law enforcement training on specific classifications of crime or other topics of concern, few have any hate crime-related requirements. This is despite statements from criminal justice experts and initiatives in the federal government that suggest law enforcement training is a critical aspect of effective hate crime prevention.⁶

In recent years, Vermont has made improvements to sections of state code on law enforcement training. The 2017 passage of Act 54 represented a significant milestone in the effort to reduce racial 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

We respectfully 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.

⁵ LYNN LANGTON AND MADELINE MASUCCI, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, HATE CRIME VICTIMIZATION, 2004-2015 (2017), available at <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>.

⁶ Ken Schwencke, "Why America Fails at Gathering Hate Crime Statistics," PROPUBLICA (Dec. 4, 2017), <https://www.propublica.org/article/why-america-fails-at-gathering-hate-crime-statistics>. See also U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIVISION, TRAINING FOR HATE CRIME PREVENTION (last updated Oct. 18, 2018), <https://www.justice.gov/crt/training-hate-crime-prevention>.

⁷ 20 V.S.A. § 2358.